

## **Board of Zoning Appeals**

### **Holt – Variance request**

**March 23, 2016**

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Ch. Calabro called the meeting back to order at 9:08 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 Zoning Inspector Schaefer, Mr. and Mrs. Dave and Ruthann Manley, Mr. David Stefanec, Ms. Mary Ann Chandler, Mr. Bruce Schneider, Mr. Harry Wesebaum, Mr. and Mrs. Neil and Andrea Golli, Mr. Tom Golli, Mr. Brett Morlock, Mr. Burgess Holt, Ms. Amy Palladino, Ms. Gerry Ziemba, Mr. Loya, Mr. James West.

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 Burgess Holt, property owner of 1088 River Woods Drive, Hinckley, Ohio (Permanent Parcel #01603B32010) requesting for two variances to construct an accessory building at the stated address, in a location that does not meet the front yard setback of not less than the principle building and that does not meet the minimum side yard setback of fifty feet as required by the Hinckley Zoning Regulations.

Recording Secretary Gienger polled the Board as to whether they received the packet of information and inspected the property at 1088 River Woods Drive, Hinckley, Ohio (Permanent Parcel #01603B32010).

**Response: Calabro – yes and yes inspected on 3/19/16, Hoop – yes and yes inspected on 3/19/16, Zeleznak – yes and yes inspected on 3/19/16, Mainzer – yes and yes inspected on 3/20/16 and again on 3/23/16, Budd – yes and yes inspected on 3/19/16.**

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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 there was only one phone call received.

Mr. Burgess Holt was sworn in accordingly.

Ch. Calabro asked Mr. Holt noted that he wanted to install a pole barn and found out he needed a variance for the side yard setback.

Mr. Zeleznak asked Mr. Holt why he cannot go to the 50' side yard setback. Mr. Holt stated that he would have an erosion issue and it would put the barn into the creek on the property.

Ch. Calabro asked what the use of the building and if he would be operating any business from the barn. Mr. Holt noted just for storage of farm equipment and there is no business operated.

Mr. Budd asked Mr. Holt when he was aware of the setback restrictions. Mr. Holt said he found out when he went to apply for the permit.

Ch. Calabro noted that she appreciated the markings on the site and it made everything very clear.

Being no further questions, Mr. Holt 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

Zeleznak – Yes

Hoop – Yes

Calabro – Yes

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Factor #2

Is the variance substantial?

Vote:

Budd – No

Mainzer – Yes

Zelesnak – No

Hoop – No

Calabro – No

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

Zelesnak – 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

Zelesnak – 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 – No

Mainzer – No

Zelesnak – No

Hoop – No

Calabro – No

Factor #6

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

Vote:

Budd – No

Mainzer – No

Zelesnak – No based on the topo

Hoop – No

Calabro – No

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 – Yes

Mainzer – Yes

Zelesnak – Yes

Hoop – Yes

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#0201) for property owner Burgess Holt, property owner of 1088 River Woods Drive, Hinckley, Ohio (Permanent Parcel #01603B32010) requesting two variances to build an accessory building. First variance that the front yard setback is less than the principal building and with a side yard setback of 30', with a 20' variance in reference to Hinckley Zoning Regulations.

Mr. Zeleznak seconded the motion.

**Vote: Calabro – Yes, Hoop – Yes, Zeleznak – Yes, Mainzer – Yes, Budd - Yes**

**Passed by a vote of 5 to 0**

Meeting was paused at 9:17pm to sign the decision form and prepare for the third hearing of the night.

Todd Gienger, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2016

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Josephine Calabro, Chairperson

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Jeff Hoop, Vice Chairperson

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Dave Zeleznak, Member

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Julie Mainzer, Member

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William Budd, Member