

Chairman J. Calabro called the November 27, 2019 Board of Zoning Appeals Public Hearing to order at 7:00 p.m.

Roll found: Calabro, Hoop, Zeleznak, Mainzer, Budd. In the audience 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.

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 Leonard Geib, contractor, on behalf of Scott Spencer, property owner of 998 Mattingly Road, Hinckley, Ohio (PPN 01603B21022) requesting a variance to construct an accessory building, at the stated address, in a location that does not meet the minimum front yard setback of not less than the principal dwelling 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 998 Mattingly Road, Hinckley, Ohio 44233.

**Response: Calabro – yes and yes inspected on 11/23/19, Hoop – yes and yes inspected on 11/23/19, Zeleznak – yes and yes inspected on 11/23/19, Mainzer – yes and yes inspected on 11/23/19, Budd – yes and yes inspected on 11/23/19.**

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 stated there were none.

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.

**Leonard Geib, 3827 Housel Craft Road, West Farmington, OH 44491, contractor on behalf of Scott Spencer.**

Mr. Leonard Geib, contractor/applicant, was sworn in accordingly.

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

Mr. Geib stated that he is requesting approval to build a garage in front of the house, at the property specified, because of the steep grade of the property in the back of the house.

Ch. Calabro asked Mr. Geib what the hardship is and Mr. Geib stated the land in the back of the house won't allow for a garage, it is too steep and the bank might give way.

Ch. Calabro then asked what will the garage be used for and Mr. Geib stated that there will be 3 vehicles stored in the building and there will be additional storage in the attic.

Ch. Calabro asked about an existing building behind the house and whether there was discussion regarding replacing that building. Mr. Geib stated that the existing building is not a garage and the property owner wants a real garage. Mr. Geib stated that because of the ravine in the back of the property there could already be structural issues with the existing building in the rear.

Ch. Calabro asked if whether they are thinking of replacing that building or not, there is a need for a variance because of the ravine in the back and Mr. Geib stated yes, the variance is needed.

Mr. Budd asked if the siding and roofing of the proposed new building will be the same as the house and Mr. Geib stated they are trying to match what is on the house.

Ch. Calabro stated that the submitted plans didn't show any plumbing and Mr. Geib stated there will not be any plumbing, it is a storage building.

Zoning Inspector Wilson stated that looking at the topography it is clear there is a big ravine and the property owner cannot build in the back.

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

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:

Calabro – Yes  
Hoop – Yes  
Zelesnak – Yes  
Mainzer – Yes  
Budd – Yes

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

Vote:

Calabro – Yes  
Hoop – Yes  
Zelesnak – Yes  
Mainzer – Yes  
Budd – 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  
Hoop – No  
Zelesnak – No  
Mainzer – No  
Budd – No

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

Vote:

Calabro – No  
Hoop – No  
Zelesnak – No  
Mainzer – No  
Budd – No

**Factor #5**

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

Vote:

Calabro – Do not know, property owner is not present to ask

Hoop – Do not know

Zelesnak – Do not know

Mainzer – Do not know

Budd – Do not know

**Factor #6**

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

Vote:

Calabro – No

Hoop – No

Zelesnak – No

Mainzer – No

Budd – 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:

Calabro – Yes

Hoop – Yes

Zelesnak – Yes

Mainzer – Yes

Budd – Yes

Ch. Calabro asked for a motion. Mr. Hoop made a motion to approve a variance (AP0237) submitted by applicant Leonard Geib, contractor on behalf of Scott Spencer, property owner of 998 Mattingly Road, Hinckley, Ohio (Permanent Parcel 01603B21022) requesting a variance to construct an accessory building at the stated address in a location that does not meet the minimum front yard setback of not less than the principal building. Zoning Reference 6R1.6.A.1.

The motion was seconded by Mr. Zelesnak.

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, Budd – yes

Ch. Calabro stated that the variance passed 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. Budd seconded. All in favor.

The November 27, 2019 Board of Zoning Appeals Public Hearing adjourned at 7:21 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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Bill Budd, Member