

**WESTFIELD TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
AUGUST 24, 2011**

Chair Schmidt called the public hearing of the Westfield Township Board of Zoning Appeals to order at 7:35 p.m. Permanent Board members Daugherty, Evans, LeMar, Simmerer and Schmidt were present. Alternate Board member Courie was also in attendance. Others in attendance were as follows: Heather Sturdevant, Donna Bower, Matt Witmer, The Kerr's, Pam Pullen, Ron Oiler, and Kelly Courie.

MINUTES

The minutes from the Board's August 3, hearing were tabled for approval.

Conditional Use Permit-Strawser Construction for equipment and materials to be temporarily stored at 8919 Lake Rd.

Mr. David Kiser from Strawser Construction was sworn in. He stated they were going to begin microsurfacing St. Rt. 224 and Rt. 42 (ODOT Project #110357). Therefore they needed to store materials and equipment for the project and were leasing the land at 8919 Lake Rd. for this purpose. Mr. Kiser added it would be an 8 day project and they have already received approval from the Township Trustees to start moving some equipment to the site. The project will start on Friday, August 26, 2011 and be completed 8/31/2011.

The Board asked what materials and equipment were going to be moved to the site? Mr. Kiser responded, limestone, screening plant, tractors, low boys and tankers for water. Ms. LeMar asked when would all the materials and equipment be removed. Mr. Kiser stated the resurfacing project will be completed by September 7, 2011 but there will be some small trucks in/out at the site until mid September. Ms. LeMar asked Mr. Kiser if this schedule was effected by weather? Mr. Kiser stated yes but it seems like they would be able to complete the project by the date stated but did ask the Board for the ability to allow for some leeway in time (the end of September) to have everything gone from the site.

Mr. Evans stated with this type of ODOT project a release form is provided by the owner of the property to ensure the leasee (Strawser Construction) cleans up the site. Mr. Kiser stated that was standard procedure for their company.

Mr. Evans made a motion to grant a temporary conditional permit to Strawser Construction to store equipment and materials for ODOT Project #110357 St. Rt. 224-42. at 8919 Lake Rd. All materials and equipment must be removed by September 30, 2011 with a Release Form submitted to secure compliance of the condition of the property. It was seconded by Mr. Simmerer.

ROLL CALL-Evans-yes, Simmerer-yes, LeMar-yes, Daugherty-yes, Schmidt-yes.

Clean Energy variance request for signage at Pilot-8924 Lake Rd.

Ms. Pam Pullen representing Clean Energy was sworn in. She stated she was before the Township to request signage on the Liquefied Natural Gas (LNG) tanks as well as the canopy. The identification is necessary to direct the truckers where to fuel up as well as operations maintenance and emergency personnel. Ms. Pullen stated they tried to limit the signage knowing that Pilot was over their signage quota.

Mr. Simmerer asked about square footage of signage being requested. Ms. Pullen stated the vertical LNG tank would have signage on both sides which consist of a total of 68.6 sq. ft. The horizontal tank will also have signage on both sides and consist of 68.6 sq. ft. The canopy will have signage on all four sides which consist of 261 sq. ft. for a total signage request of 398.2 sq. ft. Mr. Simmerer asked for the total square footage of signage at the Pilot site? Ms. Pullen stated she did not have that figure but was made aware that Pilot was over their permissible signage. Mr. Simmerer stated even just looking at the square footage being requested and not knowing what Pilot already has the variance request is substantial.

Mr. Evans asked if the signage on the canopy was going to be lit? Ms. Pullen stated no, only the white portion on the logo will be backlit. The logos on the tanks would not be lit at all.

Ms. Pullen commented that when she was reviewing the signage regulations it mainly addressed signs that front on a road way and the signs being requested are on the interior of the site. What is being requested is not a visible frontage sign. Mr. Evans stated you would see this signage from Speedway Dr.

Mr. Simmerer stated he needed to know how much square footage is at the Pilot site currently and how many variances Pilot has been granted for signage and for how much before this signage request could be considered. Mr. Evans stated that Clean Energy was just leasing space at the Pilot site so that could probably not be answered. Ms. Pullen stated that was correct. Mr. Simmerer stated that Clean Energy could have inquired about that information from the property owner. Ms. Pullen interjected that she inquired with the Township as to the existing status of signage at the Pilot site.

Mr. Schmidt asked if the Zoning Commission took signage into consideration when it reviewed the site plan for Clean Energy? Ms. Sturdevant, Chairperson of the Zoning Commission was sworn in and gave some background about the Pilot site. The DEF (Diesel Exhaust Fluid) tanks were above ground but at the last Zoning Commission meeting it was requested that the capacity be increased and the tanks buried close to the building. She continued that even with bollards around the above ground tanks, trucks were sliding and hitting the bollards. Since the proposed signage needed a variance the Commission did not review the signage.

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Mr. Simmer stated the Zoning Resolution permits 1.5 sq. ft. of signage for each lineal foot of building frontage. He added he had no idea how much signage was at the Pilot site currently. It is the applicant's responsibility to bring that information to this Board in order for a decision to be considered.

Ms. Pullen asked if there were records of when Pilot came in and requested signage or a variance for signage? Chair Schmidt responded when Pilot first was approved 15 yrs. ago. Mr. Simmer stated there must be a cumulative record for Pilot and it would need to be reviewed.

Mr. Daugherty stated Clean Energy does not own the building so how does one permit them to have signage? Mr. Simmerer stated Clean Energy has permission from the landowner to erect signage. Ms. Pullen stated there are several entities at the site so what does she measure? Mr. Evans interjected the Country Kitchen signs have all been removed.

Chair Schmidt stated one could not go by the old records because so many things have changed. Mr. Simmerer stated what needed to be done is for someone to survey the signs at the Pilot site and measure the building frontage in order for the Board to consider this application.

Ms. Pullen stated she was offering to remove one logo off each tank and two logos off the canopy.

Mr. Daugherty questioned if the signage being requested was "wall signage" but if in fact it is to be considered wall signage then why not just request the amount of wall signage currently at the site and forget the other signage? Chair Schmidt stated Pilot had a considerable amount of various signs. Mr. Daugherty stated the Board should ask if the specific request before us is reasonable to identify the tanks and their location.

Chair Schmidt stated that to request a survey of all the signage at the site would require a considerable amount of time by the Zoning Inspector. Mr. Daugherty commented that the BZA has granted a lot of variances for signage for Pilot. Chair Schmidt stated that he felt the signage requested was more for identification for the truckers who would use that fuel since it was only trucks that would be using that type of fuel. He added that a variance could be granted for X amount beyond what has been previously granted.

Mr. Simmerer stated he would like to know how much signage was permitted at the Pilot site, how many variances and for how much before he could consider Clean Energy's request. Pilot is the property owner and they can divide up their site

Kelly Courie was sworn in. She stated that if the Board was going to go the direction stated by Mr. Simmerer then it should be Pilot that has to provide the information as to how much signage they currently have on at their site. Chair Schmidt stated the name of

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the facility was not even a Pilot when it was approved, it was Speedway. Ms. Courie commented she did not feel it should be Clean Energy's responsibility. If the property owner (Pilot) was already over on the amount of signage they are permitted that is Pilot's problem and not Clean Energy's fault. Mr. Daugherty stated even if the Board requests this information from Pilot the Zoning Inspector would still need to verify it for compliance. Therefore I think this Board should determine if the variance request is reasonable. Ms. Courie concurred that she felt the variance request by Clean Energy is reasonable.

Ms. LeMar asked why Pilot is so over the signage that is permitted? Chair Schmidt stated because the amount of signage was inadequate for this type of facility. Mr. Daugherty interjected that the BZA has granted more sign variances for the HC District than any other district.

Ms. Sturdevant stated that per the Zoning Resolution, gasoline filling stations, in addition to the other signs permitted, may have not more than 1 unlighted, double-faced accessory sign per pump island. Therefore Clean Energy could have another sign which maybe the canopy sign could be considered that extra sign permitted. The Board stated the code says per pump island and the canopy sign would not count as such.

Zoning Inspector Witmer was sworn in. He stated back in April 1989, a 92 sq. ft. variance was granted to Pilot for additional signage. Pilot has added signs ever since then. Mr. Simmerer asked if it stated in the minutes what amount of signage was permitted? Zoning Inspector Witmer said no and added he has looked for records to see what Pilot was originally permitted for signage but could not find that information.

Ms. Pullen then offered to remove the signage from the horizontal tank if the Board would approve the signage on the vertical tank. Mr. Evans stated the placard with contact numbers was not part of the signage calculation and should remain for safety purposes. Ms. Pullen responded that they included it in the signage calculations.

Ms. LeMar asked if truckers would know what stations carried LNG? Ms. Pullen stated yes that information would be part of their route map.

Mr. Daugherty made a motion to grant an area variance to Clean Energy of Section 407.A1 for an additional 300 sq. ft. of signage at 8924 Lake Rd. for the term of Clean Energy's lease at the site per Exhibit A. The signs are to be placed as follows:

1. The 2 signs on the vertical storage tank are to be no greater than 68.6 sq. ft.
2. No signage on horizontal tank except that required by law
3. 2 sides of the canopy (east & south) shall have no more than 131 sq. ft. of signage.

It was seconded by Mr. Evans.

ROLL CALL-Daugherty-yes, Evans-yes, LeMar-yes, Simmerer-yes, Schmidt-yes.

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Ms. LeMar asked about the conditional use permit request procedure. Secretary Ferencz stated there is a whole section in the Zoning Resolution which addresses conditional uses.

Secretary Ferencz stated she would pass out the forms she created for an area variance, use variance and conditional use permit request.

Trustee Oiler passed out information to the BZA members he received at his personal email address. Copies were also given to the Trustees.

Announcements

The Board's next hearing-August 29, 2011-Conditional Use Permit Request for Morning Star Farms Ministries.

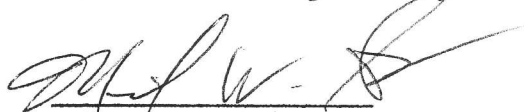
Having no further business before the Board. Mr. Evans made a motion to adjourn. It was seconded by Mr. Daugherty


ROLL CALL-Daugherty-yes, Evans-yes, LeMar-yes, Simmerer-yes, Schmidt-yes.

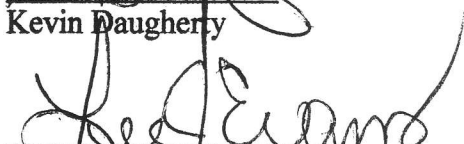
The meeting was officially adjourned at 9:05 p.m.


Respectfully Submitted,

Kim Ferencz-Zoning Secretary


Mike Schmidt, Chairman


Kevin Daugherty


Lee Evans


Keith Simmerer

Kathleen LeMar