

Board of Zoning Appeals

Stefanec and Campbell – Variance request

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Ch. Calabro called the meeting back to order at 7:23 p.m.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer and Budd present. Also present was Alternate Member Boleman, Trustee Schulte and Zoning Inspector Schaefer. Also present in the audience were Mr. David Stefanec, Ms. Sarah Campbell, Mr. Jim Kafon and Zoning Commission Chairman Kman.

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 Sarah Campbell and David Stefanec, property owners of 2646 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603C35030) requesting for a variance to build an eight (8) foot tall, 100% opaque fence at the stated address, that does not meet the fencing requirement for front yard fences in accordance with the Hinckley Zoning Regulations.

Recording Secretary Gienger polled the Board as to whether they received the packet of information and inspected the property at 2646 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603C35030).

Response: Calabro – yes and yes inspected on 4/23/16, Hoop – yes and yes inspected on 4/23/16, Zeleznak – yes and yes inspected on 4/23/16, Mainzer – yes and yes inspected on 4/26/16, Budd – yes and yes inspected on 4/23/16.

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 there was

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additional information received from the applicant, which was the Medina County Building Fence Permit approved 3/26/16.

Mr. David Stefanec, was sworn in accordingly.

Ch. Calabro asked Mr. Stefanec if he had any additional information he would like to submit. Mr. Stefanec submitted a site photo of the property.

Mr. Stefanec stated he purchased the property in 2011 and was unaware of the 50% opaque fence requirement. He noted that he wants to install the fence for curb appeal as his neighbor has a dirt track in his back yard adjacent to the property. He noted he also would like the fence for safety reasons as the track is near his driveway. He also noted it would help cut down on the noise of the motorcycles when they are running. He noted he would just like to create a visual barrier and a safety factor.

Ch. Calabro asked Mr. Stefanec if the motorcycles go off the track and onto his property. Mr. Stefanec noted that they don't necessarily go off the track but there has been issues in the past of motorcycles jumping his driveway. He noted that he wasn't aware that area was considered his front yard considering how his house sits.

Mr. Zeleznak asked Mr. Stefanec to clarify. Mr. Stefanec stated he thought that part of his yard was his side yard but it was clarified by ZI Schaefer when he applied for the permit that it was actually his front yard.

Mr. Hoop asked Mr. Stefanec how long the fence would be. Mr. Stefanec noted it would be approximately 300'.

Ch. Calabro asked Mr. Stefanec what material he was using. Mr. Stefanec noted that there would be 6x6 posts and poplar treated lumber, board on board.

Mr. Budd asked if the safety concern was due to possibility of collisions in the driveway. Mr. Stefanec noted there has been no incidents to date but he wanted to be proactive to help prevent any future potential incidents.

Mr. Budd asked Mr. Stefanec if the fence could be any shorter. Mr. Stefanec stated it could not be as he wants to cover the entire length of the area and cover the liability all the way down the line and doesn't think it would look aesthetically pleasing.

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Ch. Calabro asked Mr. Stefanec if his concern for safety is more toward the front and not as much toward the house due to the slope of the landscape. Mr. Stefanec stated that is correct.

Ch. Calabro asked Mr. Stefanec the distance he is staying from the property line. Mr. Stefanec stated he will be approximately 2.5' from the property line.

Mr. Budd asked Mr. Stefanec how long it will take to complete the project. Mr. Stefanec stated it will take approximately one month.

Being no further questions, Mr. Stefanec was seated.

Zoning Inspector Schaefer took the stand. He was already sworn in from the previous hearing of the evening.

ZI Schaefer made note of the pictures that were submitted and that the only picture not in compliance is the fence at 1137 W. 130th Street and that it was installed without a permit and wasn't aware of it until this photograph was submitted with this packet of information. He noted they will have to remove 50% of the boards, remove it completely or apply for a variance. He noted the other are legal, non-conforming – the 1771 Ridge is a rear fence for Bellus Road and the 1880 Ledge is Granger Township. Regarding measurements, he noted the fence will be approximately 400'.

Ch. Calabro asked ZI Schaefer if the neighbor put up the fence, would there still be an issue. ZI Schaefer stated that is correct as that would then be the neighbor's back yard.

Being no questions, ZI Schaefer 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

Zelesnak – 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 – No, didn't ask the question

Mainzer – No

ZeleznaK – No

Hoop – No

Calabro – No per testimony

Factor #6

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

Vote:

Budd – No

Mainzer – No

ZeleznaK – No

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

ZeleznaK – 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.

Mr. Hoop stated that this is a motion for a variance (AP#0204) for Ms. Sarah Campbell and Mr. David Stefanec, property owners of 2646 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603C35030) requesting a variance to build an eight (8) foot tall 100% opaque fence, at the

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stated address, that does not meet the fencing requirement for front yard fences in accordance with the Hinckley Zoning Regulations Section 4.9.C

Mr. Zeleznak seconded the motion.

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

Passed by a vote of 5 to 0

Ch. Calabro made a motion to adjourn the Meeting. Ms. Mainzer moved and Mr. Budd seconded

Vote: Calabro – yes, Hoop – yes, Zeleznak – yes, Mainzer – yes, Budd – yes

Hearing was adjourned at 7:47 p.m.

Todd Gienger, Recording Secretary

Minutes Approved: _____, 2016

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

William Budd, Member