

## **Board of Zoning Appeals**

Falkenberg Conditional Use Request

January 14, 2009

1

### **Falkenberg Conditional Use Request**

Ch. Manley called the hearing to order at 7:35 pm.

Roll found: Manley, Fox, Hoop, Zeleznak, Sullivan Huff and Mainzer present. Also attending were Mr. Pope, Mr. Kamps, and Trustee Schulte.

Mr. Sullivan assumed a voting position in Mrs. Huff's absence.

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 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 that the meeting is being taped for the record. He also noted that relevant documents 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. Notice of the application was properly given in local newspapers, and the application has been available for public review and comment.

Ch. Manley announced that an application for Conditional Zoning Certificate was submitted by Conrad Falkenberg. He stated that under the Hinckley Zoning Regulations all proposed requests must be reviewed by the Zoning Commission and the review shall be made public at the Board of Zoning Appeals Public Hearing. Due to the lack of detailed site plans for the Falkenberg Property, the Zoning Commission could not issue its recommendation. Based on these reasons, Ch. Manley recessed the hearing to **March 11, 2009 at 7:00 pm.**

Clerk Garrett asked Zoning Inspector Pope if the Falkenberg plans recently submitted were adequately detailed. Mr. Pope stated that the plans were not sufficiently detailed enough to distribute.

Chairman Manley recessed the Falkenberg hearing at 7:38 pm.

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2

Patty Garrett, Zoning Clerk

Minutes Approved \_\_\_\_\_, 2009

\_\_\_\_\_  
David Manley, Chairman

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Dottie Fox, Vice Chairman

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Jeff Hoop, Member

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

\_\_\_\_\_ *absent*  
Melissa Huff, Member

\_\_\_\_\_  
Kevin Sullivan, Alternate Member

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Julie Mainzer, Alternate