

**Board of Zoning Appeals**  
**April 26, 2006**  
**Halejko Conditional Use Permit Hearing**

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Mr. Tamulewicz called the hearing to order at 7:30 pm.

Roll: Fox, Huff, Zeleznak, Hoop, Dick, and Tamulewicz present. Ch. Manley had an excused absence. Mr. Kamps, chairman of the Zoning Commission was also in attendance as well as Mr. and Mrs. Halejko, Mr. Robb, Mr. R. Rhodes and several of the applicant's neighbors.

Members Tamulewicz, Zeleznak, Hoop, Dick, and Huff inspected the Halejko property.

V. Ch. Tamulewicz stated that the Hinckley Township Board of Zoning Appeals acts within the regulation of Section 519 of The Ohio Revised Code and exercises its powers as provided under Section 7 & 13 of The Hinckley Township Zoning Regulations.

Clerk Garrett read the legal notice.

Ch. Manley polled the Clerk asking whether the zoning office received any written or verbal communication pertaining to this hearing. Clerk Garrett replied that she has several letters from neighbors. The letters were read into the record. (See attached letters from Goslee, and Hauser)

Ch. Manley polled each member of the Board of Zoning Appeals to respond yes if they have received and reviewed the contents of the application.

**Vote: Tamulewicz – yes Hoop – yes Dick-yes Zeleznak – yes Huff – yes  
Fox- yes**

V. Ch. Tamulewicz noted for the record that the Board of Appeals as testimony does not accept non-written communication made by known or unknown persons, not under oath at a properly noticed hearing. He explained to those present that the meeting is taped for the record. In addition he noted for the record that the documents that relate to this application might include written communications from persons who are not present this evening.

V. Ch. Tamulewicz announced that written communications from persons not present this evening include communications that are not made by affidavit. Because persons not under oath make these communications, this Board does not accept them. He also noted that written communications might include some writing by affidavit, by persons that are not present this evening and, therefore cannot be subjected to cross-examination. These affidavits, therefore will not be given much weight, if any, in the decision of the Board on this matter. In addition, the audience was informed that they must state their name, address, and be sworn in. All testimony will be given from the podium.

The applicant, Mark Halejko was sworn in accordingly. He read for the record his letter submitted with his application.

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V. Ch. Tamulewicz: Hours of operation? How many days per week are you working?

Mr. Halejko: Eight o'clock to about 6:00 pm. Sometimes 4 or 5 days a week. Sometimes I lose a day if I am moving slow. No employees.

V. CH. Tamulewicz: How did your disability occur? Was it from working in the shop?

Mr. Halejko: No. It is a form of muscular dystrophy in my family.

V. Ch. Tamulewicz: You have been there for 10 years, why are you in front of this board now for a conditional?

Mr. Halejko: I guess someone had complained and I was told I needed to go through this process.

Mr. Tamulewicz: Have you filled out the paperwork for operating g a business?

Mr. Halejko: No, I have not. I was not aware of it.

V. Ch. Tamulewicz: It has been in all the papers and on the website. If you have a business in your hone, like a small office, you needed to register your business in Hincley. If you do not register, you can be subject to fines.

Mr. Halejko: I am aware now and I will fill it out.

Mr. Rhodes: There will be no fee. We are interested in the information of what is going on with businesses in the Township. Mostly it is for safety purposes.

Mrs. Dick: Do you have a fire extinguisher?

MR. Halejko: I have two of them. I am very careful.

Mr. Zeleznak: Do you know what the basis of the complaint was?

Mr. Halejko: No. Mr., Shaffer said someone had reported me to the township anonymously.

Mr. Z: So you have no employees?

Mr. Halejko: No. Sometimes if I have to put a hood on, a friend may come over to help me lift it, or a neighbor.

Mr. Zeleznak: How often is waste picked up by Safety Kleen? Do you store it vary long?

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Mr. Halejko: It takes me about 2 to 3 months to fill up a waste can with fluid and then they will pick it up. I have a 5-gallon container that I take oil in to W. 130<sup>th</sup> to the Honda place.

Mr. Tamulewicz: Do they take the oil filters too?

Mr. Halejko: No. I usually just wrap those up.

Walter Robb, 800 River Rd. was sworn in accordingly. I am across the road neighbor. I have lived 10 years across from Mark. There is no problem. He has improved the house and yard. In addition, I would like to support his application. I would like to suggest that I would not want it to go beyond Mark. Not forever. He is a good neighbor.

V. Ch. Tamulewicz explained that the conditional permit does not go with the property, it goes to the applicant.

Thomas Hauser, sworn in accordingly, 831 River Rd: I am probably the closest neighbor. My wife and I have welcomed the Halejkos from the day that they moved in and I see no reason that he should not continue this small business. He is no bother to anybody or anything.

Mr. Ron Rhodes, sworn in accordingly: I am here to support Mark. I am not his neighbor. I have been passed his place many times and I would have never known there was a business there if I was not told about it. If he ever opens up a school to teach men how to be resilient and work hard, and not give up, I have relatives that I will send there. I firmly believe this man was caught up in the political wars of the last election. If you will notice, his accuser is not here.

Mr. Kamps, chair of the Zoning Commission read a letter of recommendations from the Zoning Board. (See attached letter).

At this time, there were no additional questions or comments from the audience.

Mrs. Dick made a motion for the granting of a conditional use permit to Mark Halejko of River Road to conduct a one-man auto body shop in an R-1 residential area.

Mr. Rhodes suggested a five-year renewal because with annual inspections by the zoning inspectors, a watchful eye can be kept regarding the safety and cleanliness of the business. A longer period for review would also be more cost-effective for the applicant if all conditions were properly adhered to.

Ch. Kamps: The Zoning Commission has no objection to this renewal period of 5 years.

V. Ch. Tamulewicz did not agree of the 5-year term and sought the advice from the board.

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Mr. Zeleznak stated that if there were an annual inspection, a 5-years renewal term would be sufficient.

Mrs. Dick: I want to remind Mr., Halejko that a conditional use permit is strictly for you. You cannot lease it out to someone else or sell the property and maintain this permit.

The board agreed to five years.

Mrs. Dick restated the motion to include allowing a 5-year renewal term. For property located at

With the following conditions:

1. The hours off operation will be 8:00 am to 6:30 pm
2. Monday thru Friday operations with occasional Saturdays.
3. No employees
4. No storage of parts outdoors.
5. No sign indicating the business
6. All bodywork and spray painting to be performed inside of 30'x30' accessory building.
7. There will be an annual fire inspection
8. All necessary Hinckley Township paperwork for a business ill is complete and up-to-date.

Mr. Zeleznak second.

**Vote: Huff –yes Zeleznak – yes Hoop – yes Dick – yes Tamulewicz – yes**

Ch. Manley stated that any person adversely affected by this decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County because such decision was unreasonable or unlawful. They have 30 (thirty) days from the date the minutes of the appeal are journalized.

V. Ch. Tamulewicz reminded Mr. Halejko to file his business permit. The zoning has not been changed, this in a conditional permit.

Mr. Halejko graciously thanked the board and all residents and neighbors for their strong support.

The Board will meet again in the continuance of John Fadel's variance request hearing on May 10, 2006 beginning at 7:00 pm.

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V. Ch. Tamulewicz stated that an official copy of the Great Lakes Way maps have been discovered indicating the setbacks. He also stated that the variance for the setback could be granted regardless if it is a building that may not be approved. The variance is for the setback variance, period. The trucking terminal is up to the decision of the zoning commission and the board of trustees.

**Vote: Huff –yes Zeleznak – yes Hoop – yes Dick – yes Tamulewicz – yes**

Work session was adjourned at 8:39 pm

Patty Garrett, Zoning Clerk

Minutes Approved \_\_\_\_\_, 2006

\_\_\_\_\_ *absent* \_\_\_\_\_  
David Manley, Chairman

\_\_\_\_\_  
Tom Tamulewicz, Vice Chairman

\_\_\_\_\_  
Jeff Hoop, Member

\_\_\_\_\_  
Dave Zeleznak, Member

\_\_\_\_\_  
Shirley Dick, Member

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Dottie Fox, Alternate Member

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Melissa Huff, Alternate Member

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