

Board of Zoning Appeals

Kosovski – Variance request - Continued

June 8, 2016

1 of 6

Ch. Calabro called the meeting back to order at 7:10 p.m.

Roll Found: Calabro, Hoop, Zeleznak, Boleman and Budd present. Also present was Member Mainzer and Trustee Schulte. Also present in the audience was Mr. John Kosovski.

Ch. Calabro noted that this is a continuation of the Hearing for Mr. John Kosovski continued from May 25, 2016.

Ch. Calabro noted that Ms. Boleman will be a member for this continuation since she was promoted to member during the original hearing.

Recording Secretary Gienger read the legal ad.

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.

Ch. Calabro noted that Mr. Kosovski paid \$100 for the continuance of this hearing.

Mr. John Kosovski took the stand. He was still under oath from the previous hearing.

Ch. Calabro asked Mr. Kosovski if he had additional information to add to this case. Mr. Kosovski noted he did.

Mr. Kosovski submitted a letter from Supeck Septic Services, Inc. and read the letter into the record. Mr. Zeleznak noted that an explanation of the issues would have been good to have in the letter and the letter is very vague.

Ch. Calabro asked Mr. Kosovski if Mr. Supeck is the company that maintains his septic system. Mr. Kosovski noted that was correct.

Mr. Kosovski noted that he feels the letter spells it out clearly since it is a letter from a professional stating there would be complications to move the building elsewhere. Mr. Zeleznak noted that the letter is too vague and doesn't state the reasons moving the building would cause interference.

Mr. Kosovski submitted photos of the water runoff in his back yard. Ch. Calabro noted that the photos don't show exactly where the water is located within his yard. Mr. Kosovski stated that the photos are to the right of the back yard in the area of the proposed building. Mr. Budd noted that a reference point would have been helpful so they could see exactly where the water runoff

Board of Zoning Appeals

Kosovski – Variance request - Continued

June 8, 2016

2 of 6

is happening. Mr. Kosovski noted that if he took an overall picture of the site, then the water wouldn't be visible in the picture.

Mr. Kosovski submitted photos showing the trees that would impede with his 30' flatbed truck and noted that if he were to move the building any further from the property line, he would have to remove those trees.

Mr. Zeleznak asked Mr. Kosovski what the distance was from the can to the tiki torch shown in the photo. Mr. Kosovski noted it was approximately 20'. He also noted the can in the photo is 25' from the property line.

Mr. Kosovski noted that the structure at that location will not affect any surrounding neighbors' properties or their property value or services to their properties. He noted that if he moved the building even 5', he would then have to cut down the trees and add at minimum 100 yards of fill dirt to fill in the sloping property. He noted that would be at minimum \$3000 additional cost. He noted there is no other location to install the building on the property without an unrealistic addition of cost to the project.

Mr. Kosovski noted that he has already incurred \$400 for the variance plus an additional \$100 for the continuance plus printing costs and costs from Supeck for the letter, all told about \$650, and there still hasn't been a decision. He also noted there hasn't been any neighbor complaints regarding his proposal.

Mr. Zeleznak noted that Mr. Kosovski did not provide any measurements as requested nor any photos showing water flowing through the back yard. Mr. Kosovski stated he feels he provided the photos requested.

Ch. Calabro stated to Mr. Kosovski that he has to prove hardship and asked him what his hardship is, is it the trees, expense, septic, etc. Mr. Kosovski stated the septic is his biggest issue.

Mr. Budd noted that even though there is no neighbor objecting currently, he may have a new neighbor someday and the Board needs to justify why an approval of such a substantial variance is justified. He also noted that the Board has to answer if there is an alternative, which there is by cutting down the trees and filling in the slope. Mr. Kosovski noted he understood but he likes having his trees on his property and does not want to have to cut them down.

Mr. Zeleznak noted that neither the letter nor the photos provide enough proof that the proposed location is the only location possible.

Board of Zoning Appeals

Kosovski – Variance request - Continued

June 8, 2016

3 of 6

Ch. Calabro asked Mr. Kosovski that if the trees were cut down, how far the building could move in from the property line. Mr. Kosovski noted that if he moved the building 5' he would have to cut down the trees. Ch. Calabro asked how far the building could move without having to cut down the trees. Mr. Kosovski stated he couldn't move the building any further in from the property without having to cut down the trees. Mr. Kosovski also stated that hypothetically if he cut down all of his trees, he would still need a substantial variance due to the amount of landfill he would need if moving the building further than the 5' off the property line.

Mr. Budd asked Mr. Kosovski if he could move the building forward and/or north. Mr. Kosovski stated that it is the northeast corner where the fill dirt is needed and moving toward that would cause hardship from added cost.

Ch. Calabro asked Mr. Kosovski what he would consider his main hardship in this case. Mr. Kosovski noted it would be his septic issue and the added cost he would incur.

Ch. Calabro noted that if the building was moved forward, it would still need a substantial variance of 25' and also if he shortened the building it would be the same variance needed. Mr. Kosovski stated that is correct.

Being no further questions, Mr. Kosovski 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

Boleman – Yes

Zelesnak – Yes

Hoop – Yes

Calabro – Yes

Board of Zoning Appeals

Kosovski – Variance request - Continued

June 8, 2016

4 of 6

Factor #2

Is the variance substantial?

Vote:

Budd – Yes

Boleman – 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

Boleman – 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

Boleman – No

ZeleznaK – No

Hoop – No

Calabro – No

Board of Zoning Appeals

Kosovski – Variance request - Continued

June 8, 2016

5 of 6

Factor #5

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

Vote:

Budd – Yes

Boleman – Yes

ZeleznaK – Not sure

Hoop – Yes

Calabro – Don't know

Factor #6

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

Vote:

Budd – Yes

Boleman – Yes

ZeleznaK – Yes

Hoop – Yes

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

Boleman – Yes

ZeleznaK – No

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.

Board of Zoning Appeals
Kosovski – Variance request - Continued
June 8, 2016
6 of 6

Mr. Hoop stated that this is a motion for a variance (AP#0206) for Mr. John Kosovski, property owners of 2341 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603D25018) requesting for a variance to construct an accessory building at the stated address, in a location that does not meet the minimum side yard setback requirement of thirty (30) feet in accordance with the Hinckley Zoning Regulations, requesting a 25' variance.

Mr. Zeleznak seconded the motion.

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

Passed by a vote of 3 to 2

Ch. Calabro made a motion to adjourn the Hearing. Mr. Zeleznak moved and Mr. Budd seconded

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

Hearing was adjourned at 7:45 p.m.

Todd Gienger, Recording Secretary

Minutes Approved: _____, 2016

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member

Donna Boleman, Member

William Budd, Member