

Ch. Calabro called the meeting to order at 7:00 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.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer and Schaefer. Mr. Budd had an excused absence. Also present were Alternate Boleman, Trustee Schulte, Building Inspector Wilson, Zoning Commission Member Bruce Schneider, Jim and Diane Judson, Joe Burgoon (Lewis Land), Anna Seitz and Terry and Linda Piar.

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 the application for a Variance (AP0229) submitted by James and Diane Judson, Property owners of 1274-1278 Bellus Road, Hinckley, Ohio (Permanent Parcel #01603D24008, 01603D14009, 01603D14010, 01603D1411 and 01603D14012) requesting a variance to reconfigure five existing lots to form four residential lots, such that two lots (Permanent Parcel Numbers 01603D14008 and 01603D14011) to have less than the 175 feet frontage required by the Hinckley Zoning Regulations. Inspection of this property will take place on Saturday, September 22, 2018 at 10:00 a.m. Zoning Reference: Chapter 6: Sub-Sections 6R1.4.C Area, Yard and Height Regulations of the Hinckley Township Zoning Regulations.

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 1274-1278 Bellus Road, Hinckley, Ohio (Permanent Parcel 01603D14008, 01603D14009, 01603D14010, 01603D14011 and 01603D14012).

Response: Schaefer – Yes and yes inspected on 09/22/18, Mainzer – Yes and yes inspected on 09/26/18; Zeleznak – Yes and yes inspected on 09/22/18, Hoop – Yes and yes inspected on 09/22/18, Calabro – yes and yes inspected on 09/22/18.

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

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 this Board has the power to grant an Applicant's request for variance. Those people who wish to speak may do so from the podium and must state their name, address and interest before addressing the board. All testimony must be given from the podium. All people that wish to give testimony will be sworn in individually to stand, raise their right hand and repeat words to be sworn in.

Mr. Joseph Burgoon, Lewis Land Professionals, 8691 Wadsworth Road, Wadsworth, Ohio was sworn in accordingly.

Ch. Calabro asked if anyone had any questions. Mr. Zeleznak said it appeared to be straightforward. Ch. Calabro asked Mr. Burgoon to give a summary of Mr. Judson's application. He said that the Judson's contacted him to widen out all of the lots except for the flag lots. He said that they wanted to reconfigure five lots into four residential lots. He said that 1274 Bellus Road is currently 101.5' and they would like to widen that to 154.5'. The width of 1278 Bellus Road is currently 100' and they would like to widen it to 120'. They also want the flag lot to be 55 feet wide and the 200 feet will change to 175 feet wide. So the lots will have attractive naturally attractive lots and be more appealing. The next step, if approved, will be septic approvals to get the split approvals with the Medina County Planning Department.

Ch. Calabro asked if this was a concept consolidation or a split? Mr. Burgoon said that technically it will be considered both because they are taking some pieces and putting them with other land. So he said that it will be considered a lot split and consolidation for the final map. Ch. Calabro said then they will still be non-conforming just a little less non-conforming than before. Mr. Burgoon said that when they are completed, there will be 2 conforming properties and two less non-conforming properties.

Being there no further testimony, Mr. Burgoon was seated.

Ch. Calabro asked Mr. Judson if he was aware of the Zoning Restrictions when he bought the property. Mr. James Judson, 1274-1278 Bellus Road, Hinckley, Ohio was sworn in accordingly.

Ch. Calabro asked Mr. Judson if he was aware of the Zoning Restrictions when he purchased the property. Mr. Judson stated that he bought the property 50 years ago at which time all properties were originally 100 foot and as properties were sold over the years, things changed. Mr. Schaefer added that when Mr. Judson bought the property 50 years ago he met all Zoning Restrictions.

Being there were no further questions, Mr. Judson 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: Schaefer – Yes, Mainzer – Yes, Zeleznak – Yes, Hoop – Yes, Calabro – Yes

Factor #2 Is the variance substantial?

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

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: Zeleznak – No, actually it will help the neighborhood, Hoop – No, Calabro – No, not at all, Schaefer – No, Mainzer - No

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

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

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

Vote: Calabro – No, n/a, Schaefer – Yes, Mainzer – No, Zeleznak – No – n/a, Hoop – No

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

Vote: Schaefer– 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: Mainzer – Yes, Zeleznak – Yes, Hoop – Yes, Calabro – Yes, Schaefer- 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. And the Chairman will state when the minutes will be journalized.

Mr. Hoop stated that this is a resolution for a variance (AP0229) for James and Diane Judson, 1274 – 1278 Bellus Road, Hinckley, Ohio (Permanent Parcel #01603D14008 through 01603D14012). A resolution is made for a variance to configure five (5) existing lots to four (4) residential such that two lots to have less than the 175 feet frontage required by zoning. Sub-sections 6R1.4.C – Area, Yard, High Regulations.

- PP# 0163D14011 Proposed 154.5, 20 ½ foot variance
- PP# 0163D14008 Proposed 120.0, 55 foot variance.

Mr. Schaefer seconded the motion.

Prior to voting, 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.

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

Motion Passed – 5-0

Ch. Calabro stated that the motion has been granted and that the applicants have one year to begin construction or to act with the appropriate request. And anyone who has adversely been affected by this decision has 30 days from the date of this hearing to file suit.

The public hearing was recessed while Ch. Calabro, Mr. Hoop and James and Diane Judson signed the Variance Decision Form and a copy was given to the Judson's.

The Public Hearing went back on record and Ch. Calabro made a motion to adjourn the Meeting. Ms. Mainzer moved and Mr. Budd seconded.

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

Hearing was adjourned at 7:20 p.m.

Carolyn Chism, Recording Secretary

Minutes Approved: _____, 2018

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

Bill Schaefer, Alternate