

Ch. Calabro called the December 18, 2019 Board of Zoning Appeals Public Hearing to order at 7:07 p.m.

Roll found: Calabro, Hoop, Zeleznak, Mainzer, Budd. In the audience was Alternate Schaeffer, 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 variance request submitted by applicant Lisa Yasenchak, property owner of 930 Center Road, Hinckley, Ohio (PPN 01603D03022) requesting a variance to construct an accessory building, at the stated address, in a location that does not meet the 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. Upon request by Ch. Calabro, Recording Secretary polled the Board as to whether they received the packet of information and inspected the property at 930 Center Road, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 12/14/19, Hoop – yes and yes inspected on 12/14/19, Zeleznak – yes and yes inspected on 12/14/19, Mainzer – yes and yes inspected on 12/18/19, Budd – yes and yes inspected on 12/14/19.

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.

Lisa and Dave Yasenchak, 930 Center Road, Hinckley, OH .

Ch. Calabro swore in Lisa and Dave Yasenchack.

Dave Yasenchak stated there is no other place to put their garage because of the slope in their back yard and because of the location of the septic system. Mr. Yasenchak stated he didn't know there was a 30 foot setback when he purchased the property.

Ch. Calabro asked if the shed currently located on the property was usable and the Yasenchaks stated that it was not usable, it was not stable.

Mr. Zeleznak asked how far the existing building is from the property line and Mr. Yasenchak stated it's 12 feet from the property line. The Yasenchaks explained that they would like to build the new garage in the same location as the existing building and they would use it for storage. They will not be running a business out of the garage.

Mr. and Mrs. Yasenchak stated that their hardship is that they need access to their septic tank and there is no other place to put the garage that would allow access.

Ch. Calabro and the other board members had no further questions. Ch. Calabro asked the audience and there were no questions or comments.

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
ZeleznaK – Yes
Mainzer – Yes
Budd – Yes

Factor #2: Is the variance substantial?

Vote:

Calabro – Yes
Hoop – Yes
ZeleznaK – Yes
Mainzer – No
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
ZeleznaK – 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
ZeleznaK – No
Mainzer – No
Budd – No

Factor #5

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

Vote:

Calabro – No as stated.

Hoop – No

ZeleznaK – No

Mainzer – No

Budd – No

Factor #6

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

Vote:

Calabro – No

Hoop – No

ZeleznaK – 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

ZeleznaK – Yes

Mainzer – Yes

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

Ch. Calabro asked for a motion. Mr. Hoop made a motion to approve a variance (AP0238) submitted by applicant Lisa Yasenchak, property owner of 930 Center Road, Hinckley, Ohio (Permanent Parcel 01603D03022) to construct an accessory building at the stated address in a location that does not meet the side yard setback of 30 feet. The variance is for 20 feet. Zoning Reference 6R1.4.E.

The motion was seconded by Mr. Zeleznak.

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. Mr. Budd moved and Ms. Mainzer seconded. All in favor.

The December 18, 2019 Board of Zoning Appeals Public Hearing adjourned at 7:26 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2019

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

Bill Budd, Member