

Acting Ch. Hoop called the continued Public Hearing of July 24, 2019 to order at 7:02 p.m.

Roll Found: Hoop, Zeleznak, Budd, Boleman and Schaefer. Ch. Calabro and Ms. Mainzer had an excused absence.

Also present was Zoning Inspector Wilson, Trustee Schulte and the applicant, Mr. Ridler.

Acting Ch. Hoop stated that the subject of this continued hearing is 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.

Acting Ch. Hoop asked the Applicant, Matthew Ridler, to step to the podium and Acting Ch. Hoop stated that Mr. Ridler was already sworn in from the April 24, 2019 public hearing.

Acting Ch. Hoop asked Mr. Ridler to provide to the Board any additional information.

Mr. Ridler stated that he has a final footprint of house and according to the restraints, the house on south side by the property line will need a 12'1" variance and he will still need the lot width variance of 50 feet, but will not need a variance for the setback from the road.

Acting Ch. Hoop asked if anyone had questions.

Mr. Budd questioned if asking for 1 variance. Mr. Ridler stated he will need 2 variances, the width of the lot and because of the rules of the Health Department regarding the septic he cannot move back any further.

Mr. Budd then asked Mr. Ridler if he had a discussion with the representatives from the Homeowners Association who had attended the first public hearing and Mr. Ridler indicated he had read the by-laws and has addressed the Homeowner Association's concerns regarding the 3,000 square feet, the garage facing the side, not the front of the house and the house will be made out of all natural material.

There being no further testimony offered, Acting Ch. Hoop 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 – No

Zelevnak - No

Boleman – No

Budd – Yes

Schaefer - No

Factor #2: Is the variance substantial?

Vote:

Hoop – Yes

Zelevnak - Yes

Boleman – Yes

Budd – 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:

Hoop – No

Zelevnak – No

Boleman – No

Budd – No

Schaefer - No

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

Vote:

Hoop – No

Zelevnak – No

Boleman – No

Budd – No

Schaefer - No

Factor #5

Did the pending buyer of the property have knowledge of the zoning restrictions?

Vote:

Hoop –Yes

Zeleznak – No

Boleman – No

Budd – Yes

Schaefer - Yes

Factor #6

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

Vote:

Hoop – No

Zeleznak – No

Boleman – No

Budd – No

Schaefer - 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:

Hoop – Yes

Zeleznak – Yes

Boleman – Yes

Budd – Yes

Schaefer - Yes

Acting Ch. Hoop 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 the decision was unreasonable or unlawful and will have 30 days from the date of this meeting to appeal.

Mr. Zeleznak made a motion to approve a variance (AP0233) for a property located at S/L 17B River Ridge Oval, Hinckley, Ohio (Permanent Parcel 01603B38032) Matthew A Ridler, the pending buyer is requesting two variances to construct a dwelling at the stated address, the variances are for the minimum lot width at the building line a variance of 50' is requested from the 175' minimum and for the minimum side yard setback of 30' a variance of 12' 1' is

requested for the southeast corner of the dwelling and 6’7” for the southwest corner of the drawing.

The motion was seconded by Mr. Budd.

Vote: Acting Ch. Hoop – yes, Zeleznak – yes, Boleman – yes, Budd – yes, Schaefer – yes

Acting Ch. Hoop stated the vote was 5 – 0 for yes.

The Board of Zoning Appeals Decision form was signed and a copy given to the applicant.

Acting Ch. Hoop asked for a motion to adjourn the Public Hearing. Ms. Boleman moved and Mr. Budd seconded. All in favor.

The July 24, 2019 Board of Zoning Appeals Public Hearing adjourned at 7:17 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2019

Jeff Hoop, Acting Chairperson

Dave Zeleznak, Member

Donna Boleman, Member

William Budd, Member

Bill Schaefer, Member