

Board of Zoning Appeals
Schneider – Variance request
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Ch. Calabro called the meeting to order at 7:10 p.m.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer and Budd present. Also present was Alternate Member Boleman, Trustee Schulte and Trustee Catherwood. Also present in the audience were Mr. Karl Schneider, Mr. Joe Huml, Mr. and Mrs. Tom and Pat Jackson, Mr. Nelson Schorr, Mr. Neil Golli, Ms. Bonnie Kennedy and Mr. Rick Dienesch.

Ch. Calabro noted that this meeting is being taped for transcription purposes only and the written minutes and attachments, if any, will serve as the official record of this meeting.

Recording Secretary Gienger read the legal ad.

Ch. Calabro stated that the Hinckley Township Board of Zoning Appeals acts within the authority of Section 519 of The Ohio Revised Code and exercises its power as provided under Section 7 & 13 of The Hinckley Township Zoning Regulations. All public hearings are open to the public. All persons wishing to testify must do so from the podium, must identify themselves and give their address and must be sworn in. Evidence and testimony must be pertinent to the hearing. It is the Chairperson's discretion to limit personal comments, personal attacks, opinions, editorializing, and/or repetitious statements or testimony or evidenced previously given. Disruptive persons will lose their right to remain at the hearing. Personal attacks will not be tolerated.

Ch. Calabro stated the hearing is for a variance submitted by Karl and Michelle Schneider, property owner of 68 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603A05010) requesting a variance to build a home behind an existing barn at the stated address, in a location that does not meet the Hinckley Zoning Regulations.

Recording Secretary Gienger polled the Board as to whether they received the packet of information and inspected the property at 68 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603A05010).

Response: Calabro – yes and yes inspected on 2/20/16, Hoop – yes and yes inspected on 2/20/16, Zeleznak – yes and yes inspected on 2/20/16, Mainzer – yes and yes inspected on 2/22/16, Budd – yes and yes inspected on 2/20/16.

Ch. Calabro stated that notice of the application was properly given in local newspapers, and the application has been available for public review and comment. She asked Recording Secretary Gienger if any letters, phone calls or emails were received. Mr. Gienger noted that one letter was

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received from Thomas and Pat Jackson dated 2/11/16. Recording Secretary Gienger then read the letter into the records.

Ch. Calabro asked Mr. Schneider if he objects to this communication being included by the Board as evidence. Mr. Schneider said he did not object.

Mr. Karl Schneider was sworn in accordingly.

Ch. Calabro asked Mr. Schneider if he had any additional information beyond what was submitted. Mr. Schneider noted that they have lived in the school district for 9 years and have been looking for property to build in Hinckley during this time. He noted when this property became available, he put a bid in for it as he had always admired the property. He noted that since the property is on Ridge Road, a heavily travelled road, that it is the reason why he would like to build his house further back onto the property. He also noted that he would like to fix up the barn and keep it as it is a great historic barn. He also noted he would like to build a pond on the front of the property.

Mr. Hoop asked Mr. Schneider if he knew the age of the barn. Mr. Schneider noted that in looking at how parts of it were constructed, he is guessing it was built in the 1860's. He also noted that other parts of the barn look a little newer and were likely added in the early 1900's

Ch. Calabro noted that the way the property was staked it looked like the front of the house would be parallel with the back of the barn. Mr. Schneider noted that was correct.

Mr. Budd noted that it looks like the house could be built beside the barn where both fronts would be parallel to each other. Mr. Schneider noted that is correct that it could be done but there would be some issues with grading and a great deal of dirt would be needed. He also noted that it would then be difficult to build a walkout basement if he moved the house up toward the front of the property. He also noted that it would be difficult to add a pond at that location also.

Mr. Budd asked if he took a serious look at that location for the house. Mr. Schneider said he did and is still considering it pending tonight's hearing and that if he is denied the variance, he will have to look at it as he doesn't want to eliminate the barn.

Mr. Budd asked if the house would be within regulations if it were moved up to that location. Mr. Schneider stated that it would meet the Hinckley Regulations at that location.

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Mr. Budd asked if he were aware of this regulation prior to purchasing the property. Mr. Schneider said he didn't specifically look at the Hinckley Regulations but assumed there might be a regulation on the books preventing building the house behind the barn.

Mr. Hoop asked where the septic would be located. Mr. Schneider noted that he is still researching this and it all depends on the type of system they design as to where the location would be.

Being no further questions, Mr. Schneider was seated.

Mr. Joseph Huml of 67 Ridge Road was sworn in accordingly.

Mr. Huml stated he lives across the street from this location and is for the approval of the variance. He stated he loves the barn and the history of it and is happy that Mr. Schneider plans to keep the barn.

Ch. Calabro stated that other neighbors are closer to the street. Mr. Huml stated that is true but he thinks leaving the barn intact with the house behind will be the most aesthetically pleasing.

Being no further questions, Mr. Huml was seated.

There being no further testimony offered, Ch. Calabro asked for a review of the Duncan Factors.

Factor #1

Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?

Vote:

Budd – Yes

Mainzer – Yes

Zeleznaak – Yes

Hoop – Yes

Calabro – Yes

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Factor #2

Is the variance substantial?

Vote:

Budd – Yes

Mainzer – Yes

ZeleznaK – Yes

Hoop – Yes

Calabro – Yes

Factor #3

Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if this variance is granted?

Vote:

Budd – No

Mainzer – No

ZeleznaK – No

Hoop – No

Calabro – No

Factor #4

Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

Vote:

Budd – No

Mainzer – No

ZeleznaK – No

Hoop – No

Calabro – No

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Factor #5

Did the property owner purchase the property with knowledge of the zoning restrictions?

Vote:

Budd – Yes

Mainzer – No

ZeleznaK – Didn't know but suspected there might be restrictions

Hoop – No

Calabro – No

Factor #6

Can the problem be solved by some manner other than the granting of a variance?

Vote:

Budd – Yes

Mainzer – Yes

ZeleznaK – Yes

Hoop – Yes

Calabro – Yes but it would give the property a very different look.

Factor #7

Does the variance preserve the “spirit and intent” of the zoning requirement and will “substantial justice” be done by granting the variance?

Vote:

Budd – No

Mainzer – Yes

ZeleznaK – No

Hoop – No

Calabro – Yes

Ch. Calabro stated that any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the ground that such decision was unreasonable or unlawful and will have 30 days from the date of this meeting to appeal. A copy of the signed documents will be given to the applicant at the end of this hearing.

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Mr. Hoop stated that this is a motion for a variance (AP#0198) for property owners Karl and Michelle Schneider, Hinckley, Ohio (Permanent Parcel #01603A05010) requesting to build a home behind the barn currently on the property in reference to Hinckley Zoning Regulations 6R1.6.A.1.

Mr. Zeleznak seconded the motion.

Vote: Calabro – Yes, Hoop – Yes, Zeleznak – No, Mainzer – Yes, Budd - No

Passed by a vote of 3 to 2

Meeting was paused to sign the decision form and prepare for the second hearing of the night.

Todd Gienger, Recording Secretary

Minutes Approved: _____, 2016

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

William Budd, Member