

**PIKE TOWNSHIP BOARD OF ZONING APPEALS
ORGANIZATIONAL MEETING**

January 11, 2010 – 7:00 p.m.
7134 East Sparta Ave. S.E., East Sparta, Ohio

Members present were Jerry Werner, Audrey Malavite, Louis Grooms, Jason Overly and Nancy Snyder, presiding. Also present was Zoning Inspector, Sharon Perrine. Mrs. Snyder called the meeting to order.

Minutes from previous meeting were read and approved. Mr. Overly read the legal ad as published in The Press News, December 31, 2009.

First order of business: Election of Officers

Audrey Malavite made a motion to nominate Nancy Snyder as President. Seconded by Louis Grooms. Nomination accepted by Mrs. Snyder. Roll call was made by Zoning Inspector, Sharon Perrine.

VOTE:

Jerry Werner	-	Yes, in favor to elect Nancy Snyder as President.
Audrey Malavite-		Yes, in favor to elect Nancy Snyder as President.
Louis Grooms	-	Yes, in favor to elect Nancy Snyder as President.
Jason Overly	-	Yes, in favor to elect Nancy Snyder as President.
Nancy Snyder	-	Yes, in favor to elect Nancy Snyder as President.

Vote was unanimous to elect Nancy Snyder as President of the Pike Township Board of Zoning Appeals.

Jerry Werner made a motion to nominate Louis Grooms as Vice President. Seconded by Audrey Malavite. Mr. Grooms accepted the nomination. Roll call was made by Zoning Inspector, Sharon Perrine.

VOTE:

Jerry Werner	-	Yes, in favor to elect Louis Grooms as Vice-President.
Audrey Malavite-		Yes, in favor to elect Louis Grooms as Vice-President.
Louis Grooms	-	Yes, in favor to elect Louis Grooms as Vice-President.
Jason Overly	-	Yes, in favor to elect Louis Grooms as Vice-President.
Nancy Snyder	-	Yes, in favor to elect Louis Grooms as Vice-President.

Vote was unanimous to elect Louis Grooms as Vice-President of the Pike Township Board of Zoning Appeals.

SECOND ORDER OF BUSINESS:

Mrs. Snyder clarified the meaning of "Public Opinion", per Attorney Hall's response to this question from the Zoning Commission.

"The BZA should review the 10/07/09 "Closing Argument and Post Hearing Brief" filed in the Hollinger matter.

I specifically direct you to the subsection, at pp 3 and 4 "Substantial, Reliable, and Probative Evidence on the Whole Record." and the last paragraph on p. 6: "Clearly, this testimony, is factually based from a lay person's rational perceptions and is helpful to a clear understanding of the witness' testimony or the determination of a fact in issue by the Pike Township Board of Zoning Appeals. this is exactly what and how the Pike Township Board of Zoning Appeals evaluated and gave weight to the testimony of the lay witnesses opposing the application for a motorcycle, ATV commercial enterprise in a residentially zoned district."

As Sharon and I discussed, a call for a show of hands is impermissible "public opinion that may not be considered as evidence", whereas, testimony of a neighbors rationally based perception is not "public opinion" and may be given whatever weight the BZA feels is appropriate."

Ms. Perrine went on further to say that a show of hands was considered "Public Opinion", but if someone testifies, under oath, it is NOT public opinion, even though it may be their opinion, and can be used by the BZA to make their determination.

OTHER BUSINESS:

Mrs. Snyder mentioned the Governmental Law Seminar February 20th, sponsored by the Stark County Prosecutor's Office and Stark County Regional Planning Commission to be held at the Holiday Inn in Belden Village and thanked everyone for signing up to attend. She also stated, from past experience, it is a worthwhile seminar to attend.

Audrey Malavite made a motion to adjourn the meeting. Seconded by Jerry Werner. All agreed. The meeting was adjourned at 7:10 p.m.