

Ch. Calabro called the meeting to order at 7:54 p.m.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer and Budd present. Also present were Alternate Members Boleman and Schaefer, Trustee Schulte, Zoning Inspector Wilson and Mr. Anthony Lewicki, Jr.

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 Chism 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 Anthony Lewicki, Jr., property owner of 1550 Hinckley Hills, Hinckley, Ohio (Permanent Parcel #01603D03040) requesting for a variance to construct an accessory building, at the stated address, in a location that does not meet the front setback of not less than the principal building required by the Hinckley Zoning Regulations.

Recording Secretary Chism polled the Board as to whether they received the packet of information and inspected the property at 1550 Hinckley Hills, Hinckley, Ohio (Permanent Parcel #01603D03040).

**Response: Budd – Yes and yes inspected on 3/24/18, Mainzer – yes and yes inspected today 3/28/18, Zeleznak – Yes and yes inspected on 3/24/18, Hoop – Yes and yes inspected on 3/24/18, Calabro – yes and yes inspected on 3/24/18.**

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 Chism if any letters, phone calls or emails were received. Ms. Chism noted there was no additional information received for the hearing.

Mr. Anthony Lewicki, Jr. of 1550 Hinckley Hills, Hinckley, Oh, was sworn in accordingly.

Mr. Lewicki stated he had no additional information that his application was self-explanatory but he will answer any questions.

Mr. Zeleznak asked Mr. Lewicki what he would be working on in the building; if it would be for work on his own cars or for storage.

Mr. Lewicki stated that the building would not be used for a business. He has a lot of stuff and the area he wants to construct the building is a flat spot and there is no room behind the house due to the pond and lack of space to build it.

Mr. Hoop asked the size of the building, 20' x 40' and Mr. Zeleznak questioned if there was enough acreage to support the size of the building.

Mr. Budd noted that he saw salt storage during the site inspection. Mr. Lewicki stated that years ago he used to do plowing but he doesn't do that anymore, he just dabbles in it; and, the salt pile will be coming down. Mr. Lewicki said that there are two other containers on the property – one is rotted out and would be removed and the other will remain. The containers hold stuff that he has accumulated – he just has a lot of stuff. Mr. Lewicki stated that he currently drives trucks for a living; these trucks are not the type of trucks he would repair in the garage. His teenage sons work on their diesel trucks.

Zoning Inspector Wilson stated that a homeowner is only allowed so much square footage of accessory buildings which would include the storage units and he believed there was no problem with adding the new building. However, he would re-inspect it but he believed that it was ok.

Mr. Lewicki stated that if there was a problem with the allowed square footage, he is going to remove the accessory building that is rotted and he could remove the other one if needed but he thought he was under the amount.

Mr. Budd stated that he wanted to be sure the building would be used for pleasure as opposed to be used for a business. Mr. Schaefer and Building Inspector Wilson stated they believe that language should be included in the motion.

Being there were no further questions, Mr. Lewicki 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**

Factor #2 Is the variance substantial?

**Vote: Budd – Yes, Mainzer – 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, 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**

Factor #5 Did the property owner purchase the property with knowledge of the zoning restrictions?

**Vote: Budd – Don't Know, Mainzer – Don't Know, Zeleznak – Don't Know it was not brought up, 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 – No, Mainzer – No, Zeleznak – No, Hoop – No, 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, Mainzer – Yes, Zeleznak – 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.

Mr. Hoop made a motion for APO225, (Permanent Parcel #01603D03040) for property owner Anthony Lewicki, Jr., of 1550 Hinckley Hills, Hinckley, Ohio, 44233 to construct a personal use building, for personal use only as located per the initial drawing, in front of the principal structure of 40'x60' referencing Hinckley Zoning Regulations 6R1.6.A.1.

Mr. Budd seconded the motion.

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

**The variance has been approved by a vote of 5 to 0**

Ch. Calabro told Mr. Lewicki that he has one year to start construction. Mr. Lewicki asked what he should do if he doesn't meet that time frame. Mr. Schaefer told him he could renew the Zoning Permit; just keep the lines of communication open.

Ch. Calabro handed Mr. Lewicki his copy of the Hinckley Township BZA Variance Decision Form.

Ch. Calabro made a motion to adjourn the Meeting. Mr. Zeleznak moved and Ms. Mainzer seconded.

**Vote: Calabro – yes, Hoop – yes, Zeleznak – yes, Mainzer – yes, Budd – yes**

Hearing was adjourned at 8:15 p.m.

Carolyn Chism, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2018

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Josephine Calabro, Chairperson

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Jeff Hoop, Vice Chairperson

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Dave Zeleznak, Member

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Julie Mainzer, Member

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Bill Budd, Member