

Board of Zoning Appeals

Scott Ursem, Hinckley Jazzercise LLC – Conditional Use Request

April 27, 2016

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Ch. Calabro called the meeting to order at 7:05 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, Zoning Commission Chairman Kman, Mr. Scott Ursem and Ms. Holly Ursem.

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 conditional use request submitted by Scott Ursem, Owner of Hinckley Jazzercise, LLC, and a tenant/occupant at 2567 Center Road, Hinckley, Ohio (Permanent Parcel #01703A37009) requesting a Conditional Use Permit to operate a Jazzercise Aerobics and Dance Fitness Center at the stated address.

Recording Secretary Gienger polled the Board as to whether they received the packet of information and inspected the property at 2567 Center Road, Hinckley, Ohio (Permanent Parcel #01703A37009).

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 that one letter was received from the Hinckley Township Zoning Commission and one phone call was received.

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

Mr. Scott Ursem was sworn in accordingly.

Ch. Calabro asked Mr. Ursem if he had any additional information beyond what was submitted. Mr. Ursem stated that he has nothing to add and all the information is in the packet.

Ch. Calabro stated that the operating hours were submitted and asked Mr. Ursem how those hours coincide with the other tenants, with concern for parking issues. Mr. Ursem stated he didn't know the hours of the other tenants and that he would need to defer to his wife for the operating hours and how they coincide with the other tenants.

Ms. Holly Ursem was sworn in accordingly

Ms. Ursem stated her hours would be:

- 8:15am classes
- M-F 9:30am classes
- M-Th 5:30pm classes
- Saturday morning classes
- One evening and one morning class on Sunday

She noted that per her observation most tenants are gone by 5:30pm so there would only be a few hours in the morning that they would be there at the same time as the other tenants.

Ch. Calabro asked Ms. Ursem the type of businesses in the neighboring tenants. Mr. Ursem stated one was a data switch/equipment company and the other tenant does window tinting. He stated he typically doesn't see anyone up front at that company.

Mr. Zeleznak asked if there would be music playing and if there were volume concerns for the other tenants. Ms. Ursem stated there would be music and she did a test and played the music louder than typical and neither neighbor could hear the music playing.

Mr. Budd asked Ms. Ursem if the instructors were required to be certified and how many instructors there were. Ms. Ursem stated that yes the instructors are certified and she currently has her and her partner plus two other instructors.

Being no further questions, Mr. Ursem and Ms. Ursem were seated.

Zoning Commission Chairman Kman was sworn in accordingly.

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Ch. Kman read the Zoning Commission letter into the record recommending the approval of this conditional use request.

Being no questions, Ch. Kman was seated.

Zoning Inspector Schaefer was sworn in accordingly.

ZI Schaefer noted that the question of parking, if this were a standard use for office, they would need an additional four parking spaces. It is unusual to have a conditional use request that needs less spaces. Otherwise, there is no issue with this request.

Being no questions, ZI Schaefer was seated.

Being no further testimony Ch. Calabro called for a motion.

Mr. Hoop stated that this is a motion for a conditional use request (AP#0203) for Scott Ursem owner of Hinckley Jazzercise LLC and tenant/occupant at 2567 Center Road, Hinckley, Ohio (Permanent Parcel #01703A37009) requesting a Conditional Use Permit to operate a Jazzercise Aerobics and Dance Fitness Center at the stated address.

Mr. Zeleznak seconded the motion.

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.

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

Passed by a vote of 5 to 0

Ch. Calabro paused the hearing to prepare for the second hearing of the evening.

Meeting was paused at 7:20 p.m.

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Todd Gienger, Recording Secretary

Minutes Approved: _____, 2016

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

William Budd, Member