

Summary of Fact for Joseph Depiero

Hearing Date
December 11, 2013
Page 1 of 2

A variance request was submitted by Robert Babareka Contractor on behalf of Joesph Depiero property owner of 963 Marwin Drive Hinckley, Ohio 44233. Permanent Parcel # 01603D09016.

Variance to construct and accessory building that does not meet minimum front yard setback of ninety feet (90) and to allow frontage setback to be less than the principal building setback.

Property was inspected on Dec. 7th 2013 (Sat) by all members.

Mr. Babareka was sworn in. He stated that the property has issues that prevented the building to be located in the rear of the primary residence. West side of property has drop off close to house. East side of residence close to property line. Rear of residence has septic leach field and a pond located behind the main residence which is their source of water. A 240 square foot building is located where the new building will be located. It will be removed. Property has more than five acres so building size fits in code. Proposed building is 1800 square feet.

Mrs. Goloversic of 945 Marwin Drive was sworn in and read a letter opposing the new building, stating it was to large and would reduce her property value.

Ms. Janice Nawalaniec was sworn in and testified the building was to large for in the front of residence. She stated it will lower her property value also.

Ms. Susan Jennrich of 1672 Skyline Drive was sworn in and testified the building should be smaller.

Mr. Babareka returned to stand and testified that the building would be a six car garage. Since they do have a large property they could also build a bigger building. Building is to be used for personal cars, and collector cars.

Duncan Factors Reviewed

Factor # 1 : Will the property yield a reasonable return or ; Can there be a beneficial use of the property with out the variance ?

Consensus of the Board. Yes.

Factor # 2 : Is the variance substantial ?

Consensus of the Board. Yes.

Factor # 3 : Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if the variance is granted ?

Consensus of the Board. No.

Factor # 4 : Will the variance adversely affect the delivery of Governmental services ?

Consensus of the Board. No.

Factor # 5 : Did the property owner purchase the property with the knowledge of the zoning restriction ?

Consensus of the Board. Board did not know.

Factor # 6 : Can the problem be solved by some other manner other than granting of a variance ?

Consensus of the Board. No.

Factor # 7 : Does the variance preserve the "spirit and intent" of the zoning requirement and will "substantial justice" be done granting the variance ?

Consensus of the Board. Yes.

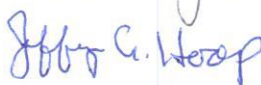
Motion was submitted for a variance (AP#0175) submitted by Robert Babareka, contractor, on behalf of Joseph A. Depiero, property owner of 963 Marwin Drive Hinckley Township for Permanent Parcel # 01603D09016 to construct an 1800 square foot building that does not meet minimum front yard setback of 90 feet and allow the frontage setback to be less than the residence.

Vote taken and passed 5 – 0 in favor of variance.

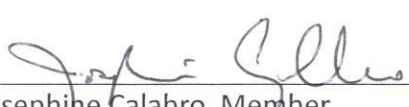
Jeff Hoop
Board of Zoning Appeals, Member


Summary of Facts Approved January 8, 2014


David Manley, Chairman


Jeff Hoop, Member


Julie Mainzer, Member


Josephine Calabro, Member
Vice-Chairperson


David Zeleznak, Member