

Board of Zoning Appeals

Hinckley Board of Trustees Conditional Use Permit (Continued from 3/12/08)

March 26, 2008

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Ch. Manley called the hearing to order at 7:30 pm. This hearing is continued from March 12, 2008.

Roll found: Sullivan, Huff, Zeleznak, Hoop, Fox and Manley present. Mr. Pope, zoning inspector, and Trustee Martha Catherwood also present.

Ch. Manley stated that a letter was received from Mrs. Catherwood on behalf of the trustees (See attached letter dated 3/20/08). All members had received the letter setting forth the trustees' position on the questions posed at the original hearing.

The Board discussed the conditions for the Youth Field property:

1. The Township will install and maintain "No Trespassing" signs every 50 feet on the perimeter of the property to help protect the private property of residents contiguous to the Youth Fields. Signage every 200 feet was discussed but over-ruled.
2. No commercial activities shall be inconsistent with the proposed use of this Conditional Permit. The board acknowledged that the selling of refreshments is permitted.
3. No new structures of any type, including lights, unless approved by this Board and other government entities that may have jurisdiction and all applicable Federal, State, County and Hinckley Township Permits are obtained.
4. All advertising signs of any kind must be in full compliance with Hinckley Township's Zoning Regulations. (Section 10.8E and 10.11B)
5. "No Parking" signs at and around the fuel pumps and, if practical, some type of barrier or barricade.
6. Since poison ivy is present on the north side of the property – consideration to signage warning "Dangerous: Poison Ivy".
7. This Conditional Use Permit will expire 2/01/2013 unless revoked for failure to comply with the terms of this permit.

Notes: The fees have been waived per Trustee Meeting of 4/18/2005

Mrs. Huff showed concern over the material that will screen and protect the buildings from stone throwing. Mrs. Catherwood stated that this issue will be discussed with Chief Huff, the umpires and the Recreation Association of Highland. Pine trees for screening have been discussed as well as fencing and nets.

Mr. Sullivan expressed concern that if these permits for the baseball fields were not granted, the baseball clubs would suffer an undue hardship in trying to locate new fields in which to play.

Ch. Manley stated that 3 area townships (Hinckley, Granger and Sharon) make up the Recreation Association of Highland. This club is responsible for all scheduling and funding of youth baseball on these fields. The Recreation Association has stated in the past that land available to them at an affordable price is very hard to find.

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Mrs. Fox made a motion to accept the Conditions set forth for the Youth Fields at 1616 Ridge Road.

Mr. Zeleznak second.

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

Kobak Ball Fields

Mrs. Catherwood reported that Field #3 will not be completed this year due to financial constraints. It needs to be re-graded. Field #1 is completed and the pond is completed.

Kobak Fields Conditions

1. The Township will install and maintain “No Trespassing” signs every 50 feet on the perimeter of the property to protect the private property of residents contiguous to Kobak Fields. The board requests signs larger than a “No Parking” sign.
2. No commercial activities inconsistent with the proposed use of this Conditional Permit shall be conducted. Selling refreshments is permitted.
3. No new structures of any type, including lights, unless approved by this Board and other government entities that may have jurisdiction and all applicable Federal, State, County and Hinckley Township Permits are obtained. Playing field fences are permitted to be installed.
4. All advertising signs must be in full compliance with Hinckley Township’s Zoning Regulations. (Section 10.8E and 10.11B)
5. All advertising signs currently displayed shall be removed.
6. This Conditional Use Permit will expire 2/01/2013 unless revoked for failure to comply with the terms of this permit.

Notes: The fees have been waived per Trustee Meeting of 4/18/2005

Mrs. Fox made a motion to grant a conditional use permit subject to these stated conditions for Kobak Field.

Mr. Zeleznak second.

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

Daniel C. Landis - Variance Request **114 Ridge Road.**

Ch. Manley opened the hearing at 8:15 pm.

Roll found: Sullivan, Huff, Zeleznak, Hoop, Fox and Manley present. Mr. Pope, zoning inspector, also present. Mr. Landis was not present.

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Ch. Manley announced that an application for a variance was submitted by Daniel C. Landis requesting a variance to allow for an existing lot split at the above address. Zoning Reference: Section 6R1.4A of the Zoning Regulations of Hinckley Township.

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

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

Ch. Manley polled the Board as to whether they inspected the property at 114 Ridge Road.

Response: Huff – yes Zeleznak – yes Hoop – yes Fox – yes Manley – 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 a schedule or agenda be mailed to them by providing a self addressed stamped envelope in advance.

Ch. Manley inquired if the zoning office had received any written or verbal communication pertaining to this hearing. Ms. Garrett reported that no communications have had been received.

Clerk Garrett read the legal notice.

Zoning Inspector Pope was sworn in accordingly. Mr. Pope stated that he noticed the error recently on the lot split that was done in June, 2007. He stated that the frontage for the Landis residence did not have the 175 feet of frontage required by Hinckley Zoning Regulations. Mr. Landis' lot was originally 162 feet wide at the road. It was a non-conforming lot that was modified when he purchased an additional 55 feet to create a driveway on the south side of his property in order to split off a back lot from his original property and create a driveway to have access to it. This splitting off of the back land of the original property created a non-conforming lot (the original lot) due to the frontage dimensions. The frontage of the original lot is still 162 feet after the split. Once a property is split or reconfigured, the lot needs to be re-categorized.

The Board reviewed the Duncan Factors:

Factor #1

Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?

Undetermined. The whole piece could be sold without the split. Currently, since the lot was split, it cannot be sold without the variance

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Factor #2

Is the variance substantial?

No.

Factor #3

Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if the variance is granted?

No.

Factor #4

Will the variance adversely affect the delivery of governmental services?

No.

Factor #5

Did the property owner purchase the property with knowledge of the zoning restrictions?

Not sure because Mr. Landis was not present to testify.

Factor #6

Can the problem be solved by some manner other than the granting of a variance?

No.

Factor #7

Does the variance preserve the "spirit and intent" of the zoning requirement and will "substantial justice" be done by granting the variance?

Yes.

No further discussion of the Duncan Factors.

Mr. Zeleznak made a motion to grant the requested variance to allow the property at 114 Ridge Road to remain with 162 feet of frontage and to allow for the lot split to stand as is. Zoning Reference Section 6R1.4A.3.

Mrs. Fox second.

No further discussion.

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

Variance was granted by a vote of 5 for and 0 against

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 is unreasonable or unlawful. They have 30 (thirty) days from the date the minutes of the appeal are journalized. The minutes of this hearing will be journalized on April 9, 2008

Hearing was adjourned by Ch. Manley at 8:23 pm.

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The board took a short recess before work session commenced.

WORK SESSION

Discussion of the "Final Determination of Hearing" forms. (See attached form) The board decided to remove the signature requirements for all members except for the Chairman. It was also decided that the words "on or about" will be added to the line stating the journalization of the minutes. It was determined that a notice of final determination will be mailed to each applicant upon the final vote on the applicant's request.

The minutes of the Organizational meeting were reviewed. Mrs. Huff made a motion to accept the minutes as presented.

Mr. Zeleznak second.

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

Minutes of the Trustees Hearing (Conditional Use Permit, February 17, 2008, request for the ball fields) were not signed at this time due to corrections.

Patty Garrett, Zoning Clerk

Minutes Approved: _____, 2008

David Manley, Chairman

Dottie Fox, Vice Chairman

Jeff Hoop, Member

David Zeleznak, Member

Melissa Huff, Member

Kevin Sullivan, Alternate Member