

Ch. Calabro called the meeting to order at 7:22 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 Schneider. 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 (AP0230) submitted by Linda Piar, property owner of 2709 Kellogg Road, Hinckley, Ohio (Permanent Parcel #01603D38011) requesting variance to construct an accessory building, at the stated address, in a location that does not meet the minimum front yard setback of ninety (90) feet for a corner lot and rear yard setback of fifty (50) feet required by the Hinckley Zoning Regulations. Inspection of this property will take place on Saturday, September 22, 2018 at approximately 10:45 p.m. Zoning Reference: Chapter 6: Sub-Sections 6R1.4.D, 6R1.4.D.1, and 6R1.4.F 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 2709 Kellogg Road, Hinckley, Ohio (Permanent Parcel 01603D38011).

Response: 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; Schaefer – 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 stated one letter was received from Mary Tartif. Ch. Calabro read the statement from Ms. Tartiff – "I reside at 1374 Ledge Road, Medina, OH. Regarding the Application for Variance (AP0230) submitted by Linda Piar, I have no objections to this request."

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. 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. Terry Piar spoke for his wife, Linda Piar, 2709 Kellogg Road, Hinckley Ohio and was sworn in according.

Ms. Calabro asked Mr. Piar to give a summary of his application. Mr. Piar stated that they are asking for a variance so they can put a building in the side yard which is 50 feet from Kellogg Road and 30 feet from the Beach Cemetery property line. He said that his lot has a very irregular shape and slope. And they have to be careful of the location of the septic and drainage.

Ch. Calabro asked Mr. Piar what they were going to do with the building. He said it was for garage and storage and it was not for running a business.

Mr. Schaefer asked where exactly the septic is located. Mr. Piar showed the location of the septic and the leach bed.

Ch. Calabro stated that it appears that the request from Mr. Piar is the only option.

Mr. Zeleznak said he had nothing further to add.

Ch. Calabro asked Building Inspector Wilson if he had anything to add and he said no.

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

Factor #2 Is the variance substantial?

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

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

Vote: Mainzer – Don't Know, Hoop – Don't Know, Zeleznak – Don't Know but they had some idea of the restrictions, Calabro – Yes, Schaefer – It was implied, yes

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

Vote: Hoop – No, Zeleznak – No, Calabro – No, Schaefer – No, Mainzer - 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: Zeleznak – Yes, Calabro – Yes, Schaefer – Yes, Mainzer – Yes, Hoop - 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 (AP0230) for Linda Piar, to construct an out building on 2709 Kellogg Road. Hinckley, Ohio (Permanent Parcel #01603D38011) with a side yard set back of a 40 yard variance from the 90, and a rear side yard setback of 20 foot from the 30 off of Kellogg Road.

Mr. Zeleznak 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: Schaefer – Yes, Mainzer – Yes, Zeleznak – Yes, Hoop – Yes, Calabro - 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 Mrs. Piar signed the Variance Decision Form and a copy was given to the Piar's.

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

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

Hearing was adjourned at 7:41 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