

Board of Zoning Appeals
Marquis – Variance request
January 25, 2017
Page 1 of 5

Acting Ch. Zeleznak called the meeting to order at 7:06 p.m.

Roll Found: Zeleznak and Hoop present. Also present was Alternate Members Boleman and Schaefer, Trustee Schulte, Trustee Sambor, Administrative and Zoning Office Manager Peterlin, Mr. Frank Stranscak, Mr. and Mrs. Kevin and Stacie Marquis, Mr. Adam Snook, Mr. David Terry and Ms. Christine Schirripa, RPR, CRI

Acting Ch. Zeleznak called Alternate Members Boleman and Schaefer will become active members for this hearing.

Acting Ch. Zeleznak noted that since there is only a panel of four members, the applicant has a right to a full board and can ask for a continuance if they so wish in order to have a full board present. He also noted that a tie vote will be considered a denial. Ms. Marquis stated she will proceed this evening.

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.

Recording Secretary Gienger read the legal ad.

Acting Ch. Zeleznak 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.

Acting Ch. Zeleznak stated the hearing is for a variance submitted by Stacie Marquis, property owner of 2272 Northgate Drive, Hinckley, Ohio (Permanent Parcel #01603C23033) requesting for a variance to construct a pavilion in a location that does not meet the minimum setback of fifteen (15) feet from the principal 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 2272 Northgate Drive, Hinckley, Ohio (Permanent Parcel #01603C23033).

Response: Zeleznak – yes and yes inspected on 1/21/17, Hoop – yes and yes inspected on 1/21/17, Boleman – yes and yes inspected on 1/21/17, Schaefer – yes and yes inspected on 1/21/17.

Acting Ch. Zeleznak stated that notice of the application was properly given in local newspapers, and the application has been available for public review and comment. He 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.

Ms. Marquis was sworn in accordingly.

Acting Ch. Zeleznak asked Ms. Marquis if she had any additional information she would like to submit. Ms. Marquis stated she had no additional information other than the paper she gave the members at the time of inspection. She noted that the hardship she is facing is that the septic system and piping interferes with the location of the site if she were to move the pavilion back to the 15' setback.

Acting Ch. Zeleznak noted that the site is unique as the septic tanks take away a large part of the yard closest to the house. Ms. Marquis noted that they want the pavilion closer to the house so it will be usable.

Acting Ch. Zeleznak asked Ms. Marquis if they looked into attaching it to the house with an awning or some sort of attached shelter. Ms. Marquis noted they did look into it but it is too windy for an awning and due to the slope of the roof there didn't seem to be a way to attach anything and make it look architecturally appealing or causing structural issues. Mr. Schaefer noted that they would lose two windows also if they tried to attach it to the house.

Mr. Hoop asked what the distance is from the house to the pavilion. Acting Ch. Zeleznak noted it is 6' except at the corner where it approaches 2'

Mr. Hoop thanked Ms. Marquis and noted she did a very nice job marking everything at the site.

Being no further questions, Ms. Marquis was seated.

There being no further testimony offered, Acting Ch. Zeleznak asked for a review of the Duncan Factors.

Board of Zoning Appeals
Marquis – Variance request
January 25, 2017
Page 3 of 5

Factor #1

Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?

Vote:

Schaefer – Yes

Boleman – Yes

Hoop – Yes

ZeleznaK – Yes

Factor #2

Is the variance substantial?

Vote:

Schaefer – Yes

Boleman – No

Hoop – Yes

ZeleznaK – 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:

Schaefer – No

Boleman – No

Hoop – No

ZeleznaK – No

Factor #4

Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

Vote:

Schaefer – No

Boleman – No

Hoop – No

ZeleznaK – No

Board of Zoning Appeals
Marquis – Variance request
January 25, 2017
Page 4 of 5

Factor #5

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

Vote:

Schaefer – Don't Know

Boleman – Don't Know

Hoop – Don't Know

ZeleznaK – Don't Know

Factor #6

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

Vote:

Schaefer – No

Boleman – No

Hoop – No

ZeleznaK – No, not with the layout of the property and septic system

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:

Schaefer – Yes

Boleman – Yes

Hoop – Yes

ZeleznaK – Yes

Acting Ch. ZeleznaK 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 submitted by Stacie Marquis, property owner of 2272 Northgate Drive, Hinckley, Ohio (Permanent Parcel #01603C23033) requesting for a variance to construct a pavilion in a location that does not meet the minimum setback of fifteen

Board of Zoning Appeals
Marquis – Variance request
January 25, 2017
Page 5 of 5

(15) feet from the principal building required by the Hinckley Township Zoning Regulations. She is asking for a 13’ variance at the closest point to the principal building.

Mr. Schaefer seconded the motion.

Vote: Zeleznak – Yes, Hoop – Yes, Boleman – Yes, Schaefer - Yes

Passed by a vote of 4 to 0

Acting Ch. Zeleznak paused the hearing in preparation for the second hearing

Hearing was paused at 7:25 p.m.

Todd Gienger, Recording Secretary

Minutes Approved: _____, 2017

Absent (Excused)

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member, Acting Chairman

Absent (Excused)

Julie Mainzer, Member

Absent (Excused)

William Budd, Member

Donna Boleman, Member

Bill Schaefer, Member