

Ch. Calabro called the meeting to order at 7:07 p.m.

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. Any Board Member who has a monetary interest including any conflict or ex parte communication shall disclose now.

Ch. Calabro stated that Alternate Schaefer would move to sit on the Board in place of Mr. Budd who had an excused absence.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer, and Schaefer. Also present were Alternate Boleman, Trustee Schulte, Building Inspector Wilson, Zoning Commission Member Bruce Schneider, Kevin Kosik, Jeremy Lake (Old World Classics) and Leonard Latko.

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 Old World Classics, on behalf of property owners Jeffrey & Kelly Nemecek of 2051 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603D19003) requesting for a variance to place 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. The Applicant has submitted an application to this Board of Zoning Appeals and has also submitted certain documents in support of his application. The Applicant has submitted various drawings and the original application and the letter giving permission from the owners.

Ch. Calabro asked Recording Secretary Chism if any letters, phone calls or emails were received. Ms. Chism said no.

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.

Recording Secretary Chism polled the Board as to whether they received the packet of information and inspected the property at 2051 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603D19003).

**Response: Mainzer – yes and yes inspected on 5/22/18, Zeleznak – Yes and yes inspected on 5/19/18, Hoop – Yes and yes inspected on 5/19/18, Calabro – yes and yes inspected on 5/19/18, Schaefer – yes and yes inspected on 5/23/18.**

Ch. Calabro stated that non-written communications made by known or unknown persons not under oath at this hearing are not accepted by this Board. Each member of this Board of Zoning Appeals has been provided a copy of this application and a copy of the other documents in support of the application.

Ch. Calabro stated that written communications from persons not present this evening may include communications that are not made by affidavit. Because these communications are made by a person not under oath, they are not accepted by this Board. She also noted that written communications may include some writing by affidavit, by persons that are not present this evening and, therefore, cannot be subjected to cross examination. These affidavits, therefore, will not be given much weight, if any, in the decision of the Board on this matter.

Ch. Calabro stated that this Board has the power to grant an Applicant's request for variance.

Mr. Jeremy Lake of Old World Classics on behalf of Jeffrey & Kelly Nemecek of 2051 Ridge Road, Hinckley Ohio, was sworn in accordingly.

Mr. Lake said that the need to ask for the variance is because the owners would like to have a larger garage built to hold their automotive toys, trailers and vehicles. He said that the intent of the owners is to maintain their privacy which is the reason they are building their home so far from the road. He said the reason why there are two buildings instead of one and why they choose the location for the garage is due to the following:

1. There is a side lot restriction
2. Grade difference
3. It would be too close to the septic field if built behind the house
4. The house will have a walk-out basement
5. There is a need to navigate and store the 33 foot enclosed trailer

Mr. Lake said, as is shown in the drawings, the garage will match the house and they will use the same materials on both the house and garage. He said it will not be visible from the road and it is not just a plain pole barn.

Ch. Calabro asked if there was a thought to attach the house to the garage. Mr. Lake said it could not be done due to the distance between the house and the garage.

Ch. Calabro asked what the trailer was used for and what the homeowners did for a living. Mr. Lake said his clients were button makers.

Mr. Zeleznak said that it would have been easier if the area would have been better staked out since it made it difficult to see where the garage was going to be built. Mr. Lake apologized for that and for not having a representative to meet them when the members of the Board made the site review. He explained what the stakes represented and it would be a minimum of 50 feet from the property line.

Mr. Zeleznak said since the garage was so large, would the garage be used for his business or for storage for money. Mr. Lake assured the members that Mr. Lake has his own facility for his business and this garage was strictly for personal storage and pleasure vehicles. Ch. Calabro concurred with Mr. Zeleznak that it would have been helpful if someone from Old World would have met them on the site review.

There was further discussion on the location of the garage and that it would be roughly 70 feet in front of the house.

Being there were no further questions, Mr. Lake was seated.

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. And the Chairman will state when the minutes will be journalized.

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: Schaefer – Yes, Mainzer – Yes, Hoop – Yes, Zeleznak – Yes, Calabro – Yes**

Factor #2 Is the variance substantial?

**Vote: Mainzer – No, Hoop – Yes, Zeleznak – Yes, Calabro – Yes, Schaefer – 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, Mainzer – No, Hoop – No, Zeleznak – No, Calabro – No**

Factor #4 Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

**Vote: Hoop – No, Zeleznak – No, Calabro – No, Schaefer – No, Mainzer – No**

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

**Vote: Zeleznak – Don't know – it was not brought up in the meeting, Calabro – Don't Know, Schaefer – Unknown, Mainzer – Unknown, Hoop – Unknown**

Factor #6 Can the problem be solved by some manner other than the granting of a variance?

**Vote: Calabro – No, Schaefer – 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?

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

Mr. Hoop stated that this is a motion for a variance submitted by Old World Classics, Contractor, on behalf of Jeffrey & Kelly Nemecek, property owners of 2051 Ridge Road, Hinckley, Ohio (Permanent Parcel #01603D19003) Hinckley Zoning Ref. 6R1.6.A.1. A resolution is made for application AP0226 to construct a detached accessory building to be used for personal use only, located in front of the primary residence located at 2051 Ridge Road, PP#01603D19003, as referenced by the drawings that were submitted.

Mr. Schaefer made a motion to accept; Mr. Zeleznak seconded.

Ch. Calabro explained the vote to the Applicant. As stated, a Yes simple majority with a quorum present is in favor of the Applicant. A No simple majority, or a tie vote denies the Applicant’s request. 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.

**Vote: Calabro – Yes, Hoop – Yes, Zeleznak – Yes, Mainzer – Yes, Schaefer - Yes**

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

Ch. Calabro, Mr. Hoop and Mr. Lake signed the Variance Decision Form and a copy was given to Mr. Lake.

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

Vote: Calabro – yes, Hoop – yes, Zeleznak – yes, Mainzer – yes, Schaefer – yes

Hearing was adjourned at 7.38 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 Schaefer, Alternate