

Board of Zoning Appeals

Conditional Zoning Permit– Trustees (ball fields)

February 27, 2008 (Continued to March 26, 2008)

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Ch. Manley called the hearing to order at 7:30 pm.

Roll found: Manley, Fox, Hoop, Zeleznak, Huff and Sullivan present. Also present: Jim Kamps and Police Chief John Huff.

Ch. Manley polled the board as to whether they reviewed the application packets.

**Response: Manley – yes Fox – yes Hoop – yes Zeleznak –yes
Huff – yes Sullivan – yes**

Ch. Manley polled the Board as to whether they inspected the property at 1701½ W. 130th St. and 1616 Ridge Road.

**Response: Manley – yes Fox – yes Hoop – yes Zeleznak –yes
Huff – yes Sullivan – yes**

Ch. Manley 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. All hearings are open to the public and any person may request that a schedule or agenda be mailed to them by providing a self addressed stamped envelope in advance.

Ch. Manley asked if the zoning office had received any written or verbal communication pertaining to this hearing. Ms. Garrett reported that no comments had been received from the general public and a letter was received from the Zoning Commission of Hinckley Township.

Ch. Manley noted that the Board of Appeals does not accept as testimony 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 being 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.

Ch. Manley 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.

Clerk Garrett read the legal notice.

Martha Catherwood submitted an application for renewal of 2 conditional use permits on behalf of the Trustees requesting continued use of 1616 Ridge Rd. (the Youth Fields) and

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1701 ½ West 130th St. (Kobak Fields) to permit softball and baseball for 5 years. (p.p. 16-03C-100-26, p.p. 016-03C-070-01). *Zoning Reference: Section 6R1.3B and F, of the Zoning Regulations of Hinckley Township*

Ch. Manley stated that the Board of Trustees requests continuation of the conditional use permits for baseball and softball with a 5-year renew period.

Zoning Ch. Kamps discussed the letter that was sent on behalf of the zoning commission. The letter did not mention the Youth Field because that property was given a non-expiring conditional use permit in 2007 when the property was granted a conditional permit for constructing the new service garage. It is time to include both properties.

Youth Fields

The board reviewed a list of the current conditions placed on the permit for the Youth Fields at 1616 Ridge Road.

Mr. Zeleznak stated that he did not see any “no trespassing” signs. Other board members agreed.

Police Chief Huff was sworn in accordingly. He stated that juveniles have been throwing rocks over the fence toward the police department’s shooting range. Also, the vinyl siding of the storage shed has been damaged by rocks. Extra patrols have been posted in the area. No one has been caught yet. We have had concerns over parents parking near the gasoline and diesel fuel pumps and blocking access to the pumps. Reports have come in saying that the kids play on the fields even when there are no games scheduled.

Discussion of higher fencing, surveillance cameras, increased patrol and discussions with the Recreation Association of Highland to monitor the children.

Chief Huff stated that he will continue to monitor the area.

Discussion of installing a net similar to the ones surrounding driving ranges.

Tim Balke (992 State Road) was sworn in accordingly, and suggested that we should install motion detector video cameras such as those hunters use to detect the presence of prey.

Ch. Manley stated that he will discuss all concerns with Trustee Catherwood to see what direction the Trustees would like to take on this matter.

Mr. Zeleznak made a motion to postpone a decision until Ch. Manley has the opportunity to discuss the permit with trustee Catherwood and this hearing will be continued to March 26, 2008. Mrs. Fox second.

Vote: Huff – yes Zeleznak – yes Fox – yes Manley – yes

Kobak Fields

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Discussion that the stated conditions have possibly been violated. There are signs posted on the property that do not have a permit and they are of commercial activity. There are no “No trespassing” signs.

Discussion of whether signs can be erected on Township property. According to the conditions put forth on that property, no commercial activity is permitted.

Mr. Hoop stated that it is most likely a fund raiser for R.A.H. They have been there for years.

Ch. Manley stated that if they were within the size and distances permitted in our sign regulations, it may be considered. He stated that this is a matter to be discussed with the trustees.

Mrs. Huff made a motion to continue this hearing until March 26, 2008.

Mrs. Fox second.

Vote: Huff – yes Zeleznak – yes Fox – yes Manley – yes

Hearing was adjourned at 8:10 pm.

Work Session

The revised Procedures for Hearings (revised 1/09/2008) were reviewed.

Mr. Zeleznak made a motion to accept the *Procedures* as amended.

Mr. Hoop Second.

Vote: Huff – yes Zeleznak – yes Fox – yes Manley – yes

The Board reviewed the Board of Zoning Appeals Organizational Procedures (revised January 9, 2008).

Mrs. Fox made a motion to accept the *Procedures* as amended.

Mr. Zeleznak second.

Vote: Huff – yes Zeleznak – yes Fox – yes Manley – yes

Mr. Sullivan suggested that the Board mail a letter to the applicant the day after the hearing indicating the results of the hearing.

The decision should be included in the letter with the anticipated date that the minutes will be approved and with the deadline for notice of any appeal.

Mr. Hoop made a motion to adjourn the work session at 8:35 pm.

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Mrs. Fox second.

Vote: Sullivan – yes Huff – yes Zeleznak – yes Fox – yes Manley – yes

Patty Garrett, Zoning Clerk

Minutes Approved _____, 2008

David Manley, Chairman

Dottie Fox, Vice Chairman

Jeff Hoop, Member

Dave Zeleznak, Member

Melissa Huff, Member

Kevin Sullivan, Alternate Member