

Board of Zoning Appeals
deGroh – Variance request
November 23, 2016
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Ch. Calabro called the meeting back to order at 7:12 p.m.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer and Budd present. Also present was Alternate Member Boleman, Trustee Schulte and Zoning Inspector Wilson. Also present in the audience were Mr. and Mrs. Henry and Kim deGroh.

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 Henry deGroh, property owner of 723 Bellus Road, Hinckley, Ohio (Permanent Parcel #01603D16036) requesting for a variance 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 required by the Hinckley Township Zoning Regulations.

Recording Secretary Gienger polled the Board as to whether they received the packet of information and inspected the property at 723 Bellus Road, Hinckley, Ohio (Permanent Parcel #01603D16036).

Response: Calabro – yes and yes inspected on 11/19/16, Hoop – yes and yes inspected on 11/19/16, Zeleznak – yes and yes inspected on 11/19/16, Mainzer – yes and yes inspected on 11/19/16, Budd – yes and yes inspected on 11/16/16.
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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 no additional information received from the applicant.

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Mr. Zeleznak submitted photos from Google Maps of the stated address to be included into the records.

Mr. Henry deGroh was sworn in accordingly.

Ch. Calabro asked Mr. deGroh if he had any additional information he would like to submit. Mr. deGroh stated he did not have any additional information to add.

Ch. Calabro asked Mr. deGroh what he intended to use the building for and if it was going to be used for a business. Mr. deGroh stated he will be using it for storage of equipment, such as a lawn mower and his wife's elliptigo and winter/summer tires. He stated he is not using it for any business operations.

Ch. Calabro noted the site was well marked and was appreciated for it being so.

Mr. Zeleznak asked Mr. deGroh if he could install the shed in his backyard. Mr. deGroh stated that the back yard is very small except for what area is wooded. He noted it would be difficult to get things in and out of the shed if it were in the back yard. He stated it could be done but would be better in the front yard.

Mr. Budd asked Mr. deGroh if this was a manufactured building and if they will be bringing in the shed or building it on site. Mr. deGroh stated it is being manufactured by Bennett on Route 18 and will be built on site.

Being no further questions, Mr. deGroh 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

ZeleznaK – Yes, it is in front of the primary property

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 – Don't know

Mainzer – Don't know

Zelesnak – Don't know

Hoop – Don't know

Calabro – Don't know

Factor #6

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

Vote:

Budd – Yes

Mainzer – Yes

Zelesnak – Yes

Hoop – Yes

Calabro – Yes

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 for Henry deGroh, property owner of 723 Bellus Road, Hinckley, Ohio (Permanent Parcel #01603D16036) requesting for a variance 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 required by the Hinckley Township 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

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

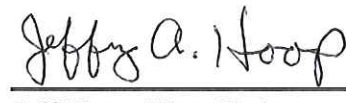
Hearing was adjourned at 7:20 p.m.

Todd Gienger, Recording Secretary

Minutes Approved: 12/14, 2016



Josephine Calabro, Chairperson



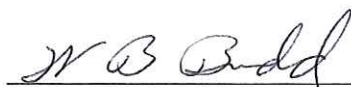
Jeff Hoop, Vice Chairperson



Dave Zeleznak, Member



Julie Mainzer, Member



Bill Budd, Member