

Ch. Calabro called the June 24, 2020 Board of Zoning Appeals Public Hearing #1 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 ex parte communication should disclose at this time.

Roll found: Calabro, Hoop, Zeleznak, Mainzer, Budd. In the audience: Alternates Schaefer and Wolny and Trustee Schulte.

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.

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 Anthony Cerny on behalf of Andy and Elissa Fiffick, property owners of 2124 Willow Brook Lane, Hinckley, Ohio (PPN 01703A08137) requesting two variances to construct an addition, at the stated address, in a location that does not meet the minimum setback of 15 feet to existing pool and the minimum side yard setback of 15 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. The Recording Secretary polled the Board as to whether they received the packet of information and inspected the property at 2124 Willow Brook lane, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 6/20/2020, Hoop – yes and yes inspected on 6/20/2020, Zeleznak – yes and yes inspected on 6/20/2020, Mainzer – yes and yes inspected on 6/23/2020, Budd – yes and yes inspected on 6/20/2020.

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, there was one phone call from the neighbor.

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.

Ch. Calabro asked the applicant, Mr. Cerny to give a description of the project.

Anthony Cerny, 620 E. Smith Road, Medina, OH.

Mr. Cerny was sworn in accordingly.

Mr. Cerny stated that the property owner, Andy Fiffick, would like to add an attached garage to his house. He would like a 24 foot wide garage, which is the minimum width for 2 cars, and the garage would be 50 feet deep. Mr. Cerny stated that Mr. Fiffick would like to store cars in the front of the garage and have a work space in the back for car restoration.

Mr. Cerny stated on the side of the house where the garage is proposed there is an existing structure that is an extension of the house, which is where the swimming pool equipment is located. This structure currently extends out from the house 11 feet and the owner is

proposing to reduce the size of the structure to 7 feet, they would like to add a 6 foot wide covered walkway to the back yard and, this walkway with the proposed 24 foot wide garage puts the addition at 10 feet from the property line, requiring a 5 foot variance. Mr. Cerny stated there is not much else to do to minimize the requested variances, they need a walkway from the front to the back and they consolidated the existing pool room as much as possible to allow for the walkway. Mr. Cerny stated they will landscape by the neighbor's property and they tried to hold down the vertical height of the proposed garage.

Mr. Cerny stated that the second variance is for a proposed outdoor porch which would be built on the back part of the proposed garage, this would provide a covered seating area for the pool. This proposed outdoor porch will be located 10 feet off of the pool and the Zoning Code requires 15 feet, so they are requesting a 5 foot variance. Mr. Cerny stated that the existing house and another structure are already within 10 feet of the pool and the proposed outdoor porch is an open porch element.

Ch. Calabro asked if the current equipment room is 14 feet or 11 feet and Mr. Cerny stated 11 feet and it will be reduced in size to 7 feet.

Ch. Calabro asked if the 24 foot wide garage could be shrunk to absorb the 5 feet variance they are requesting.

Mr. Cerny stated that 24 feet is as narrow as a garage should be, if any smaller it would be a tight fit for cars.

Mr. Zeleznak asked if a variance was given for the pool to be 10 feet from the house and Mr. Cerny stated that he didn't know.

Ch. Calabro stated that a pool ^{was} is not considered a structure, Mr. Zeleznak asked for clarification and Zoning Inspector Wilson stated he looked and couldn't find anything regarding the location of the existing pool. ^{AT THE ~~TOP~~ ^{TIME} OF INSTALLATION, (early 90's)}

Andy Fiffick, 2124 Willow Brook Lane, Hinckley, OH

Mr. Fiffick was sworn in accordingly.

Mr. Fiffick is the property owner and he stated the pool has been there for 19 years and they did pull a permit when it was installed.

Mr. Zeleznak asked if there was any other spot the garage could be built in order to meet the setback.

Mr. Cerny stated no, if they try to move further it can't be attached to the house. They did look at other alternatives, but this design creates the least amount of issues with zoning.

Mr. Zeleznak asked if the garage could be located in the back and Mr. Cerny stated that because of the size of the structure they would have had more zoning issues.

Mr. Fiffck stated that if the garage is built in back they would have to remove the landscaping and it would look bad, the suggested location doesn't require removal of any landscaping. They believe that the location of the garage is the best place for the neighbors.

Mr. Budd asked if they considered putting the pool equipment inside the garage to further consolidate.

Mr. Cerny stated they would have to make the garage wider to accommodate the extra room.

Mr. Budd asked if the proposed garage has room for 4 vehicles and Mr. Cerny stated there is room for 2 vehicles and a work room in the back.

Mr. Budd asked if they could take away any of the work space to make room for the 7 feet needed for the pool equipment room and Mr. Cerny stated that would require tearing everything up around the pool area to move the equipment.

Mr. Fiffick explained that the pool equipment gives off a lot of heat and noise and it wouldn't fit in the proposed garage with what he wanted.

Mr. Budd asked where Mr. Fiffick's vehicles are currently stored and Mr. Fiffick stated they are in various places. Mr. Budd then asked if the garage was used to store extra vehicles and Mr. Fiffick stated he would store them and work on them in the proposed garage.

Mr. Budd asked if when the garage is finished, will there be room for 9 vehicles and Mr. Cerny stated there would be room for 5 vehicles.

Mr. Budd then asked if there was any way to integrate the walkway with the portico into the 24 foot wide garage. Mr. Cerny stated they need the walkway otherwise they would have to walk through the garage to get to the back.

Mr. Fiffick stated that they have been working on the plan for 10 years and this was the best plan they came up with.

Mr. Zeleznak asked if there is a lift in the garage will it be used to do work for anyone else, will they be running a business there.

Mr. Fiffick stated he won't be running a business from the garage.

Ch. Calabro asked Mr. Fiffick if he could explain why he needs a garage that is 24 feet by 50 feet.

Mr. Fiffick explained that with full size vehicles a 24 foot wide garage is necessary, with anything less than 24 feet they wouldn't be able to open the vehicle doors.

Mr. Cerny added that 10 feet of space is required for parking with cars next to each other, they wouldn't be able to open the car doors without the space. They came up with a realistic plan for the size and with no harm to the neighborhood.

Ch. Calabro asked if they have checked with the neighbors and Mr. Fiffick stated the 10 feet on the side is all trees. Mr. Fiffick stated he talked to every neighbor and made sure they were okay with the proposed project.

Mr. Budd asked how critical is it to get all 4 space in the garage, could they settle for less.

Mr. Cerny stated that they think of it as 2 vehicles in the front and a work space in the back.

Mr. Fiffick stated that the space is needed for everything in there.

Ch. Calabro asked if anyone from the audience wanted to speak.

Gary Garecky, 161 Concord Lane, Hinckley, Ohio

Mr. Garecky was sworn in accordingly.

Mr. Garecky stated he is Mr. Fiffick's neighbor and he agrees with what Mr. Fiffick wants to do. Mr. Garecky stated that Mr. Fiffick showed him everything he wants to do and he doesn't have any problems.

Zoning Inspector Wilson stated that regarding the question asked about building the garage as a detached, the Zoning Code only allows for a certain amount of square footage and when taking the pool into consideration, they would have exceeded the square footage significantly.

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

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?

It was determined by the Board that this Duncan Factor was not applicable.

Factor #6

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

Vote:

Calabro – Yes

Hoop – No

Zelevnak – Yes

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

Zelevnak – Yes

Mainzer – Yes

Budd – Yes

Ch. Calabro asked for a motion. Mr. Hoop made a motion to approve a variance (AP0242) submitted by applicant Anthony J. Cerny, architect on behalf of Andy and Elissa Fiffick, property owners of 2124 Willow Brook Lane, Hinckley, Ohio (Permanent Parcel 01703A08137) requesting a variance to construct an addition at the stated address in a location that does not meet the minimum side yard setback of 15 feet required by the Hinckley Zoning Regulations. Zoning Reference Chapter 6 Subsection 6R2.4.E.

The motion was seconded by Mr. Zelevnak.

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, Zelevnak– yes, Mainzer – yes, Budd – yes

Ch. Calabro stated that the variance passed 5-0

Ch. Calabro asked for a motion for the second variance. Mr. Hoop made a motion to approve a variance (AP0242) submitted by applicant Anthony J. Cerny, architect on behalf of Andy and Elissa Fiffick, property owners of 2124 Willow Brook Lane, Hinckley, Ohio (Permanent Parcel 01703A08137) requesting a variance to construct an addition at the stated address in a location that does not meet the minimum setback of 15 feet to an existing pool required by the Hinckley Zoning Regulations. Zoning Reference Chapter 6 Subsection 6R2.6.A.1.

The motion was seconded by Mr. Zeleznak.

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 June 24, 2020 Board of Zoning Appeals Public Hearing #1 was adjourned at 7:45 p.m.

Judi Stupka, Recording Secretary

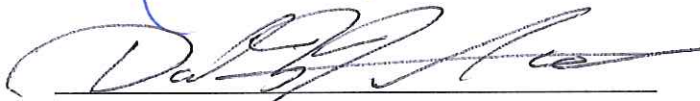
Minutes Approved: 7/8, 2020



Josephine Calabro, Chairperson



Jeff Hoop, Vice-Chairperson



Dave Zeleznak, Member



Julie Mainzer, Member



Bill Budd, Member