

Chairman J. Calabro called the November 25, 2020 Board of Zoning Appeals Public Hearing to order at 7:00 p.m.

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.

Roll found: Calabro, Hoop, Zeleznak, Mainzer, Budd. In the audience: Zoning Inspector Wilson, Trustee Schulte and Alternate Wolny.

Ch. Calabro stated that out of an abundance of caution, and under the current circumstances, the meeting is being conducted following the rules of social distancing and the meeting will be conducted as briefly and to the point as possible, and it would be appreciated if audience members could keep comments to the point and pertinent to this meeting.

The Recording Secretary 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 Viorica Tepes, property owner of 2296 Canterbury Farm Drive, Hinckley, Ohio (PPN 01603C28032) 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.

Ch. Calabro asked the Recording Secretary to poll the Board as to whether they received the packet of information and inspected the property at 2296 Canterbury Farm Drive, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 11/21/2020, Hoop – yes and yes inspected on 11/21/2020, Zeleznak – yes and yes inspected on 11/21/2020, Mainzer – yes and yes inspected on 11/21/2020, Budd – yes and yes inspected on 11/21/2020.

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 the Recording Secretary if there were any letters, phone calls or emails received and 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.

Viorica Tepes, 2296 Canterbury Farm Drive, Hinckley, OH.

Ms. Viorica Tepes, applicant, was sworn in accordingly.

Ch. Calabro asked Ms. Tepes to provide to the Board a brief summary of her request.

Ms. Viorica stated that she is requesting the variance so there is enough distance between the proposed new garage and the existing garages for a car.

Ch. Calabro asked Ms. Tepes what they will be using the proposed new garage for and Ms. Tepes stated they will store their cars in the garage.

Mr. Budd asked Ms. Tepes if her Homeowners Association had reviewed the plan for the new garage and Ms. Tepes stated yes.

Mr. Budd then asked Ms. Tepes if she was aware of the zoning regulations when she purchased the property and Ms. Tepes stated yes.

Mr. Zeleznak asked Ms. Tepes if she had talked with her neighbor regarding the new garage. Ms. Tepes stated no she had not. Ms. Tepes stated that they had a surveyor stake the location of the proposed new garage and the neighbor is aware of the project and has removed the stakes. Mr. Zeleznak asked Ms. Tepes to confirm that what she is saying is she had the project site professionally surveyed and she is comfortable with what that showed and Ms. Tepes stated yes.

Ch. Calabro asked if the existing row of pine trees on the site will remain and Ms. Tepes stated yes. Ch. Calabro then asked if the front elevation shown will match the existing garage so both garages look the same. Ms. Tepes stated yes they will. Ms. Tepes stated they are also going to install a breezeway.

Mr. Hoop asked for confirmation that the variance being requested is 3 feet and Ms. Tepes confirmed it is 3 feet.

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

Zeleznak – Yes

Mainzer – Yes

Budd – Yes

Factor #2: Is the variance substantial?

Vote:

Calabro – No

Hoop – No

Zeleznak – No

Mainzer – No

Budd – 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
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 – Yes
Hoop – Yes
Zelesnak – Yes
Mainzer - Yes
Budd – Yes

Factor #6

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

Vote:

Calabro – Yes, the proposed building could be smaller
Hoop – No
Zelesnak – No
Mainzer – No
Budd – Yes, the proposed building could be smaller

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 (AP0248) submitted by applicant Viorica Tepes, property owner of 2296 Canterbury Farm Drive, Hinckley, Ohio (Permanent Parcel 01603C28032) 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 Hinckley Zoning Regulations. Zoning Reference Chapter 6 subsection 6R1.4.E. The building will be located 27’ from the property line for a variance of 3 feet.

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

Ch. Calabro stated the applicant has one year from the date of this hearing to begin construction or to act on his or her approved request. Anyone adversely affected by this decision of the Board of Zoning Appeals has 30 days from this evening to file suit.

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

The November 25, 2020 Board of Zoning Appeals Public Hearing adjourned at 7:18 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2020

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

Bill Budd, Member