

Chairman J. Calabro called the February 24, 2021 Board of Zoning Appeals Public Hearing for Pride One to order at 7:27 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 were Trustees Burns and Kalina and Mr. George Smerigan, Certified Planner, and virtually Trustee Augustine and Zoning Inspector Wilson.

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 or virtually, 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 Pride One Construction on behalf of Emil Wolny Properties, LLC and Hinckley Land Ltd., property owners of W. 130th property and Center Road property, Hinckley, Ohio requesting two side yard setback variances for a new Senior Citizen Residential Facility at said properties, that does not meet the minimum side yard setbacks of 100 feet required by the Hinckley Township 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 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 the Recording Secretary stated that there were multiple emails and correspondence, phone call and visits to the office since February 9, 2021, copies of which are on record in the Hinckley Township Administrative Office.

Ch. Calabro stated that since this public hearing is of high interest to many residents as evidenced by the amount of communication received, she would like to take a couple minutes to state what the purpose of the Board of Zoning Appeals is and the reason that we are here hearing these variances and conditional use permit. The Board of Zoning Appeals is an administrative board, it is a quasi-judicial board in nature and makes decisions based on facts presented in the record rather than opinions. The primary role of the BZA is to rule on the application of the existing zoning codes it is not the role of the BZA to attempt to change the zoning code. It is the role of the BZA to provide a venue for property owners with unique conditions relating to their parcels who are seeking relief from the strict requirement of zoning ordinance. So, in summary, what our role as the Board of Zoning Appeals is to hear and decide appeals of administrative decisions made in enforcing the zoning code, to hear and decide requests for variances from the zoning code in doing this the BZA interprets the provision of the zoning code to hear and decide requests for conditional uses. There seems to be much discussion and question as to why the BZA is hearing this particular senior housing proposal as opposed to being approved by the Zoning Commission. This particular site is in the B-1 General Business District. It is already in our zoning code that in our B-1 General Business District Senior Citizen Resident Facilities are permitted uses with the approval of a conditional permit. A conditional use permit is not a change in zoning but rather a project specific change in the uses allowed on a specific property as stated in Chapter 7 of our Zoning Code. So at this point the applicant is asking for 2 variances and a conditional use permit all relating to the senior housing apartment proposal. We will take a vote on each variance separately as well as the conditional use permit, although consideration and discussion may overlap between the variances and the conditional use permit.

Ch. Calabro asked the Recording Secretary to poll the Board as to whether they received the packet of information and inspected the property at W. 130th and Center Roads, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 2/20/2021, Hoop – yes and yes inspected on 2/20/2021, Zeleznak – yes and yes inspected on 2/20/2021, Mainzer – yes and yes inspected on 2/20/2021, Budd – yes and yes inspected on 2/20/2021.

Each member of the Board has been provided a copy of the application and a copy of the documents submitted in support of this application.

Ch. Calabro noted for the record that written communications from persons not present this evening may include communication that are not made by affidavit because these communications are made by persons not under oath they are not accepted by this Board. Also written communication may include some writing by affidavits by persons that are not present this evening and therefore cannot be subjected to cross examination. These affidavits therefore will not be given much weight, if any, in the decision by the Board of this matter. This Board does have the power to grant an applicant's request for a variance.

Ch. Calabro stated that the Board has the power to grant an applicant's request for a 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 or virtually.

Travis Crane,

Travis Crane was sworn in accordingly.

Ben Weinerman, Pride One Construction

Ben Weinerman was sworn in accordingly.

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

Mr. Weinerman stated that he would like to give a brief description of the project. Mr. Weinerman shared a presentation virtually with the Board. Mr. Weinerman presented the proposed project – The Village at Hinckley Oaks, an age-restricted, luxury lifestyle community. Mr. Weinerman stated the project is located at Center Road and W. 130th at the Southeast corner and the property is zone B-1 General Business. There are private streets, they are proposing a clubhouse and leasing office. An entrance on Center road and W. 130th. They are

at 50% coverage. There are 125 units proposed, 113 ranch and 12 will be 2 story Townhome products. There will be 4 different unit types, a cottage type with 1 and 2 car garages and they are about 1268 sq. ft. there is a Windsor product with 2 car garage and a den. A Sanibel product 1400 sq. ft. 2 car garage and a combo building with Sanibel ranch product on end and 2 story townhome in the middle. The townhomes are approximately 1500 sq. ft. livable and 1 car garages. They plan on a nice clubhouse with indoor and outdoor seating.

Mr. Weinerman stated one of the things they take pride in is the over the top landscaping, they try for a nice entranceway, nice seasonal colors and plantings and proposing quite a bit of natural screening along the commercial lot to the north and the residential lot to the east.

The application for the variance request focuses on the east boarder and the northern border. They have 3 proposed stormwater retention ponds, they are wet ponds, they would like to do aeration fountains in the ponds for an aesthetic look and it cuts down on algae and mosquitos.

Mr. Weinerman discussed key features of the units, including maintenance free living, there is an onsite leasing agent and maintenance manager to assist tenants with all issues, even as small as a light bulb that has to be replaced. The units are energy star rated and they are FHA/ANSI compliant bathrooms and kitchens.

The community amenities include a private clubhouse and FHA accessibility to all site amenities. The streets will be private so there is no burden on Hinckley Township or Medina County for repairs and maintenance and snowplowing, the community owner handles all of that.

There will be streetscape landscaping and natural screening (mounding and trees) along the property line. Also there will be individual trash service.

Mr. Weinerman stated they reviewed the Hinckley Township Comprehensive Plan for what the residents of Hinckley Township was looking for. Mr. Weinerman focused on excerpts from the Hinckley Township Comprehensive Master Plan under Key Themes – The community desires to ...#4 - expand the opportunities to grow senior housing". Mr. Weinerman stated that within the greater Cleveland area Hinckley Township has the second largest proportion of individuals between 60 and 69 years old, about 16% percent, and the 3rd highest median age. Mr. Weinerman stated that the residents will need somewhere to go when they don't want to take care of their 2 acre lot and now there are limited options for folks who want to downsize and stay in the Township.

Mr. Weinerman stated that they are requesting the setback from B-1 general business to R-1 Residential on the east property line be reduced to 50 feet. This would be a 50 foot setback on the east property line Parcel No. 01703C02005 and additionally, a variance request to reduce the setback on the north property line from 100 feet to 93 feet. Mr. Weinerman stated the intention is to do rolling mounding similar to what is on a golf course and plant evergreen trees to provide natural buffering and screening for both the apartments and neighbor to the east.

Mr. Weinerman stated that at this time he welcomes any questions or comments from the Board.

Ch. Calabro asked on the east side of the property where there is a detention basin, where they are requesting a 50 foot variance, will most of it will be taken up by detention basin. Mr. Weinerman asked if the question is about the physical footprint of the pond and Ch. Calabro stated she is asking if most of the pond will be in the 50 foot side yard, so in the referred to landscape plan, how can they do any buffering or landscaping?

Mr. Weinerman stated there is a 10 foot separation from the property line to the top of the retention pond bank so they would utilize that area for trees and not so much mounding, the mounding would take place more behind the 2 buildings at the 50 foot setback. Ch. Calabro asked how much space between the pond and the property line and Mr. Weinerman stated there is 10 feet and Ch. Calabro asked if they can plant trees on 10 feet and Mr. Weinerman stated yes. Ch. Calabro asked if that was showing on the landscape plan and Mr. Weinerman stated no.

Mr. Travis Crane with Davey Resource Group, the project engineering and surveying firm. Mr. Crane stated that the current depiction of the stormwater management basin is schematic in nature. Mr. Crane stated he feels 10 feet is adequate to plant trees but if there is a concern over the width that location of the pond could be made smaller and moved off the property line so they could do landscaping.

Mr. Zeleznak stated that is a very critical spot for buffering for noise, fumes and site, where the houses are at they would be able to see traffic very well and that would be the critical point where they should have mounding and high density screening.

Mr. Weinerman stated they do intend to use excess material to do mounding on Route 303 to create some screening and that would help. Ch. Calabro asked where that would be and Mr. Weinerman stated it would be within in the 75 foot building setback off of Center Road. Ch.

Calabro stated that doesn't relate to the 50 foot variance and Mr. Weinerman stated he was addressing the concern of traffic on Center Road.

Ch. Calabro stated that when Mr. Weinerman started his presentation he referred to the project as The Villages at Hinckley Oaks and Ch. Calabro stated that she would like it on the record that the application was submitted as Hinckley Senior Apartments and this is the first time they are hearing that it is being called something else, so are they talking about the same project. Mr. Weinerman stated they are talking about the same project.

Ch. Calabro asked about the Medina County Planning Commission preliminary plan where it refers to 17.89 acres but on the site plan there is a 19.02 acres shown. Mr. Weinerman stated that the site plan they are looking at includes a piece of property, that is .57 acres that is part of property (parcel no. 01703C01010), there's an additional .57 acres included on that parcel that they will be splitting off and then consolidated with parcel no. 01703C01004 which is operating as the Caddy Shack.

Ch. Calabro asked if the project is 19.02 acres and Mr. Weinerman stated the project as a whole is 17.89 acres. Ch. Calabro asked for further clarification on the reference to 19.02 acres. Mr. Smerigan stated right now the parcel is 19.02 acres and they will be sub-divide off a half acre and attach to the adjacent property and it will become 17.89 which is the actual project size.

Ch. Calabro referred to the Medina County Planning Commission report, on page 7 where the County refers to wetland inventory maps indicating there are no wetlands on the site and the recommendation that the owner and developer hires a private consultant in order to make a determination regarding the existence or nonexistence of wetlands on the property, Ch. Calabro asked if that was done. Mr. Weinerman stated they do have a civil environmental consultant engaged, they have delineation results back but they don't have it confirmed by the Army Corps yet, which is the final set. Mr. Weinerman stated there are no wetlands on the project that would impact the layout or anything to that affect. Ch. Calabro asked if there was any report from the Army Corps and Mr. Weinerman stated they don't have anything yet.

Mr. Smerigan stated a report has been prepared by a consultant but the Army Corps has not accepted that report yet. That report will be needed before they could go forward with development. Ch. Calabro stated that is pending and Mr. Smerigan stated that is correct.

Mr. Budd asked if Mr. Weinerman could explain what his justification is to issue the variance in this case.

Mr. Weinerman referred to Schedule 6B4 area and lot requirements, in B-1 General Business district building and parking lots cannot exceed 60% site coverage, in comparison to B-2 Hinckley Town Center Districts will allow up to 80% building and parking coverage. Back to the Building setback requirements, in B-1 General Business District, when adjoining a residential district there is a 100 foot minimum setback, in comparison in B-2 Hinckley Town Center District allows for a minimum of 50 foot building setback when adjoining a residential district. That is important because when looking at Subsection 6B.3 Scheduled Permitted uses, under clause F, Subclause 3 Senior Citizen Residential Facilities are considered both a conditional use in both B-1 General Business District as well as B-1 Hinckley Town Center District. Both districts within the community adjoin residential districts. When looking at permitted uses in B-1 and B-2 the belief is that the 100 foot setbacks set forth in B-1 General Business District is a result of the many commercial type uses especially uses in the B-1 General District, those include professional corporate offices, retail buildings up to 12,000 sq. feet, restaurants, banks, etc. If they were proposing an apartment complex that was 4 stories and a parking lot with 200 spaces he could see that justifying a 100 foot setback, but Mr. Weinerman stated his belief is that if the Township is comfortable accepting Senior Citizen Residential Facilities in a B-2 zoning district with a minimum setback of 50 feet with more lot coverage than they should do so in the B-1 General Business District as well. Mr. Weinerman stated he wants to mention their plan is to propose 50% lot coverage. Mr. Weinerman stated so there is higher density in B-2 districts with a lesser setback and here they are proposing less lot coverage and so he feels that justifies the lesser setback.

Mr. Budd stated that Mr. Weinerman is not in B-2 but they are asking for the same setback as B-2. The problem is the surrounding properties and businesses are different in B-1 and B-2 and that's probably why they allowed 50 in one and 100 in the other, B-2 is much more of a business district than B-1. Mr. Weinerman stated his point more so is that the B-2 zoning districts in the Township also border residential districts so if the Township is comfortable accepting the same project with a lesser set back in another area of the Township but still adjoining residential then.....

Mr. Budd stated that isn't a hardship as that is the way it is zoned and the requirements of the zoning. Mr. Weinerman stated they recognize that, but they believe the 100 foot setback is more justified for the more disruptive type uses that are allowed in these 2 districts. Obviously the Township has to protect bordering residential neighborhoods from more commercial type uses.

Mr. Budd asked if every effort is being made to minimize this variance. Mr. Weinerman stated they have, initially he believes they submitted a request to reduce the setback by 60 feet and they went back to the drawing board to get another 10 feet from that bordering property. Mr. Weinerman stated as further justification, he thinks that the senior citizen residential facility exemplifies transition zoning, the idea of zoning is to step down in zoning going from industrial to commercial to residential to higher density residential to lower density residential and being the property is zoned B-1 there is much more practicality of a big box store or a commercial use and Mr. Weinerman doesn't think that does justice by the R-1 residents adjoining the B-1 district. Mr. Weinerman believes out of all the uses permitted or conditionally permitted in the B-1 district this is the best use for the property.

Mr. Budd asked is there another way to solve this problem other than granting a variance and if you look at the layout of the proposal what is preventing you from rearranging the layout to accommodate the requested setback.

Mr. Weinerman stated that the only way to avoid the setback is to eliminate 9 units close to the setback. Mr. Budd asked who owns the property to the West, can the entrance off of Center Road be expanded to the West. Mr. Weinerman asked for clarification of the question and Mr. Zeleznak asked – can they purchase property to the West.

Mr. Weinerman stated that they cannot because ODOT requires that the entranceway on Center Road be 600 feet east of the westbound stop lane and they are just over that 600 feet so they cannot move the entrance and based on the number of units they are required to have a secondary means of egress and ingress.

Mr. Budd asked if the land to the West is available. Mr. Weinerman stated it's not that the land is not available, they can't use it for the project because they need a secondary access on Center Road and they have to be 600 feet east of the westbound stop. Mr. Budd stated he's not asking if they can move the entrance, he's asking if they can shift everything else. Mr. Weinerman stated it's a function of dollar and cents and he's going to go out on a limb and say no they cannot afford that property for this project.

Mr. Budd thanked Mr. Weinerman.

Ch. Calabro stated that to Mr. Budd's point you are trying to tell us it makes sense to have a 50 foot side yard variance because B-2 has that, the difference is this project is abutted by industrial property and B-2 is not. Mr. Weinerman stated the 100 foot setback requirement does not involve industrial property. Ch. Calabro stated she understands that he is trying to

compare if it's okay there why isn't it ok here, but it's a different section of town. Mr. Weinerman wanted to restate his point that B-1 and B-2 districts both border residential parcels, that was more so his intent.

Ch. Calabro asked if Pride One only does rentals. Mr. Weinerman stated they do more than rentals, they don't do single family homes, they don't do for-sale products, they typically are multi-family apartments, hospitality hotels and some offices.

Ch. Calabro asked if anyone else had anything and Mr. Travis Crane asked if he could speak.

Mr. Crane stated when they were planning on the County level ODOT made a comment about the distance from the intersection so that is shifting the entrance to the East. When looking at laying out the units, they are working within the constraints of the property available and they need an exit onto 303 and W. 130th in order to comply with Medina County subdivision regulations and Ohio fire code. So when looking at Street A they looked at alternative placement of units and they placed smaller units to ask for a lesser variance and the only other alternative is to not have units on that side, and they would probably shift the road to the east and actually get the road closer to the property line and put the deeper products on the west side. That would force the road closer to the property line, we thought this would be a good compromise so instead of having a road adjacent to the property line, they would have the back of the units, therefore buffering the neighbors to the east from the traffic.

Mr. Budd asked for clarification if they had to move the units from the east side where would they move them. Mr. Crane stated if they remove the units they would replace the units on the west side of Street A with the deeper products, therefore pushing street A closer to the neighbor with more traffic and no buffer. So we thought this would be a good compromise and it would be better to have less traffic next to a single family residence and have backyards instead of traffic.

Mr. Budd asked if this would put them in compliance with the regulations and Mr. Crane stated he believes it would

Ch. Calabro asked if this would reduce the number of units by doing this and Mr. Crane stated he would have to look into this, it might reduce it a little. Ch. Calabro asked if Street A is the furthest West they can go according to ODOT and Mr. Crane stated yes. Ch. Calabro asked since they are coming to the Township for a variance is it possible to go to ODOT for a variance. Mr. Crane stated that ODOT very rarely grants a variance to their traffic requirements and Ch. Calabro stated she understands but it is an option? Mr. Weinerman stated that he believes this

is a life safety issue and they wouldn't want to compromise on that. Ch. Calabro stated she understands, but wants it on the record that is an option or minimizing the units by switching them around. Ch. Calabro stated she wants to establish there are options. Mr. Crane stated that is a poor option because there is minimal likelihood of getting it granted and it would be a safety issue for ODOT.

Ch. Calabro stated she wanted it on the record that Mr. Smerigan submitted a report to the Township regarding Hinckley Senior Apartments and Ch. Calabro asked Mr. Smerigan if he had anything to say. Mr. Smerigan stated he has nothing at this time, he would like to hear testimony and then supplement his report at that time.

Ch. Calabro asked if there was anything else before they open it up to the public.

There was nothing.

Ch. Calabro explained to the audience that before they speak they will be sworn in and due to the large number of people waiting to speak, there will be a 3 minute limit for everyone.

The proctor explained to the audience how to use the virtual controls to acknowledge they would like to speak.

Tom Wilson, Hinckley Zoning Inspector

Tom Wilson was sworn in accordingly. Mr. Wilson introduced Mr. Bindofer and explained that Mr. Bindofer would like to speak.

Mr. Bindofer – 2666 Center Road, Hinckley

Mr. Bindofer was sworn in accordingly.

Mr. Bindofer stated that he is the adjoining property owner and the variance request will have a major effect on his property and he will suffer all the hardships. He has lived here for 24 years and he knows the community. Mr. Bindofer stated he had a conversation with Mr. Weinerman who stated that from western edge of Mr. Bindofer's property there will be 10 feet of setback and then a retention pond and Mr. Bindofer asked how that will be buffered. Mr. Bindofer stated that when he moved to Hinckley it was incumbent on him to know the zoning, so he feels the applicant should be held to that as well. Mr. Bindofer stated that Hinckley has rural character and country atmosphere and the project should not be allowed.

Ch. Calabro reminded Mr. Bindofer that there is a three minute limit, however, since he is the resident most affected she will allow him more time to speak.

Mr. Bindofer further stated that he is concerned about the impact that the retention pool will have on his property. And that they are understating the many problems that this will cause.

Ch. Calabro stated that Mr. Bindofer's email that was sent can be submitted into record and Ch. Calabro stated that the Board does understand what he is saying.

Trustee Kalina stated that he will try to explain what Mr. Bindofer's hardship is as explained by Mr. Bindofer to him. There is a difference between a residential use in a business district and a business district, for example in the Town Center in B-2 district if you have a home used as a residential use, it's still in a business district so the business district setbacks will apply. Trustee Kalina stated that in Mr. Bindofer's situation there were parcels fronting 303 that were rezoned several years ago, rezoned from residential to B-1. Mr. Bindofer was given the opportunity to join and he decided not to do that because he knew that he would give up any future buffering that he had because it would automatically drop to a smaller buffer because it was zoned to a business district. Mr. Bindofer gave that up to protect his setbacks. Trustee Kalina stated he is not here to argue with the applicant's interpretation or Mr. Smerigan's interpretation, but what the resolution states is that when joining a residential district, the setback is 100 feet and specifically in the resolution there is screening language. When a business district abuts a residential district, which is what Mr. Bindofer's property is because he held onto his residential district, it is supposed to be at least 25 feet in width within the 100 foot setback and there should be a screened buffer which is very clearly defined in the resolution. Trustee Kalina stated to Mr. Bindofer that he wanted to make sure the history of the situation was made clear to the Board.

Ch. Calabro stated that in November 2017 the lots were rezoned and the hardship was to change the four parcels to allow growth of business along 303 to the east to increase the tax base. The Medina County Planning recommendation that resulted in the rezoning included the requirement of a 100 foot setback when adjacent to a residential district and significant screening was required when adjacent to a residential district.

Mr. Bindofer was then given the opportunity to quickly summarize his comments. Mr. Bindofer stated he would lose his privacy, peace and open air.

Ch. Calabro thanked Mr. Bindofer for his comments.

Trustee Melissa Augustine was sworn in and asked to state for the record that Trustee Kalina is present at the meeting as an appointed Trustee and he does not have Trustee duties until he is sworn in by the Board of Trustees.

Trustee Augustine stated that she has concerns for the neighboring property owners and the possible water issues that could arise from the proposed project.

Denise Klag – Hinckley

Denise Klag was sworn in accordingly. Ms. Klag asked if Pride One is requesting a zoning change and Ch. Calabro stated no they are not asking for a zoning change, they are requesting two variances. Ms. Klag then asked for clarification on the setback request and it was explained that the property is zoned B-1 not R-1 so the setback is 100 feet. The applicant confirmed that when they referred to R-1 they were discussing the neighboring property.

Nikki Long – 1941 Parker Road, Hinckley

Nikki Long was sworn in accordingly. Ms. Long stated she had comments about the conditional use and she understands they are not discussing that but would like to state her concerns. Ch. Calabro stated that it was okay to do that. Ms. Long stated she had already submitted her comments, however she wanted to state that she moved from Chicago where she lived in a high density rental and it made life difficult. Ms. Long stated that it is her impression that high density rentals are not desired nor do they fit the character of the Township. Ms. Lang stated she feels this won't bring benefits to the community. Additionally, Ms. Lang stated she felt this would change the character of the area and the use of the area will be detrimental to the community. There will be increased traffic, increase in speeding and she believes people don't take care of properties when they don't own them. Ms. Long stated she believes there would be issues with the age restriction because it's not enforceable. Ms. Lang stated she knows there is a fear of annexation, however, it is not responsible to act out of fear.

Ch. Calabro stated they do have Ms. Long's email and it will be submitted into the record.

Thomas Vanover – 1388 Ridge Road, Hinckley

Thomas Vanover was sworn in accordingly. Mr. Vanover stated that it is true that when the property was rezoned to commercial Mr. Bindofer had the opportunity to stay residential with the understanding that there would be a 100 foot setback. As this goes further there will be talk of retention pond and setbacks regarding structures, the entire complex will have to go through a stormwater plan, so it's not just a pond for aesthetics, it isn't just a pond, it will

function with noise and mechanisms to move stormwater. Mr. Vanover stated that he feels this project is a violation of Section 7.5.f.3 of the Zoning Resolution because it's not being built in compliance with the regulations of the zoning district it is in.

Martha Catherwood – 501 Eastwood Road

Martha Catherwood was sworn in accordingly. Ms. Catherwood stated that when the zoning was redone she was the Trustee Liaison and she would like to put in context how setbacks were determined. Ms. Catherwood referred to page 63 of the Township Zoning Resolution which states the purpose of the B-1 and B-2 district. Ms. Catherwood stated that Mr. Weinerman's argument comparing B-1 and B-2 wasn't valid based on the language in the Resolution.

Jim McClintock – 2205 Stony Hill Road, Hinckley

Mr. McClintock was sworn in accordingly.

Mr. McClintock stated he wrote a letter and would like that submitted into the record as sworn testimony and Ch. Calabro stated it would be submitted into record. Mr. McClintock stated there is a substantial difference in the landscape plans that were submitted with the application and what was shown at the meeting tonight. There is nothing on the submitted plans that show berming and the trees are not shown. Mr. McClintock stated the Board should not grant any variance less than required by the zoning code and the development doesn't fall within the spirit of the Hinckley Township and the current zoning code.

Dennis Timony- 2274 Country Brook, Hinckley

Dennis Timony was sworn in accordingly. Mr. Timony stated he wanted to comment about the rezoning in 2017. The purpose and use changed in a way that is not consistent with that rezoning and who's really benefiting. It is being spun as something for the good of Hinckley, but he doesn't believe it's a good fit. Mr. Timony stated he is also concerned about the impact this project will have on the infrastructure, fire, EMS, and police will have to respond and the tax benefit will be minimal and will not offset the expenses related to this.

Mr. Timony stated that he had concerns regarding the landowner being a BZA Board Member. Ch. Calabro stated that Mr. Wolny recused himself from the Board as of February 10, 2021.

Monique Ascherl – 869 Center Road, Hinckley

Monique Ascherl was sworn in accordingly. Ms. Ascherl stated that the project continues to be presented as a project to benefit Hinckley seniors, but it doesn't maintain the character of the community. Ms. Ascherl stated she sent an email to Trustee Augustine voicing her concerns about the project, including the effect on police and fire. Ms. Ascherl asked why there is a need for egress and ingress off of Route 303, why can't there just be one on W. 130th.

Travis Crane responded there are two reasons for the ingress and egress on Route 303, it is a requirement of the Medina County subdivision regulations when there are over 40 units and when there are over 100 units the Ohio Fire Code requires two ingress and egress. Ms. Ascherl stated she has concerns about the busy intersection and seniors don't have quick response and there will be cars coming onto 303 every single day. Mr. Crane doesn't have a comment, but he did say the 2 egresses have to be a certain distance apart so they are complying with that.

Tim Noonan – 1545 W. 130th Street, Hinckley

Tim Noonan was sworn in accordingly. Mr. Noonan stated he owns the industrial property known as Genisec Industrial Park on W. 130th and he is a Hinckley resident and owner of the industrial Park since 1995. Mr. Noonan stated that his North property line abuts their property on the South and his West property line abuts their property on the East. Mr. Noonan stated he supports senior living in Hinckley but not sure that this is the right place. His concerns are that high density senior apartments abutting an industrial property at a busy intersection are not compatible uses. What happens when the seniors don't like the noise from the industrial activities and how will the Zoning Boards and the police handle these two vastly different zoning uses and respect both property owner's rights. How does Hinckley propose to support its business community that has heavily invested in the industrial zone that has been present for almost half a century. How do they deal with resident complaints who don't like living next to an industrial district. The point of an industrial district is to keep them away from residential living. Any accommodations will hurt the business community who has operated under the existing laws. High density residential living will reduce the value of the abutting industrial property. These reasonable conditions should be put in place if approved. A landscaped buffer mound should be added running along our abutting north property line with coniferous trees, a 20 foot earthen landscape mound with a wooden decorative fence 8 foot tall should be built to separate the properties visually, greenery would need to be planted on the mound and building setbacks would need to be adjusted to the size of mound and maintenance of all of this would be the responsibility of the apartment complex or added as a deed restriction and there should

be no future limitations or restrictions on the exiting industrial area. Mr. Noonan thanked the Board.

Ch. Calabro asked Mr. Weinerman if they had mounding on the landscape plan on the south side of the property and Mr. Weinerman stated that is correct. Mr. Weinerman pointed out that this mounding would not be shown it would be in the civil engineer plans and grading plans. Mr. Weinerman also stated that along the south property line they do intend on keeping the existing (inaudible). Mr. Weinerman stated they have built over 10,000 of these type of units and they have built on railroad tracks and next to the highways and airports and historical facts show that there are not problems building next to these types of properties.

Matt Marzullo – 2297 Tamarind Trail, Hinckley

Matt Marzullo was sworn in accordingly. Mr. Marzullo stated that the retention pond that is causing an issue is 10 feet off the property line and according to the zoning it does have to be a minimum of 15 feet. It does get narrow towards the Northern side. Mr. Marzullo stated that he wanted to point out that it is clearly spelled out the number of trees that have to be placed for screening per 100 linear foot and this is not being met in the first 100 feet in the landscape diagram.

Shawn Pepera – 988 West Wind Trace, Hinckley

Shawn Pepera was sworn in accordingly. Ms. Pepera wanted it on the record that she sent an email regarding this project. Ch. Calabro stated it will be submitted into record. Ms. Pepera stated they moved to Hinckley 11 years ago and they were drawn to the 2 acre lots. The acreage promotes the small town feel and variances should be the exception to the rule to ensure value for years to come. We want our homes and properties to maintain value.

Jim Bialosky – 2300 Sandy Creek Trail, Hinckley

Jim Bialosky was sworn in accordingly. Mr. Bialosky asked that the email he sent be submitted into record. In original plans submitted it was supposed to blend seamlessly with the neighborhoods, potentially add value to the property in vicinity and he sees this as the opposite. Mr. Bialosky wanted to point out the optics of the project and Mr. Bialosky asked if variances are becoming the norm. Mr. Bialosky stated that fair housing defines that 80% of the units must have at least one person 55 plus, is there a demand for this.

Ch. Calabro stated that the email will be submitted into record.

Ch. Calabro asked if they could take a 5 minute break and the meeting proctor stated that Mr. Timony who had previously testified asked a question in the chat.

Mr. Dennis Timony asked about the 2 dead end streets on the plan and are there plans for future expansion. Mr. Weinerman stated they have no plans for future expansion. Mr. Timony asked if there was communication with the current adjoining property owner to possibly acquire the property and Mr. Weinerman stated he doesn't know he doesn't handle that.

Ch. Calabro stated they will now take a 5 minute break.

After the 5 minute break Ch. Calabro stated they will hear from more residents.

Christine Schmidt – 2494 ½ Center Road, Hinckley

Joseph Schmidt – 2498 Center Road, Hinckley

Christine Schmidt and Joseph Schmidt were sworn in accordingly. Ms. Schmidt stated that she lived in the Atlanta area where 3 senior communities were built and it greatly reduced her quality of life. Her drive time increased from 12 minutes to 40 minutes one way, the increase in population will create more issues with infrastructure and police and fire. There are no sidewalks or crosswalks and the traffic pattern on Route 303 can be dangerous for the residents. Ms. Schmidt stated she felt there are a number of things with this project that should be taken care of. Ms. Schmidt stated that on Mr. Weinerman's presentation he highlighted the area that stated people want senior housing, but it also showed that people liked larger lots and he chose not to highlight that.

Mr. Schmidt stated that he feels that variances are designed for incurable defects and he feels that variances have been easier to get.

Ch. Calabro stated that at the beginning of the hearing she stated what the Board of Zoning Appeals does and it is the role of the Board to provide a venue for a resident to obtain a variance on a property that has a unique condition and they are seeking some relief from strict requirements of zoning code and the Board is trying to stick to that.

Ch. Calabro recognized Nikki Long who previously testified and who was still under oath. Ms. Long understands the Comprehensive Plan is the major driver on this project and there were 45 votes for senior housing, but details do matter and it's important to take into consideration what the survey question was. Possibly, if people were provided specific details in the question the answer possibly could have been different so it's important to take into consideration in the Comprehensive Plan that we don't know what the question was. Additionally, Ms. Long wanted

to say that the increase in people will require more safety forces and the reality is the developer will possibly apply for a tax abatement and the residents would have to pay for the increase in safety staffing. Is the developer willing to commit to not applying for an abatement or would they possibly pay for the extra cost of safety forces.

Ch. Calabro stated that to Ms. Long's first point, regarding the Comprehensive Plan, one of the objectives is to support housing and skilled care to allow detached independent senior housing that will not exceed the maximum density of the zoning district.

Shardon Yorks – 1486 Mattingly, Hinckley

Shardon Yorks was sworn in accordingly. Mr. Yorks stated that he lived in a similar senior community for two years and the majority of residents were elderly but there were also young people that lived there and sometimes they can bring the extra burden on law enforcement. In the two years he lived in the development there was crime that he didn't expect to see in that type of environment.

Jason Radesic – 1486 Bellus Road, Hinckley

Jason Radesic was sworn in accordingly. Mr. Radesic stated the optics don't look good and not one resident has given their support for this project tonight. There is no reason for these variances to be granted.

The meeting proctor stated there were no other speakers.

Ch. Calabro thanked everyone and stated that at this point they will close the public hearing to public comments to give the Board the opportunity to digest all of the information.

Mr. Budd made a motion to table the public hearing to defer further actions until March 24, 2021 at 7:00 p.m. Ms. Mainzer second. All in favor.

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

The February 24, 2021 Board of Zoning Appeals Public Hearing adjourned at 10:10 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2021

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

Bill Budd, Member