

Board of Zoning Appeals

April 12, 2006

- Mr. John Fadel – Faana Ltd. Variance Request Continued
- Work session

1

Mr. Manley called the continued hearing to order at 7:00 pm.

Roll found: Manley, Tamulewicz, Hoop, Dick, Zeleznak, and Huff present. Mrs. Fox absent. Mr. Kamps, chairman of the Zoning Commission.

Members Manley, Tamulewicz, Zeleznak and Huff inspected the Faana property as well as the Halejko property this evening.

Ch. Manley reopened the Faana Ltd. Hearing at 7:06 pm.

Ch. Manley reminded Mr. John Fadel that he is still under oath.

Mr. Fadel: I wish to clarify some points from the last meeting and from the Zoning Commission's public hearing. There is some misrepresentation as to what is going to be built there. This is a minimal evening operation., not a bee-hive operation. I have spoken to the president of the LTL Trucker's Association about the company. This is a warehouse and distribution center. This is an inter-company distribution center. It is primarily a 6:00 to 6:00 sometimes a 6:00 to 8:00 operation. It warehouses and then distributes products out of the warehouse. It is not a cross-docking operation as others have called it. That is not what this company does. Secondly, I have asked for the stamped plans for the road. Mr. Kamps stated that we do have some plans in our files. He is not sure if they are stamped. I have plans but they are not the stamped plans either. I was told that they are the same plans but I do not have stamped ones. I believe it is important to have stamped plans that correspond to this.

There was discussion regarding the sets of plans that the Zoning Department has in their possession. These plans are not an officially stamped set. They were identical to the plans that Mr. Fidel presented.

Ch. Manley asked what Mr. Fadel was trying to establish.

Mr. Fadel: I am trying to establish that this road (Great Lakes Way) was approved for a 50' setback when it was originally proposed. It is right on these drawings.

Mr. Manley: Again, our code says 150 feet.

Mr. Fadel: That does not matter. Once plans are approved then they become grounds for the exceptions. I will submit this as an approved plan that has been approved with 50' setbacks as approved on the documents.

Mrs. Dick: Where would we find who approved them?

Ch. Manley asked Mr. Kamps if he knew who would have approved them.

Mr. Kamps: I was not involved in those plans at that particular point in time.

Board of Zoning Appeals

- Mr. John Fadel – Faana Ltd. Variance Request Continued
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April 12, 2006

2

Ch. Manley: There is no one signed off on this as far as I can see.

Mr. Fadel: My copy is what I received as a part of the original submission.

At this time, neither the Township nor Mr. Fadel could produce an approved set of plans. Mr. Fadel's plans are the same as the Township's.

Mr. Fadel: I submit two things: Number one, I submit this as a statement of approved plans showing a 50 foot setback. All the plans that have been approved previously have been approved for a 50-foot setback. Secondly, the request that the curve in the road is steep, no matter what will go there, asking to put a 150 foot setback on that lot destroys the development of that lot and produces a hardship that I believe to be unreasonable. I am asking on three grounds, first on the hardship being created and two, the code that you have clearly says that if the whole thing were internal, if it came off Rt. 303 then it would be a 50 ft setback. Since it comes off W130th for some reasons you are determining that it need a 150' setback all the way down the road, and third, I am not asking for any change in the setback on W130th that I think is a reasonable main street setback. Fourth, which this is in the record as an approved 50' setback.

Ch. Manley: I suggest that we need to discuss this with the County Prosecutor. There is no way to know for sure if it was approved.

Mr. Tamulewicz: You need to look at the general notes, all improvements are to be constructed in accordance with the Hinckley Township and Medina County standards and regulations.

Mr. Fadel: We are still looking for the approved plans, I agree.

Mrs. Dick: If we do not know what is going to be built there for sure that this is a problem.

Mr. Fadel: No, this is not a problem. I am asking for a 50' setback for this lot.

Mr. Tamulewicz: The letter you submitted with your request states that you want the setback in order to build the truck terminal. You submitted this letter with your application.

Ch. Manley: It was part of your request and we cannot accept these plans as the approved version.

Mr. Tamulewicz: You requested a 100' variance for a truck terminal.

Mr. Fadel: The request is for a 100' variance for a setback. The letter references this proposal for this building.

Mr. Tamulewicz: We must go on the legal request.

Board of Zoning Appeals

- Mr. John Fadel – Faana Ltd. Variance Request Continued
- Work session

April 12, 2006

3

Mr. Fadel: I am asking for a setback on the lot. If you feel that you cannot approve that based on the truck terminal request then okay, I should not have submitted it that way. However, as was mentioned, it is a moot point if these are the approved plans.

Ch. Manley: We will recess this hearing until we can discuss this with the Medina County Prosecutor and the Medina County Commission.

Mr. Fadel: Can I amend the application?

Ch. Manley: It would need to be re-submitted.

Mr. Fadel: Well as long as I am going through this process with no guarantees that the truck terminal will be approved, at least I can get the variance for the lot if needed.

CH. Manley: We need to discuss this with the County Planning, get the prosecutor's opinion, and then have you refile your request.

Mr. Fadel: I will not need to refile if this is already approved. Once something is already approved, it is approved, it is code.

Ch. Manley stated that this hearing will be continued to Wednesday May 10, 2006 beginning at 7:00 pm.

Ch. Manley stated that he would meet with Mr. Kamps on Thursday to plan how to handle it with the County Planning and the Prosecutor.

Mr. Fadel requested that the prosecutor keep him apprised of the results of any discussions. Ch. Manley made no promises that any prosecutor would discuss Hinckley Township's position with him.

Mr. Tamulewicz asked if Brunswick would have had to sign-off on these plans.

Mr. Kamps thought they would have had to approve the road plans.

Work Session

The minutes of the March 22, 2006 Metzler Hearing were reviewed.

Mr. Tamulewicz made a motion to accept the minutes as corrected
Mr. Zeleznak second.

Vote: Dick – yes Zeleznak – yes Hoop – yes Tamulewicz – yes Manley – yes

Board of Zoning Appeals

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- Work session

April 12, 2006

4

Mr. Tamulewicz stated that the Huff house on Bellus Rd. from a previous variance request has not been demolished as stated as one of the requirements of the variance approval. Mr. Kamps stated that the residents have not moved into the new house. They are having problems with the approval of the well.

Ch. Manley said that the zoning inspector would be advised to keep an eye on it.

Mr. Zeleznak made a motion to adjourn at 8:00 pm

Mr. Tamulewicz second.

Vote: Dick – yes Zeleznak – yes Hoop – yes Tamulewicz – yes Manley – yes

Ch. Manley will not be at the next meeting held April 26, 2006 which will be the Conditional Use Permit Request submitted by Mark Halejko of River Road.

Patty Garrett, Zoning Clerk

Minutes Approved _____, 2006

David Manley, Chairman

Tamulewicz, Vice Chairman

Jeff Hoop, Member

David Zeleznak, Member

Shirley Dick, Member

absent
Dottie Fox, Alternate Member

Melissa Huff, Alternate Member

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