

Board of Zoning Appeals

D'Amico/Fussi – Variance request

October 24, 2012

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Ch. Manley began the hearing at 7:32 p.m.

Roll Found: Manley, Fox, Zeleznak, Mainzer and Calabro present. Also present were Earl and Beverly Schemrich, and the applicants Wayne and Linda Fussi and John D'Amico.

Ch. Manley stated that this is a hearing for John D'Amico (contractor) on behalf of property owners Wayne and Linda Fussi of 2644 Babcock Road, Hinckley Township, Ohio.

Recording Secretary Gienger read the legal ad.

Recording Secretary Gienger polled the Board as to whether they received the packet of information and inspected the property at 2644 Babcock Road, Hinckley Township (Parcel #01703A22047).

Response: Manley – yes and yes, site visit on 10/20, Fox – yes and yes, site visit on 10/22, Zeleznak – yes and yes, site visit on 10/20, Mainzer – yes and yes, site visit on 10/20, Calabro – yes and yes, site visit on 10/20

Recording Secretary Gienger noted there was no written correspondence or phone calls regarding this hearing.

Mr. John D'Amico of 620 Crystalbrooke Road, Hinckley Ohio was sworn in accordingly.

Ch. Manley asked Mr. D'Amico if he was the contractor for the project. Mr. D'Amico noted he is the contractor for the project.

Ch. Manley asked Mr. D'Amico if there was anything he would like to add other than what has already been included in the packet of information. Mr. D'Amico stated there was nothing additional and that his client would like to build a garage in the back of their property since their existing garage is unusable for larger vehicles due to the grading issue in front of the garage. He noted that the building will be 28'x28' and cannot move it over further to meet the 15' side yard setback due to existing septic lines in the back yard. He noted that there will be a 4' sitting area as part of the new garage.

Ch. Manley asked Mr. D'Amico if the existing building would be removed. Mr. D'Amico noted that it will be removed.

Ch. Manley asked Mr. D'Amico if the new building would be 10' from the property line and they are asking for a 5' variance. Mr. D'Amico noted that is correct. He noted that the existing stakes

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he placed are a little off but he will have the property surveyed properly to assure the new building is installed in the correct location.

Being no further questions, Mr. D'Amico was seated.

There being no further testimony offered, Ch. Manley 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

Mainzer – Yes

ZeleznaK – Yes

Fox – Yes

Manley – Yes

Factor #2

Is the variance substantial?

Vote:

Calabro – No

Mainzer – No

ZeleznaK – By Percentage Yes

Fox – Not by Footage

Manley – 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

Mainzer – No, it appears adjacent properties are the same

ZeleznaK – No

Fox – No

Manley – No

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Factor #4

Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

Vote:

Calabro – No

Mainzer – No

ZeleznaK – No

Fox – No

Manley – No

Factor #5

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

Vote:

Calabro – Don't Know

Mainzer – Don't Know

ZeleznaK – Don't Know

Fox – Don't Know

Manley – Don't Know

Factor #6

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

Vote:

Calabro – No

Mainzer – Not given the circumstances

ZeleznaK – Upon visiting the site, No

Fox – No

Manley – 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

Mainzer – Yes

ZeleznaK – Yes

Fox – Yes

Manley – Yes

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Ch. Manley 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 and the minutes of this appeal will be journalized on the second Wednesday of November. A copy of the signed documents will be given to the applicant at the end of this hearing.

Ms. Fox stated that this is a motion for a variance (AP#0165) for a variance of 5' for John D'Amico on behalf of property owners Wayne and Linda Fussi of 2644 Babcock Road, Hinckley Township, Ohio (Permanent Parcel #01703A22047). requesting a variance to construct a garage that is less than the 15' of the side yard setback as required per Hinckley Zoning Regulation 6R1.4C.1.d.

Mr. Zeleznak seconded the motion.

Vote: Manley – yes, Fox – yes, Zeleznak – yes, Mainzer – yes, Calabro – yes

Passed by a vote of 5 to 0

Ch. Manley suspended the meeting at 7:42pm

Todd Gienger, Recording Secretary

Minutes Approved: _____, 2012

David Manley, Chairman

Dottie Fox, Member

(Absent-Excused)
Jeff Hoop, Member

Dave Zeleznak, Member

Julie Mainzer, Member

Josephine Calabro, Alternate Member