

Board of Zoning Appeals

May 10, 2006

- Mr. John Fadel, Faana Ltd. - Variance Request
Continued from March 22 and April 12, 2006
- Work Session

1

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

Roll found Fox, Huff, Zeleznak, Hoop, Dick, Tamulewicz, and Manley present. Mr. Kamps, chair of the Zoning Commission, Trustee Schulte, and attorney O'Leary were also present.

Ch. Manley reminded Mr. Fadel that he was still under oath and asked if he had anything new to add to this hearing.

Mr. Fadel requested the certified plan showing the approval for the Jemm Industrial Park W. 130th Street and the setbacks required.

Mr. Manley submitted a copy of the original Jemm Industrial Park certified plans that are signed by the appropriate members of the Board of Trustees. The map does in fact depict the setback to be 50'. Mr. Manley did point out that it does not override the zoning.

Mr. Tamulewicz: We received an opinion from the prosecutor that we may vote on the variance request for the setback but we are not voting on permission to build the truck terminal. The setback you are asking for is 150' from W. 130th. You are going to maintain that. However, along Great Lakes Way, on this parcel, you request a 50' setback. You are asking for a 100' variance for the southern parcel.

Mr. Fadel: That is correct.

Mr. Fadel submitted an aerial view of the plot plan depicting that the closest house to this proposal is over 1.5 miles away. That house overlooks Opportunities Park and Great Lakes Construction. There is a large wooded area of trees between us.

Ch. Manley: Let me remind you that at this time, what he plans to build there does not matter.

Mr. Fadel. This is the only street in Hinckley that has this zoning restriction. It is a hardship because of the narrowness of the property for whatever building I put there. Having a 150' setback for a side road is a serious setback. It is a dead-end road so it is not a significant hazard. I do not know why this restriction is only on this particular property in the Township. It is nowhere else. I do not understand. Someone needs to explain it to me.

Mr. Manley: Brunswick had some input in this historically.

Mr. Fadel: Let us look at the reasons why my request is reasonable. The map shows that is was acceptable in the past. It is an industrial area, made and developed for industrial. It is a reasonable request. The approved map shows a 50' setback. The variance runs with the land. If you approve this, it will allow me to start developing it and

Board of Zoning Appeals

May 10, 2006

Mr. John Fadel, Faana Ltd. - Variance Request

Continued from March 22 and April 26, 2006

2

bring some business into Hinckley. This was an approved and expected way for this road to be developed.

There were no further questions from the board or from Jim Kamps.

Mr. Tamulewicz made a motion to grant a variance of 100' from the setback. Parcel # 017-036-06-004, beginning 150' east of W 130th and progressing east to the end of the lot. This motion is not for the granting of a truck terminal.

Mrs. Dick second.

The Board reviewed the Duncan Factors.

(See attached Duncan Factor Considerations)

There was no further discussion.

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

Ch. Manley stated that any person adversely affected by the Board's decision might appeal to the Medina County Court of Common Pleas. Appellants have thirty (30) days from journalization of the minutes to file with the Court. Construction must start within ninety days of the date the minutes are journalized.

Clerk Garrett announced the minutes would be journalized on Wednesday, June 28, 2006.

Ch. Manley concluded the hearing at 7:50 pm.

Work Session

The business session for the meeting was commenced at 8:00 pm.

Mr. Tamulewicz motioned to accept the minutes as corrected for the April 26, 2006 Halejko Hearing.

Mr. Zeleznak second.

Vote: Fox – yes Dick – yes Zeleznak – yes Hoop – yes Tamulewicz-yes

Board of Zoning Appeals

May 10, 2006

Mr. John Fadel, Faana Ltd. - Variance Request

Continued from March 22 and April 26, 2006

3

Ch. Manley stated that if there is a hearing for June, the inspections will be done the day of the hearing. There will be no work session on June 14, 2006.

Mr. Tamulewicz made a motion to adjourn the work session at 8:39pm.

Mr. Hoop second.

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

Patty Garrett, Zoning Clerk

Minutes Approved: _____, 2006

David Manley, Chairman

Tom Tamulewicz, Vice Chairman

Jeff Hoop, Member

Dave Zeleznak, Member

Shirley Dick, Member

Dottie Fox, Alternate Member

Melissa Huff, Alternate Member

Board of Zoning Appeals

May 10, 2006

Mr. John Fadel, Faana Ltd. - Variance Request

Continued from March 22 and April 26, 2006

4