

Ch. Calabro called the Public Hearing to order at 7:00 p.m.

Roll Found: Calabro, Hoop, Zeleznak and Budd present. Ms. Mainzer had an excused absence. Alternate Schaefer moved into the vacant seat of Mainzer.

Also present were Alternate Boleman, Trustee Schulte and Zoning Inspector Wilson.

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. Ch. Calabro stated that any Board member that has any monetary interest or has a conflict including exparte communication should disclose at this time.

Ch. Calabro asked the Recording Secretary to read the Public Hearing Notice that was published in the Medina County Gazette on April 10, 2019, a copy of which is on file in the Zoning Office at Hinckley Town Hall. The Public Hearing Notice was read by the Recording Secretary.

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 Chapters 7 and 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. Any person may request a schedule or an agenda be mailed to them, providing a self-addressed and stamped envelope be included with request.

Ch. Calabro stated that this is a hearing for a request submitted by applicant Matthew A. Ridler, potential buyer of S/L 17B River Ridge Oval, Hinckley, Ohio (Permanent Parcel Number 01603B38032) requesting three variances to construct a dwelling, at the stated address, in a location that 1) does not meet the minimum lot width at building line of 175 feet; 2) minimum front yard setback of 90 feet; and 3) minimum side yard setback of 30 feet required by the Hinckley Zoning Regulations.

Ch. Calabro noted that the applicant has submitted an application to this Board of Zoning Appeals and has also submitted certain documents in support of his application.

Ch. Calabro stated that notice of the application was properly given in local newspapers, and the application and supporting documentation has been available for public review and comments. She asked Recording Secretary Stupka if any letters, phone calls or emails were received. Ms. Stupka responded that no additional information had been received for the hearing. Ms. Stupka added that one phone call was received from the property owner.

Ch. Calabro noted that each member of the Board of Zoning Appeals has been provided a copy of the application and supporting documentation.

Upon request by Ch. Calabro, Recording Secretary Stupka polled the Board as to whether they received the packet of information and inspected the property at S/L 17B River Ridge Oval, Hinckley, Ohio 44233 (Permanent Parcel Number 01603B38032).

**Response: Calabro – yes and yes inspected on 4/20/2019, Hoop – yes and yes inspected on 4/20/2019, Zeleznak – yes and yes inspected on 4/20/2019,, Budd – yes and yes inspected on 4/20/2019, and Schaefer – yes and yes inspected on 4/20/2019**

Ch. Calabro noted for the record that non-written communication or written communication made by known or unknown persons not under oath and not properly given during the hearing are not accepted by the Board of Zoning Appeals as testimony.

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

Ch. Calabro stated that all people that wish to give testimony will be sworn in individually and testimonies, if any, shall be given from the podium.

Ch. Calabro asked the Applicant, Matthew Ridler, to step to the podium and Mr. Ridler was sworn in accordingly.

Ch. Calabro asked Mr. Ridler to provide to the Board a brief summary of his request.

Mr. Ridler explained there is not enough area to build a house on the lot and variances are needed. Mr. Ridler stated that after measuring again he feels he can move the property line variance from 5 feet to 15 feet from the property line.

Ch. Calabro asked how Mr. Ridler came up with that measurement and Mr. Ridler explained that he measured again and was able to come up with that number. Ch. Calabro asked what the Homeowners Association square footage requirement is for the home, and Mr. Ridler stated it is 3,000 square feet. Mr. Ridler explained that the plans he submitted showed 2500 square feet but that is just for the first floor. Mr. Ridler went on to explain that he doesn't have a house design yet, he is hoping to get variances approved before he consults with an architect.

Ch. Calabro inquired if the purchase contract is contingent on getting variances and Mr. Ridler replied yes. Ch. Calabro asked Mr. Ridler if he checked on the septic and Mr. Ridler stated the previous owner had checked on the system, however, he did not check with the Health Department regarding the septic. Ch. Calabro asked if Mr. Ridler understood that if he receives the variances from the Board, and the Health Department doesn't approve the septic it could change things. Ch. Calabro stated that if variances are granted, they are only for Mr. Ridler as the applicant, not the property.

Ch. Calabro stated it is very difficult to think about variances because the information is vague. Ch. Calabro asked the applicant if he would think about getting more information and the Board could delay the vote.

Mr. Zeleznak inquired if the location of the house could be moved back and Mr. Ridler indicated that he couldn't do that because of the ravine in the back of the property.

Discussion followed regarding moving the location of the house to adjust the width variances.

Mr. Zeleznak also inquired if there would be enough room to get the driveway and garage to fit and Mr. Ridler said yes.

Mr. Budd stated that based on the documentation submitted there is really only a small area suitable to build a house and it is very difficult with the way it was staked out to visualize how it would be located with respect to the property line. There was further discussion regarding this.

Mr. Budd stated his second point would be that the Board should receive some type of rendering so they can see the what the impact of the house will be on the surrounding areas, there is nothing to look at to determine the effect on the adjoining properties. The Board is trying to help but there is not enough information.

Ch. Calabro indicated the applicant should have some type of drawing of the house, it doesn't have to be a full architectural drawing, but a footprint of the house. The Board recognizes this is a true hardship. Mr. Schaefer suggested the applicant bring the topo to the County and they could possibly suggest where it can be located. Further discussion followed.

Ch. Calabro asked Mr. Ridler if he would like to continue the hearing and Mr. Ridler stated he would like to do that so he has an opportunity to do his homework and get more drawings. Ch. Calabro stated that it will be another \$200 fee to continue the public hearing and Mr. Ridler stated he was aware of that.

Mr. Budd stated that one of the standards the Board considers is if the property can be sold for a reasonable amount if the variance is not granted, does the seller have information on what needs to be done to the property. Mr. Budd suggested Mr. Ridler get some information on what has happened so far with the property.

Further discussion followed regarding a footprint of the house.

Ch. Calabro stated if Mr. Ridler is in agreement to continue then the next hearing could be scheduled in 4 weeks. Mr. Ridler agreed.

Ch. Calabro stated she would entertain a motion to continue the Hearing at the Applicant's request to May 22, 2019. Mr. Zeleznak moved and Mr. Schaeffer seconded.

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

Being nothing further, Mr. Ridler was seated.

Mr. Budd stated that there were people in the audience that should be given the opportunity to speak in the event they can add anything beneficial for Mr. Ridler.

Ch. Calabro asked if anyone from the audience would like to speak.

Mr. Joseph Reyes of 1213 River Woods Drive came to the podium and was sworn in accordingly.

Mr. Reyes stated he appreciates the opportunity to speak. He stated he realizes the topography is tough and if the property is sold there would always be a need for a variance and questioned if

the piece of land is buildable. Mr. Reyes stated he appreciates the question raised regarding the history of the property. Also Mr. Reyes stated he appreciates the comments from Mr. Budd as it relates to the current homeowners in the area and making sure the house fits into the area per the Homeowners Association covenants.

Mr. Reyes indicated that if Mr. Ridler were to get the variances, he would still need to meet the Homeowners Association requirements, including a minimum dwelling size of 3000 sq. ft. if a single level.

Mr. Schaefer stated that the Board does not take into consideration the Homeowners Association when making their decisions.

The Board thanked Mr. Reyes for his comments.

Discussion followed regarding lots in subdivisions.

There were no further comments.

Ch. Calabro stated at this point the public hearing will continue on May 22, 2019.

Ch. Calabro stated she would entertain a motion to adjourn the April 24, 2019 Public Hearing. Mr. Schaefer moved and Mr. Budd seconded. The Board was polled collectively and all were in favor.

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

The Public Hearing was adjourned at 7:37 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2019

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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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Absent  
Julie Mainzer, Member

\_\_\_\_\_  
Bill Budd, Member

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Bill Schaefer, Member