

**Zoning Commission
Regular Meeting
November 2, 2006**

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Chairman Kamps called the regular meeting to order at 7:30 pm.

Roll found: Kamps, Pope, Pajk, Walrath, Powell, Ascherl and Siarkowski present, as well as Trustee Schulte, Trustee Garapick, Dave Manley, chairman, BZA and Bill Schaffer, assistant zoning inspector.

The minutes of the October 5, 2006 regular meeting were reviewed.
Mr. Walrath made a motion to accept the minutes as corrected.
Mr. Powell second.

Vote: Powell – yes Walrath – yes Pope – yes Kamps – yes

The minutes of the September 21, 2006 work session were reviewed. Mrs. Pajk made a motion to approve of the minutes of the work session of September 21, 2006 as corrected.
Mr. Powell second.

Vote: Powell – yes Walrath – yes Pajk – yes Pope – yes Kamps – yes

Correspondence and Clerk's Report:

The Medina County Transfers for October were reviewed. The zoning department fee report for September was reviewed and it was noted that there were 4 new housing permits issued in September.

Clerk Garrett distributed the attendance records for the board for review. Colleen must have these records by December 1, 2006 for payment in December.

New Business:

Discussion of the Conditional Use Permit Request that has been submitted by Mr. Steve Willham. It was determined that the Conditional Use Permit is exclusively for the veterinary clinic and not the stable as that is categorized as agricultural use. Mr. Willham had told the Trustees that his family would build a house on the property within 2 years. Ch. Kamps distributed a copy of Section 13.5 of the Hinckley Township zoning code to the Board.

Mrs. Pajk questioned whether the vet would be living on the property. Ch. Kamps replied that the vet would not be living on the property.

The Board reviewed that plans submitted by Mr. Willham and Hinckley Equestrian Center. Ch. Kamps relayed information that he received from Mr. Willham. The plan that Mr. Willham has proposed states that the vet will use the clinic to service only the horses boarded at this stable. When this veterinary business is established, Mr. Willham intends to open it up to the public to service large animals. Mr. Willham has applied for and been

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granted a declaration of agricultural exemption. The horse boarding facility is considered an agricultural facility.

Ch. Kamps stated that based on the Hinckley Zoning Regulations; there is nothing under section 6R.1.3, Conditionally Permitted uses in the R1 district, which specifically mentions veterinary clinics.

Mr. Schaffer distributed copies of legal opinions regarding the agricultural and the veterinary clinic in that district. Discussion of the prosecutor's opinions. It is the prosecutors stated opinion that the veterinary clinic would probably not be incidental to the agricultural use. The prosecutor also stated in his opinion that the Township may reasonably argue that the vet clinic is not exempt as an agriculture use and may regulate it and require a conditional permit. However, a court may overrule such a decision in the future.

Ch. Kamps that Section 13.5 of the Zoning Regulations may be more specifically related to this zoning request.

Ch. Kamps stated that without the complete information regarding the precise plans of the veterinarian, it makes it very difficult for this board to make a recommendation.

Mr. Powell suggested that since Mr. Willham is not certain how this veterinary practice will work, Mr. Willham should be required to come back in the future to tell us what he is doing.

Ch. Kamps stated his opinion recommending approval of the Conditional Use permit based on Section 13.5 and include a stipulation that it review would take place every several years.

Mr. Walrath expressed concern that it would be a business located in a residential area.

Discussion of home-based businesses. It was determined that a veterinary practice of this nature does not fall under the home-based guidelines.

The Board discussed a 2-year renewal review.

Mrs. Pajk made a motion to recommend approval of the conditional use permit for a veterinary practice with a maximum of a 2-year time limit for renewal, stating Section 13.5 of the Zoning Regulations of Hinckley Township.

Mr. Pope seconded the motion with the stipulation that there be no outside clients being brought in.

No further discussion ensued.

Vote: Powell – yes Walrath – no Pajk – yes Pope – yes Kamps – yes

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Ch. Kamps discussed some of the topics at the Ohio Planning Conference that he attended along with Mr. Manley and Mrs. Dottie Fox in Cleveland at the Wolstein Center. He distributed copies of notes from the seminar.

Discussed was House bill 299 which talks of possible impact fees. It was reported that this bill has been lying dormant. He also discussed the several of the other topics at the seminar such as Making Sound Zoning Decisions, and the Basics of Rezoning.

Signs

Mr. Schaffer distributed handouts pertaining to sign regulations.

The Zoning regulations that were edited in red per Mr. Walrath were reviewed in detail, beginning with Section 10.1.

10.1 Keep changes as is

10.2 Keep changes as is

10.4 Keep strikethrough

10.5 Section A – Keep changes as is
Section C – Keep changes as is
Section G – Keep changes as is
Section I - Keep changes as is
A thru I to be re-lettered

10.6 Section E - Keep changes as is
Section F - Keep changes as is
Section G.3 Keep changes as is
Section I Keep changes as is

At this time, the Board decided to halt review of the sign regulations. Discussion will resume at Section 10.7.

Discussion of double sided or V-shaped signs. Mr. Schaffer suggested that the area of the sign be counted, not the printed word. If there is any degree of separation between the 2 sides of a sign, then it is counted as two signs.

Ch. Kamps suggested that the verbiage needs to be tightened up and he requested that Mr. Walrath write the wording.

Discussion of signs and the time allowed keeping them displayed. Concern over who will be the timekeeper to watch these signs.

Discussion of what consists of the right-of-way. Mr. Schaffer explained that the State of Ohio has the rights over land that you have the rights to pay taxes on. The State, police

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and zoning inspectors have rights to remove signs. Signs are an enforcement problem.

The sign topic will be discussed at the December meeting.

Ch. Kamps distributed a letter from Prosecutor Bennett regarding property lines, structures, accessory building setbacks. He described a disk he has obtained with hundreds of definitions for zoning and building terms. Mrs. Pajk commented on the many different definitions that were available in the compilation.

Ch. Kamps distributed a brochure titled "Community Riparian and Wetland Guidance".

Chairman's Report:

Letters from Prosecutor – reported on these earlier

Ch. Kamps have sent a letter to Mr. Slagter regarding riparian setbacks and 3-acre zoning but has not received a response from him yet.

Mr. Rhodes reported that the MCDPS is involved in a lawsuit regarding a property on Rt. 18 and Beach Rd.

Mr. Pope was reappointed to another 5-year term as member of the Zoning Commission.

The holiday dinner will be December 1, 2006 at Our Lady of Grace Church.

The Board decided that they will meet in December on the 7th at 7:30pm. The Board was very appreciative to Mr. Schaffer for attending tonight's meeting and providing his input.

Mr. Powell made a motion to adjourn at 9:35 pm.
Mrs. Pajk second.

Vote: Powell – yes Walrath – yes Pajk – yes Pope – yes Kamps – yes

Minutes Approved: _____, 2006

Jim Kamps, Chairman

Chuck Pope, Vice-Chairman

Diane Pajk, Member

Terry Walrath, Member

Calvin Powell, Member

Toni Ascherl, Alternate Member

Karen Siarkowski, Alternate Member