

Zoning Commission  
Regular Meeting  
February 4, 2016  
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Ch. Kman called the meeting to order at 7:00 p.m.

Roll Found: Kman, Powell, Spellman, Schneider and Dermody. Also present were Trustees Schulte and Catherwood, Alternates Jim Kamps and Matt Marzullo, and Zoning Inspector Schaefer.

Ch. Kman asked if everyone had a chance to review the minutes from the Organizational Meeting held on January 7, 2016 and if there were any comments.

Ch. Kman asked for a motion to approve the minutes of the Organizational Meeting held on January 7, 2016. Mr. Spellman moved and Mr. Powell seconded.

**Vote: Kman – yes, Powell – yes, Spellman – yes, Dermody – yes, Schneider– yes**

Ch. Kman handed out the annual zoning appointments from the trustee Organizational Meeting. He added that he and Suzanne Peterlin had discussed several Zoning Commission procedures specifically referring to taping meetings for transcription purposes and Public Record Policies. All members were clear on the procedures.

Ch. Kman asked if everyone had a chance to review the minutes from the Regular Meeting held on January 7, 2016 and if there were any comments. Ms. Dermody moved and Mr. Schneider seconded.

**Vote: Kman – yes, Powell – yes, Spellman – yes, Dermody – yes, Schneider– yes**

New Business:

Ch. Kman introduced Nelson Schorr of Hoop Guru located at 1669 W 130<sup>th</sup> Street Building Suite 601-602 Hinckley, Ohio 44233 (PPN 01603C06002). Mr. Schorr has submitted APO 199 for a Conditional Use Permit in order to expand his current Conditional Use to an adjacent space.

Mr. Schorr informed the Commission that he is currently leasing Bldg. 5 in which he provides for basketball, soccer and volleyball. Space is available in Bldg. 6 and he would like to expand into a portion of that building.

Ch, Kman asked Mr. Schorr if the expansion would require any changes to the building. Mr. Schorr indicated he just needed to open up the inner space and there would not be any changes to the outside.

Ch. Kman asked the Board to open their packets and they would review item by item. Ch. Kman recited the appropriate codes as per the application as well as the requirements for a Conditional Use as listed in Hinckley Township Zoning Resolution Sections 6I2.A and 74. Mr. Schorr confirmed that his proposal was in compliance with all zoning references noted. At this time Ch. Kman opened the floor to questions from the Commission.

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Ms. Dermody asked Mr. Schorr if there will be enough traffic control with regards to its proximity to the Kobak ball fields. Mr. Schorr indicated that a fence exists between the two areas. In regards to parking the applicant indicated he is adding one court and feels that there is adequate parking.

Mr. Spellman asked if Mr. Schorr would be expanding to the whole building. Mr. Schorr replied that at this time his expansion will only utilize 30%. Mr. Schulte added that the other portion is leased by a detail shop, machine shop and an excavator. Mr. Schorr added that they would locate next to the excavator.

Mr. Powell inquired since the proposed use and the current use do not seem compatible, did Mr. Schorr see any conflict there? Mr. Schorr responded that the times of use are different; Hoop Guru is utilized at night, after school and on weekends, whereby the other businesses are open on weekdays. He added that it would be rare that all businesses would be open at the same time.

Mr. Powell asked if they are open during the day in the summer. Mr. Schorr replied that they operate a day camp or two in the summer but these are often held in the evening or weekends. Mr. Powell asked how long Hoop Guru has been located at its present location. Mr. Schorr indicated this is their fourth year. He added that he applied for a Conditional Use permit three years ago as he was not aware of the zoning restrictions when he first moved in.

Mr. Powell asked if there have been any problems during that time. Mr. Schorr replied he was not aware of any. At this time there being no further questions from the Commission Ch. Kman asked for a motion regarding the Conditional Use application.

Ms. Dermody made a motion to support the Conditional Use application submitted by Nelson Schorr of Hoop Guru. Second by Mr. Schneider.

**Vote: Kman – yes, Powell – yes, Spellman – yes, Dermody – yes, Schneider– yes**

Ch. Kman explained to Mr. Schorr that a letter of support from the zoning commission would be forwarded to the Hinckley Township Board of Zoning Appeals.

Old Business:

Ch. Kman indicated the next order of business was a review of text language submitted in June pertaining to height exceptions in the 6I1 and 6I2 districts. Discussion ensued and several questions were raised regarding MCPD Susan Hirsch's inquiry as to whether screening of the height extension should be added to the language. Mr. Powell asked if there was a great concern for a screening requirement in industrial zones. Mr. Spellman asked Zoning Inspector Schaefer to review the ALDI construction project that brought the need for such language to the forefront. Mr. Schaefer related the history of the issue.

Mr. Spellman asked if there was a concern that there were no height limitations listed in the language. Mr. Schaefer replied that he was not concerned since it would be unlikely that a business would expend

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any more funds than are necessary for a construction project. Discussion ensued as to a variety of chiller units used in industrial construction. Mr. Schneider felt that units would not require screening due to the scale of the projects. Mr. Schaefer agreed.

Ch. Kman indicated he felt the proposed language gave Mr. Schaefer enough latitude. Mr. Spellman stated that he was still concerned about the possible impact of the allowable units in the proposed language. Continued discussion ensued in regards to screening. Ms. Dermody inquired about the ability for the Zoning Commission to review any proposed height exceptions. Mr. Schaefer indicated that the Commission does have that opportunity in the site review process.

Ch. Kman asked where the zoning inspector felt the language should be placed. Mr. Schaefer indicated in the 6I.1 and 6I.2 sections. There being no further discussion Ch. Kman indicated that this item will be set aside until several additional items are reviewed in order to forward several amendments at the same time.

Ch. Kman brought up the second item on the agenda which was Mr. Schaefer's request to require a delineation in the form of a fence between private property and conservations easements within 6R1 developments (Conservation Development). Mr. Spellman asked about enforcement. Mr. Schaefer indicated that the proposal indicates that enforcement and maintenance would be the responsibility of the HOA.

Mr. Schaefer further added that a fence would be more permanent since in the past stakes were used and are often removed. A discussion regarding types of fencing occurred at this time. Mr. Powell asked Mr. Schaefer if he had researched any other township's using a method similar to the proposal. Mr. Schaefer indicated he had not, but at the zoning inspector meetings he attends the enforcement of easements is a common problem.

Mr. Kamps shared his experiences at the Metroparks and no one has come up with a solution yet. Mr. Schaefer told the Commission he will research and provide any information he obtains to the Commission. All members agreed that whatever is implemented must be effective. Mr. Schaefer indicated that it has been his experience that no matter how many rules there are some party will violate the deed restrictions. Mr. Marzullo asked if a natural hedgerow might be an option. Discussion ensued as to whether the delineation should be natural or constructed.

Mr. Powell asked Mr. Schaefer about the two current HOA's in the conservation developments. Mr. Schaefer replied that he is often contacted for enforcement issues. All agreed that this item will be further discussed in March after Mr. Schaefer researches the topic.

Ch. Kman stated that in March the Commission will begin a review of outdoor wood burners. He asked the group if they had all received a link from Suzanne Peterlin from the EPA in regards to outdoor wood burners. All stated they had.

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There being no further items from the Commission. Ch. Kman asked if there was anything from the floor. Mr. Kamps stated that Township Day was well attended by the Hinckley Elementary third-graders and that they are smarter than ever.

Mr. Schaefer informed the Commission that he had received a call from Sheetz. He and Mr. Schulte will be meeting with a representative soon and provided the Commission with a preliminary proposal.

Ms. Dermody asked Mr. Schaefer about the status of the former beverage store that is currently for sale. Mr. Schaefer responded that he has received a few calls, but due to the unique situation of the building things have been quiet. Further discussion ensued regarding the impact of the Sheetz preliminary proposal.

Ch. Kman noted that the next Regular Meeting will be held March 3, 2016 at 7:00pm.

Ch. Kman asked for a motion for adjournment of the Regular Meeting. Mr. Spellman moved and Mr. Schneider seconded.

**Vote: Kman – yes, Powell – yes, Spellman – yes, Dermody – yes, Schneider– yes**

Meeting was adjourned at 8:25 p.m.

Martha Catherwood, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2016

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Mel Kman ,Chairman

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William Spellman, Vice Chairman

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Calvin Powell, Member

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Diane Dermody, Member

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Bruce Schneider, Member