

Acting Ch. Zeleznak called the June 22, 2016 Szczepinski Public Hearing to order at 7:08 p.m.

Roll Found: Zeleznak, Hoop, Mainzer, Budd, and Alt. Boleman. Excused Absences were Ch. Calabro and Alt. Firmanchuk. Also in the audience were Trustee Schulte, Zoning Inspector Wilson, Mr. Schaefer, Mr. and Mrs. Szczepinski and Mr. Winkelmann. *(In Ch. Calabro's absence, Mr. Zeleznak moved into Acting Chairman role and Alt. Boleman moved into voting member position.)*

Acting Ch. Zeleznak 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.

Acting Recording Secretary read the legal ad.

Acting Ch. Zeleznak stated that 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 and 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.

Acting Ch. Zeleznak stated that the hearing is for a variance submitted by George Winkelmann, architect, on behalf of Steven & Janae Szczepinski, property owners of 1485 David Drive, Hinckley, Ohio (PPN 01603D08003) requesting a variance to construct an entry canopy at the stated address, in a location that does not meet the minimum front yard setback requirement of seventy-five (75) feet in accordance with the Hinckley Township Zoning Regulations.

Acting Recording Secretary polled the Board as to whether they received that packet of information and inspected the property at 1485 David Drive, Hinckley, Ohio.

Response: Zeleznak – yes and yes inspected on 6/22/16, Hoop – yes and yes inspected on 6/22/16, Mainzer – yes and yes inspected on 6/22/16, Budd – yes and yes inspected on 6/22/16, and Boleman – yes and yes inspected on 6/22/16.

Acting Ch. Zeleznak stated that the notice of application was properly given in local newspapers, and the application has been available for public review and comment. He asked Acting Recording Secretary if any letters, phone calls or emails were received. Ms. Peterlin noted there was no additional information received.

Mr. George Winkelmann was sworn in accordingly.

Acting Ch. Zeleznak asked Mr. Winkelmann if he had any additional information he would like to submit. Mr. Winkelman responded no he did not.

Acting Ch. Zeleznak asked if he could reiterate the reason for the variance request. Mr. Winkelman responded that the owners wanted to do some improvements to their property, and create a new front entry – point of arrival of their home. During the design of the proposed changes, it was found that they were in violation of certain zoning codes. The major violation being the front setback requirement that was enacted after the house was built – which puts the entire house in violation according to the current zoning codes which requires a 75 ft set back off of the street.

Acting Ch. Zeleznak commented that there was no tax map provided in the packet and asked for the size of the property and when the house was built.

Unable to answer the question, Mr. Winkelmann was seated.

Mr. Steven Szczepinski was sworn in accordingly.

Mr. Szczepinski noted that he has approximately .8 acres and that he believes the house was built in 1965.

Ms. Mainzer asked for clarification as to what measurements were staked? Mr. Szczepinski responded that the yellow stakes represented the concrete area. The dimensions seven (7) ft 10 inches off of the front brick facing of the house (where garage doors will be) and the width being ten (10) feet 6 inches.

Mr. Budd asked Mr. Szczepinski for clarification as to what is meant by existing in the request and Mr. Szczepinski stated he would defer that question to the Zoning Inspector for clarification.

Mr. Szczepinski was seated.

Mr. Winkelmann, previously sworn in, retook the stand.

Acting Ch. Zeleznak commented on the drawing provided in relation to the area staked and where the concrete pad will be, and asked for explanation as to the overhang, the dimensions and where the actual posts will be. He commented that the overhang looks like it is less than five (5) feet and three (3) further from the edge of the roofline. It was clarified that it is about four and one half (4 ½) feet from where the stakes were placed to the end of the beams that stick out. The concrete pad was staked at 7 feet 10 inches and actual roof line and beam come out including the beams at four and one half (4 ½) feet and that would then account for the five (5) foot variance request.

Acting Ch. Zeleznak commented the explanation cleared up the questions the board had from the inspection of the property.

Mr. Winkelmann was seated.

Retired Zoning Inspector Bill Schaefer was sworn in accordingly.

Mr. Schaefer noted that he had reviewed the plans with the architect and found that the location of the porch measured from the road right of way, would be in violation of the current regulations. He commented that since the house was built in 1965, the Zoning Code has changed, but that the house would be grandfathered from the original requirements. Further discussion ensued.

Acting Ch. Zeleznak commented that it may be a fine line as you can not alter a non-conforming structure, but being a roof line, it is attached to the house. There was comment on utilizing the thirty-seven (37) feet or the seventy-five (75) feet requirement. After review of the plans and further discussion with the board, it was determined that a five (5) foot variance from the present non-conforming setback that equates to 43.75 feet from current zoning regulations of seventy-five (75) feet from road right of way would be necessary. Mr. Schaefer clarified that the variance request was not for the house, as that is a legal non-conforming structure, but only for the front canopy. It was agreed that if expanding the foundation and building out, that could be an issue. Mr. Schaefer reiterated that it was just a roofline.

Ms. Mainzer asked for clarification on the drawings. She commented that there is a section on the corner of the house that shows added beams. After further review of the plans, Mr. Schaefer stated that there is a two foot allowance for an overhang with a roof line or added beams (beams are not considered an overhang and would not be counted – no roof structure).

Mr. Hoop asked Mr. Schaefer for clarification to the request as it notes “does not meet seventy-five (75) feet required”. On the denied permit it notes needs variance of 43.75 ft from existing setback of dwelling or five (5) feet from setback. Mr. Schaefer provided an explanation as to the request on the application and added that he believes the request is within the character of the neighborhood.

Being no further questions, Mr. Schaefer was seated.

There being no further testimony offered, Acting Ch. Calabro asked for 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?

Response:

Boleman – Yes

Budd – Yes

Mainzer – Yes

Hoop – Yes

Zelesznak – Yes

Factor #2

Is the variance substantial?

Response:

Boleman – No

Budd – No

Mainzer – No

Hoop – No

Zelesznak – No

Factor #3

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

Response:

Boleman – No

Budd – No

Mainzer – No

Hoop – No

Zelesznak – No

Factor #4

Will the variance adversely affect the delivery of governmental services?

Response:

Boleman – No

Budd – No

Mainzer – No

Hoop – No

ZeleznaK – No

Factor #5

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

Response:

Boleman – I don't know

Budd – I am going to say no

Mainzer – No

Hoop – No

ZeleznaK – No

Factor #6

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

Response:

Boleman – No

Budd – No

Mainzer – No

Hoop – No

ZeleznaK – 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?

Response:

Boleman – Yes

Budd – Yes

Mainzer – Yes

Hoop – Yes

ZeleznaK – Yes

Acting Ch. ZeleznaK stated that any person adversely affected by the decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the grounds 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.

Acting Ch. Zeleznak advised that the minutes of this Public Hearing will be journalized at the work session to be held on July 13, 2016.

Mr. Hoop stated that this is a motion for resolution for Variance Application AP0207 for Steven and Janae Szczepinski of 1485 David Drive Hinckley, Ohio 44233 (PPN 01603D08003) for a variance of 43.75 foot from 75 foot current setback or 5 foot from original set back of 37 foot. Zoning Reference 6R1.4.J.1.c. Ms. Mainzer seconded.

Acting Ch. Zeleznak stated that a yes vote simple majority with a quorum present is in favor of the applicant's request and a no vote simple majority, or a tie vote denies the applicant's request.

Vote: Zeleznak – Yes, Hoop – Yes, Mainzer – Yes, Budd – Yes, Boleman – Yes

Passed by a vote of 5 – 0.

Acting Ch. Zeleznak reiterated that any person adversely affected by the decision will have 30 days from the date of meeting to file suit. A copy of the signed documents will be given to the applicant at the end of this hearing.

Acting Ch. Zeleznak asked for a motion to adjourn the meeting. Ms. Mainzer moved and Mr. Budd seconded. All in favor.

Meeting was adjourned at 7:40 p.m.

Suzanne Peterlin, Acting Recording Secretary

Minutes Approved: _____, 2016

David Zeleznak, Acting Chairman

Jeff Hoop, Vice Chairman

Julie Mainzer, Member

William Budd, Member

Donna Boleman, (Alt.) Member