

Chairman J. Calabro called the August 28, 2019 Board of Zoning Appeals Public Hearing to order at 7:00 p.m.

Roll found: Ch. Calabro, Vice Ch. Hoop, Zeleznak, Mainzer, Schaefer. In the audience were Trustee Schulte, and Zoning Inspector Wilson. Budd and Boleman have excused absences.

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.

Recording Secretary Stupka read the legal ad and confirmed that the legal notice was mailed to the applicant and adjacent property owners.

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 620 Construction, contractor, on behalf of 1<sup>st</sup> Day Real Estate LLC, property owner of 2623 Center Road, Hinckley, Ohio (PPN 01703A37028) requesting two variances to construct a warehouse/building, at the stated address, in a location that does not meet 1) the minimum front yard setback of 150 feet and 2) the building maximum height of 35 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. Upon request by Ch. Calabro, Recording Secretary polled the Board as to whether they received the packet of information and inspected the property at 2623 Center Road, Hinckley, Ohio 44233.

**Response: Calabro – yes and yes inspected on 8/24/19, Hoop – yes and yes inspected on 8/24/19, Zeleznak – yes and yes inspected on 8/25/19, Mainzer – yes and yes inspected on 8/24/19, Schaefer – yes and yes inspected on 8/24/19.**

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

Ch. Calabro asked Recording Secretary Stupka if any letters, phone calls or emails were received. Recording Secretary Stupka read into record a letter submitted by Hinckley Township Zoning Chairman Christopher Kalina dated August 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.

**Joel Copley, 620 Construction, 620 East Smith Road Medina, Ohio**

Mr. Joel Copley, 620 Construction, contractor/applicant, was sworn in accordingly.

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

Mr. Copley stated the project consists of construction of a 39,000 sq. foot warehouse for 1<sup>st</sup> Day School Supplies. The variance regarding the front yard set-back is approximately 30' because along Center Road there is a jog in the property which would make a triangle in the corner of the building at the location and the variance they are seeking would make the building square to maximize use of the property and to have an organized racking system in the building and the second variance is a height variance. The modularity of the product the business puts together is such that they increase the volume of the building by 25% with a variance which is key to the business. At the variance height requested they are over 4 feet below what the code allows for maximum if there was additional equipment on the roof and they have no equipment on the roof, the eave height of the building is lower and the peak height is higher so the mean height is 40'9".

Ch. Calabro questioned the location of the peak for variance and Mr. Copley stated it was East and West elevation, Center Road would be consistent at the 39'6" height.

Ch. Calabro stated the variances would be voted on separately.

Mr. Copley added with regard to the height variance, they met with the Fire Chief and Assistant Fire Chief regarding the fire suppression system being installed in the building, it releases a tremendous volume of water to extinguish a fire. Mr. Copley understood with regard to their conversation that there were no concerns with ability to fight a fire with the system.

Ch. Calabro and the other board members had no questions.

**Mike Meadows, 1870 Harks Ledge, Hinckley, Ohio**

Mr. Meadows was sworn in accordingly.

Mr. Meadows is President of 1<sup>st</sup> Day School supplies and he gave some background on the company. They wanted to create a business that would create economic development and give back to the community. They custom kit school supplies for kids across the country, they are 2<sup>nd</sup> largest in their business. Mr. Meadows discussed the type of people he employs and his business philosophy.

He would like to create economic development and he would like to do that in Hinckley.

Ch. Calabro asked if most of the operation was inside and Mr. Meadows responded yes.

Mr. Zeleznak asked if the building was basically a distribution warehouse and Mr. Meadows responded yes.

Ch. Calabro asked if he was aware of zoning restrictions when he purchased the property and Mr. Meadows stated he was not aware of the height but was aware of the jog.

**Ann Marie Brobst, 1024 Ridge Road, Hinckley, Ohio**

Ms. Brobst was sworn in accordingly.

Ms. Brobst stated she is unequivocally opposed to both requested variances.

**Assistant Fire Chief Gabe Gerbasi, 1616 Ridge Road, Hinckley, Ohio**

Assistant Fire Chief Gerbasi was sworn in accordingly.

Assistant Fire Chief Gerbasi read into the record a copy of his letter dated 7/30/2019 addressed to ZI Wilson, a copy of same letter is on file in the Hinckley Township Zoning office.

**Zoning Inspector Tom Wilson, 1410 Ridge Road, Hinckley, Ohio**

ZI Wilson was sworn in accordingly

ZI Wilson discussed the setback variance stating that 90% of the building will be 150' back, it's just a small section of corner that needs the variance. The zoning code uses the mean height and the front of the building will be 39'6" and there will be just a slight elevation and he believes the building will be pleasing to the eye.

Ms. Brobst asked to speak again.

Ms. Brobst stated she resents being told what will be pleasing to her eye or to the acuity of someone recognizing the height of a building. They have been through this before with the Aldi warehouse and they said they would not add equipment to the top and they did.

She believes what is pleasing to someone's eye shouldn't be part of the record, this is about zoning.

Mr. Schaefer stated it would be helpful to the Board to get clarification on her objections.

Ms. Brobst objects to the height and in the past people ask for variances and then they keep coming back for more. She stated it's not about aesthetics, it's the actual variances.

Discussion followed regarding Ms. Brobst's concerns regarding the variances and her feeling that the Code should be followed.

Mr. Copley responded that the ventilation system in the building is not dependent on equipment sitting on the roof. If there was a change in the ventilation needs, there would be a change of use required which would have to come back to the Township for review and approval. The warehouse as it sits would never need additional equipment for proper ventilation.

Ch. Calabro asked if the existing warehouse outside materials would be similar to the proposed building and Mr. Meadows stated yes.

Mr. Meadows then responded that he respects what Ms. Brobst had to say and he believes that aesthetics do matter and he doesn't want to minimize their efforts to be a good neighbor.

There being no further testimony offered, Ch. Calabro asked for a review of the Duncan Factors for both variances together.

**Factor #1:** Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?

Vote:

Calabro – Yes, Yes  
Hoop – Yes, Yes  
Zelesnak – Yes, Yes  
Mainzer – Yes, Yes  
Schaefer – Yes, Yes

**Factor #2:** Is the variance substantial?

Vote:

Calabro – No, No  
Hoop – No, No  
Zelesnak – No, No  
Mainzer – No, No  
Schaefer – No, 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:

Calabro – No, No  
Hoop – No, No  
Zelesnak – No, No  
Mainzer – No, No  
Schaefer – No, No

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

Vote:

Calabro – No, No as evidenced by Assistant Fire Chief  
Hoop – No, No  
Zelesnak – No, No  
Mainzer – No, No  
Schaefer – No, No

**Factor #5**

Did the property owner purchase the property with knowledge of the zoning restrictions?

Vote:

Calabro – Yes, Yes  
Hoop – Yes, Yes  
Zelevnak – Yes, Yes  
Mainzer – Yes, Yes  
Schaefer – Yes, Yes

**Factor #6**

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

Vote:

Calabro – Yes, Yes  
Hoop – Yes, Yes  
Zelevnak – Yes, Yes  
Mainzer – Yes, Yes  
Schaefer – Yes, Yes

**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:

Calabro – Yes, Yes  
Hoop – Yes, Yes  
Zelevnak – Yes, Yes  
Mainzer – Yes, Yes  
Schaefer – Yes, Yes

Ch. Calabro asked for a motion. Mr. Hoop made a motion to approve a variance (AP0235) submitted by applicant 620 Construction, contractor on behalf of 1<sup>st</sup> Day Real Estate LLC, property owner of 2623 Center Road, Hinckley, Ohio (Permanent Parcel 01703A37028) requesting a variance for 30’ for a setback that does not meet the 150’ requirement located at the Southeast corner of the building.

The motion was seconded by Mr. Schaefer.

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

Ch. Calabro explained the voting process to the applicant as follows: Yes, simple majority with a quorum present is in favor of the applicant and a No, simple majority, or a tie vote denies the applicant's request. If the vote is favorable to the applicant, the applicant has one year from the date of the hearing to begin construction or to act on the approved request.

**Vote: Ch. Calabro – yes; Hoop – yes, Zeleznak– yes, Mainzer – yes, Schaefer – yes**

Ch. Calabro stated that the variance passed 5-0

Ch. Calabro asked for a motion for the second requested variance. Mr. Hoop made a motion to approve a variance (AP0235) submitted by applicant 620 Construction, contractor on behalf of 1<sup>st</sup> Day Real Estate LLC, property owner of 2623 Center Road, Hinckley, Ohio (Permanent Parcel 01703A37028) requesting a 5'9" variance for a total building height of 40'9" that does not meet the 35' requirement.

The motion was seconded by Mr. Zeleznak.

**Vote: Ch. Calabro – yes; Hoop – yes, Zeleznak– yes, Mainzer – yes, Schaefer – yes**

Ch. Calabro stated that the variance passed 5-0

Again, Ch. Calabro stated that the applicant has one-year from the date of the hearing to begin construction and any person adversely affected by the decision has 30 days from this meeting to file suit.

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

**A brief recess was taken to prepare for the second Public Hearing.**

Ch. Calabro then called the second Public Hearing to order.

Ch. Calabro stated that this is a hearing for a request submitted by applicant the Board of Education of Highland Local School District for property located at 1157 Ridge Road, Hinckley, Ohio (PPN 01603B37026) requesting a Conditional Use Permit to construct Hinckley Elementary School which will include parking, an access drive, recreational field and waste water treatment plant, at the stated address.

Recording Secretary Stupka read the legal ad and confirmed that the legal notice was mailed to the applicant and adjacent property owners.

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. Upon request by Ch. Calabro, Recording Secretary polled the Board as to whether they received the packet of information and inspected the property at 1157 Ridge Road, Hinckley, Ohio 44233.

**Response: Calabro – yes and yes inspected on 8/24/19, Hoop – yes and yes inspected on 8/24/19, Zeleznak – yes and yes inspected on 8/25/19, Mainzer – yes and yes inspected on 8/24/19, Schaefer – yes and yes inspected on 8/24/19.**

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

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 conditional use permit.

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.

**Joe Steines, GPD Group, 520 S. Main Street, Akron, Ohio**

Mr. Joe Steines, applicant/architect for Highland School District was sworn in accordingly.

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

Mr. Steines stated they are proposing to build for Highland Schools a K-5 building on Ridge Road, the building is set back from the street quite a bit, there is a parking lot in front of the building, bus parking on the side of the building and a wastewater treatment on the very back of the property. Per the letter from the Fire Department they have added a loop road around the property so firefighting equipment can have complete access around the building. There are 64 parking spots in the front lot



with the addition of some over striping in the bus parking area that allows for an additional 20 parking spots.

Ch. Calabro asked if there would be major modification to the plans that were submitted and Mr. Steines indicated they are in the late stages of planning and they do not anticipate any major modifications. Ch. Calabro asked about the bus parking and Mr. Steines referred to the plans to demonstrate where the parking would be and how much parking was planned.

Mr. Zeleznak asked if there would be enough parking for planned events at the school and Mr. Steines indicated they believe they have adequate parking based on calculations they have done. It is hard to determine how much parking will be needed.

Ch. Calabro asked the capacity of the school and discussion followed regarding the number of students, staff and families and the effect on parking.

Mr. Schaefer discussed the amount of traffic associated with schools during school hours and the attention that should be given to right of way traffic to the north and southbound traffic. Mr. Schaefer suggested possibly adding a de-acceleration lane or requiring a policeman directing traffic.

Mr. Steines indicated they did a traffic study and it was recommended to widen road and use a turning lane which is included in the proposal. Discussion followed regarding the turning lanes and traffic.

**Rodwell King, GPD Group, 520 South Main Street, Akron, Ohio**

Mr. King was sworn in accordingly.

Mr. King continued the discussion regarding the traffic situation. Mr. King indicated ODOT requires a traffic study for any schools, regardless of size, that are fronted on a State Route. The traffic study for this project recommended turning lanes, and they are currently being designed according to ODOT and the Medina County Engineer requirements. Mr. King stated the length of the turning lane will comply with the requirements of both entities. Mr. King also commented on the parking, there are 72 spaces at the current elementary school, so this plan will exceed that. Discussion followed regarding parking.

**Burgess Holt, 1088 River Woods Drive, Hinckley, Ohio**

Mr. Holt was sworn in accordingly.

Mr. Holt is concerned regarding the placement of the wastewater treatment plant because it is close to his property line and his house. Mr. Holt used a plan to show the Board members where his house

and property line are. Mr. Holt feels there are other locations where the wastewater treatment plant could be located.

Mr. Schaefer suggested that Mr. Holt address the issue with the County Engineer and the Health Department. Discussion followed regarding this issue.

Ch. Calabro asked why the wastewater treatment plant was placed in that spot and Mr. King indicated it is the lowest point on the site. Further discussion followed regarding the location of the wastewater treatment plant.

Mr. Holt indicated his biggest concern is the mechanical noise generated by the plant and Mr. King indicated they could possibly plant some trees for noise buffering.

**Sandra Fantuzzi Welker, 1114 Ridge Road, Hinckley, Ohio**

Mrs. Welker was sworn in accordingly.

Ms. Fantuzzi stated she has 3 concerns. First, she is concerned regarding the traffic issue. The second issue is the loss of her property. Her understanding of the location of the turning lane would indicate that the turning lane will take up most of her front yard, so her driveway and landscaping will be greatly affected and the one side of her yard is about 5 feet higher than the bottom of the yard, so culvert repair is a great concern to her. Lastly, she is concerned with a decrease in her property value.

Mr. King responded saying the road widening is in the right of way and is in the public domain. Mr. King stated he has been in the school design business for many years and that it is his experience that property values increase near schools because people like to live near schools.

**Mike Welker, 1114 Ridge Road, Hinckley, Ohio**

Mr. Welker was sworn in accordingly.

Mr. Welker stated that the traffic around the high school is terrible and he doesn't understand why it's not mandatory for traffic lights to be installed at schools to control the traffic.

**Harry Wesebaum, 253 E. Glenwood Avenue, Akron, Ohio**

Mr. Wesebaum was sworn in accordingly.

Mr. Wesebaum indicated he represents Hinckley Holdings that owns the property located at 1079/1113 Ridge Road, Hinckley, Ohio.

Mr. Wesebaum stated his main concern is what will happen to property values. He is concerned his property taxes will be higher. He is also concerned if there will be enough money to operate the school once it is built. Mr. Wesebaum is also concerned about the traffic and light pollution. He is worried he will not be able to rent his property with the construction of the school. Also Mr. Wesebaum stated he has a pond on his property and he would like to know if a fence will be built to keep people from wandering onto his property.

Ch. Calabro stated it is impossible for the Board to answer his questions. Mr. Schaefer stated some of those questions can be addressed by the school board.

Mr. Wesebaum also asked about the water for the waste water treatment plant, he would like to know if the water will come from wells and what will happen to neighbors' wells.

Mr. Schaefer stated that the Board hears variances and conditional use permits and explained why the Board doesn't address some of the issues that were brought up by the residents at the meeting.

Mr. Zeleznak asked for more information from the Assistant Fire Chief regarding the fire access road and if the stipulations have been met.

Assistant Fire Chief stated that all of the requirements have been met for the fire access road.

**Ray Schulte, Trustee, 1410 Ridge Road, Hinckley, Ohio**

Mr. Schulte was sworn in accordingly.

Mr. Schulte stated that he will read a statement prepared by Mrs. Walter who owns property located at 1189 Ridge Road, Hinckley, she contacted Mr. Schulte because she could not come to the meeting.

Mrs. Walter is concerned about the lighting, traffic, noise, her neighbor's target shooting near a school, driveway entrance and turning lane and if it will encroach on her frontage, where would the flashing speed light be placed, the waste septic system and she would like mounds high enough to shield her home from lights, traffic, noise, etc. Mrs. Walter also would like to know if there would be ball games, etc. at the school and if there will be a fence to protect her property because she owns livestock. Mrs. Walter wrote that she was concerned about any zoning changes to her property. Mrs. Walter wrote she wants to be a good and supportive neighbor as well as having a good and supportive neighbor. She doesn't want to lose her privacy and her landscaping is important to her. She wants to maintain the rural feel of her property.

Mr. King responded to Mrs. Walter's concerns indicating that most of the comments had already been addressed. Mr. King did comment on the lighting stating that as a good neighbor they plan for no

lighting crossing the property line, also schools generally have outdoor lights on a timer in order to save energy. Mr. King offered to provide a plan for the lighting.

Ms. Calabro asked about the turning lanes and Mr. King stated that it is in design right now so he doesn't have details. Mr. King stated one of the benefits of the speed zone lights is that they slow down traffic. Mr. King stated the neighboring property is higher than the school property so mounding would be impractical, but possibly some embankments could be put in place as well as landscape screening.

Ms. Calabro asked if part of the plan was to landscape on both north and south side of the property. Mr. King stated the north side has a lot of vegetation so it is a natural buffer and the south side doesn't have buffer but they can put in screening. Mr. King stated the east also has trees and they can fill in with shrubs.

Mr. Steines also stated that the school is probably further back on the property than Mrs. Walter realizes.

Mr. Schulte stated he also wanted to address Mrs. Walter's concerns regarding the status of the red barn which is on her property line.

Mr. King stated there are no plans to demolish the barn because they like the look of it and feel it would help with the aesthetics. Mr. King stated there is never enough storage at schools and the barn would be a good place for storage.

Mr. Schaefer stated that he was concerned about the lighting. He discussed the yellow vapor lighting that is being used now and he stated he wouldn't have a problem with those or possibly photosensor lighting.

Mrs. Calabro asked if Mr. Schaefer was suggesting they make that a conditional and Mr. Schaefer indicated yes.

Mr. King stated that LED lights are used and they can be focused down as opposed to spreading out, so there might be more bulbs but lower light levels.

Mr. King also stated there will not be any ballgames played at the school because there will not be any ballfields.

Ch. Calabro asked if anyone in the audience had any more comments and there were no more comments from the audience.

Ch. Calabro asked if the Board had comments and there were none.

Ch. Calabro asked if the Board had comments regarding any conditionals for the project. Discussion followed regarding conditionals for lighting and buffering and landscaping on the property for the neighboring properties and it was agreed to have conditionals regarding these issues. The Board agreed they couldn't address the issue of the turning lanes because they are in the right of way.

Ch. Calabro asked for a motion. Mr. Hoop made a motion to approve conditional use permit (AP0236) submitted by the Board of Education of Highland Local School District, for the property located at 1157 Ridge Road, Hinckley, Ohio (Permanent Parcel 01603B37026) requesting a conditional use permit to construct an elementary school which includes parking, an access drive, recreational field and a wastewater treatment plant, at the stated address, giving consideration to the property owners to the north, south and east side for buffering and lighting.

The motion was seconded by Mr. Schaefer.

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

Ch. Calabro explained the voting process to the applicant as follows: Yes, simple majority with a quorum present is in favor of the applicant and a No, simple majority, or a tie vote denies the applicant's request. If the vote is favorable to the applicant, the applicant has one year from the date of the hearing to begin construction or to act on the approved request.

Vote: Ch. Calabro – yes; Hoop – yes, Zeleznak– yes, Mainzer – yes, Schaefer – yes

Ch. Calabro stated that the conditional use permit was approved 5-0

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

Ch. Calabro asked for a motion to adjourn the Public Hearing. Ms. Mainzer moved and Mr. Schaefer seconded. All in favor.

The August 28, 2019 Board of Zoning Appeals Public Hearing adjourned at 8:43 p.m.

Minutes by: 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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Julie Mainzer, Member

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William Schaefer, Member