

## **BOARD OF ZONING APPEALS HEARING**

May 20, 2009 – 7:00 p.m.

7134 East Sparta Ave. S.E., East Sparta, Ohio

**Members present** were Jerry Eibel, Robert Miller, Audrey Malavite, Gerald Werner and Nancy Snyder, presiding. Also present were Trustee, Lee Strad, Zoning Inspector, Sharon Perrine, Sheriff Deputy, Keith Evanoff, Court Stenographer, Lisa Elliott and seventy-five plus interested residents.

Mrs. Snyder opened the meeting introducing the Board members and explained the procedure to follow and requested the audience be patient and courteous to each other and the opposition. The introduction of the BZA was read.

Attorney, John McCall, representing Mr. Hollinger and himself explained the general operation of the track and comparisons were made to other tracks in the area. He then questioned Mr. Hollinger on the following points:

**Entry point:** Frontage of 150' on Cleveland Avenue would be the entry point north of the JMW entrance.

**Parking Area:** West and south of the entrance by approximately 1000 feet. The nearest residence would be 1,500 to 1,700 feet from parking area.

**Boundaries:** Main riding area would be located in the central area and the southwest area and southeast corner of the Clugston property.

**Hours of Operation:** 8:00 a.m. – 6:00 p.m. Saturday and Sunday only.

**Noise:** The maximum decibel level would be checked at entry and would not exceed 96 decibels, which is the National Standard.

**Employees:** One full time employee and various amount of volunteers to patrol the course.

**Maintenance:** Would lease or buy equipment to maintain trails and repair ruts.

**Vehicles allowed:** Only dirt bikes & 4-wheelers. No jeeps or rail cars would be permitted.

Mr. McCall reviewed the six **General Standards** in Section Seven, Title III of the *Pike Township Zoning Resolution* and Mr. Hollinger assured the Board they could and would meet all those requirements, as well as the requirements in Section Seven, Title IV, (A), **Sub-section (A)**(1), (2 [only Cleveland Avenue]), (3 [no lights]), (5 [porta johns and trash containers]), (10 [will provide natural barrier]), (12 [will provide mobile vendors at a later date]), (13), (14), (15), (17), (32 [not using Township roads]), (44 [one sign at entrance]) & (52 [there will be no speaker system]).

Township Attorney, Charles Hall, III requested a copy of the photo disc, Mr. Hollinger was displaying on his computer of the present condition of the land, with the ruts, etc.

Mr. McCall asked Zoning Inspector, Sharon Perrine's duties as Zoning Inspector. He then asked Ms. Perrine if, in her opinion, the project met all of the subsections of the Zoning Resolution. Ms. Perrine stated, that in her opinion, they could meet the subsections.

Mrs. Snyder requested testimony from anyone in favor of the appeal. Robert Lahmers, who resides on Cleveland Avenue stated he was in favor of an organized track in the area as opposed to the unauthorized riders who are presently using the property. He himself, had experience with the track in Waynesburg, that Mr. McCall is affiliated with, and stated that the operator did enforce the restrictions at that track.

Fourteen (14) other residents, Mark Daverio, Mike Reidl, Jerry Wilson, Nancy Dolvin, Kathleen Gabber, Jack Wilson, Donna Meese, Mike Farber, Kathleen DiLorato, Beth Knox, Chris McCoy, Angela Tucke, and Victoria Joiner all expressed their opposition to the ATV Riding Track stating numerous reasons relating to dust, noise, riders on

adjoining properties, amount of ATV's in the hundreds possible every weekend, pollution of the streams, destroying natural landscape, no monetary benefit to the Township, and safety issues.

Mrs. Snyder closed the floor to comments, stating the Board would deliberate. Attorney Hall requested the Board go into executive session to discuss legalities. Jerry Eibel made a motion to adjourn to executive session. Seconded by Jerry Werner. **Vote** was unanimous to adjourn to executive session at 9:30 p.m. Jerry Werner made a motion to return from executive session at 9:45 p.m. Seconded by Jerry Eibel. **Vote** was unanimous to return from executive session.

The Board asked Mr. McCall and Mr. Hollingsworth several more questions to clarify some point of discussion.

Jerry Eibel made a motion to **deny** a conditional use certificate with the determination that the evidence did not support numbers (1), (2) & (3) of the General Standards in Section Seven, Title III (A) of the Pike Township Zoning Resolution (*effective 12/25/2008*). Seconded by Jerry Werner.

<b>VOTE IN FAVOR OF DENIAL:</b>	_____	Jerry Werner, Yes
	_____	Audrey Malavite, Yes
	_____	Robert Miller, Yes
	_____	Jerry Eibel, Yes
	_____	Nancy Snyder, Yes

**Vote** was unanimous to deny a conditional use certificate for an ATV Riding Trace on the Hollinger property.

*Minutes read and approved:*

_____	_____
Gerald Werner	(date)
_____	_____
Audrey Malavite	(date)
_____	_____
Robert Miller	(date)
_____	_____
Jerry Eibel	(date)
_____	_____
Nancy Snyder	(date)