

Board of Zoning Appeals  
Verbos – Variance request  
September 22, 2010

1

Ch. Manley called the meeting to order at 7:30 p.m.

Roll Found: Manley, Fox, Hoop, Zeleznak, Sullivan and Calabro present. Also present: Trustee Schulte, the applicant Mr. Ed Verbos, Mr. Daniel Brandt, Mr. Steven Moore and Mr. and Mrs. Greg and Erika Petrus.

Recording Secretary Gienger polled the Board as to whether they received the packet of information regarding the variance request and if they inspected the property at 105 Northern Light Circle, Hinckley Township (Parcel #01603B30015).

**Response: Manley – yes on both, Fox – yes on both, Hoop – yes on both, Zeleznak – yes on both, Sullivan – yes on both, Calabro – yes on both**

Ch. Manley stated that Dave Zeleznak has asked to be recused from the hearing. Therefore Kevin Sullivan will be a voting member on this hearing and Josephine Calabro will be a voting member in place of Julie Mainzer, who is absent.

Ch. Manley stated that the Hinckley Township Board of Zoning Appeals acts within the regulation of Section 519 of The Ohio Revised Code and exercises its power as provided under Section 7 & 13 of The Hinckley Township Zoning Regulations, that all hearings are open to the public, that all persons wishing to testify must do so from the podium, be sworn in, and must identify themselves giving their address. Evidence and testimony must be pertinent to the hearing at hand and that it is within his discretion to limit personal comments. He stated he will not permit personal attacks and opinions. Disruption persons will lose their right to remain at the hearing.

Ch. Manley stated that the hearing tonight is for an application submitted by Ed and Debbie Verbos for a property at 105 Northern Light Circle, they would like to construct a swimming pool.

Recording Secretary Gienger read the legal ad.

Administrative & Zoning Office Manager Peterlin stated that no written comments or phone calls had been received.

Mr. Ed Verbos, owner of the property located at 105 Northern Light Circle, Hinckley Ohio was sworn in accordingly.

Ch. Manley asked if there was any additional information Mr. Verbos would like to submit at this time. Mr. Verbos responded that there is not.

**Board of Zoning Appeals**  
**Verbos – Variance request**  
**September 22, 2010**

2

Vice Ch. Fox asked about the pooling equipment that is shown on the map and what type of equipment this is. Mr. Verbos stated that it was the equipment used for operation of the pool. Vice Ch. Fox then asked will this equipment be exposed and what will it look like.

Mr. Daniel Brandt, President of the pool company was then sworn in accordingly.

Vice Ch. Fox asked Mr. Brandt what this equipment looks like and if it will be installed within some form of structure or housing. Mr. Brandt stated that it does not need to be installed in a housing. It is designed to be installed outside.

Vice Ch. Fox then asked what will you do with this installation. Mr. Verbos stated that it will sit on a pad and they plan to landscape around the equipment.

Ch. Manley stated that when visiting the site that it looked like the pool could be moved further to the north to eliminate the need for a variance. He asked why was this not considered. Mr. Verbos responded that the planned location was to be consistent with the flow of the space to make it look like it was part of the patio and also to do the least amount of excavation of the area and avoid eliminating trees from the area.

Ch. Manley asked if they could install an elbow in the pool to stay within regulations. Mr. Verbos stated that they were just planning on a simple rectangular structure.

Mr. Sullivan asked when the house was built. Mr. Verbos stated that the house was finished this year in February and that they are the first owner of the home.

Mr. Sullivan asked when they first became aware that they wanted to build the pool. Mr. Verbos stated that it was this summer when going to friends' graduation parties that they decided to build a pool.

Mr. Sullivan asked when did they become aware of the need to obtain a variance. Mr. Brandt stated that once they were contacted to look at the installation of the pool, they look at all local regulations. It was at this time they saw the regulations in place by Hinckley and notified Mr. Verbos that he would need to apply for a variance in order to install the pool at this location.

Mr. Sullivan asked if they only became aware of the zoning regulations after moving into the house. Mr. Verbos stated yes.

Ch. Manley stated that on August 23, 2010 was when Hinckley received notification of this request.

**Board of Zoning Appeals**  
**Verbos – Variance request**  
**September 22, 2010**  
**3**

Mr. Sullivan stated that there is currently a house on one side but not the other. Mr. Sullivan asked if there are any plans for that undeveloped lot to be sold and a house built there. Mr. Verbos stated that to the best of his knowledge that lot has not been sold and that he has heard there may be a MetroPark access to this lot, but he does not know that for a fact.

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

Sullivan – yes, it is currently used as a residence and will continue to be use as a residence.

Hoop – yes

Fox – yes

Manley – yes, property is currently a residence and will continue to be

Factor #2

Is the variance substantial?

Vote:

Calabro – yes

Sullivan – yes percentage wise, but overall no

Hoop – yes by the numbers but not major given the overall setback

Fox – yes percentage wise but in the way the property looks, no.

Manley – yes

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

Sullivan – No

Hoop – No

Fox – No

Manley – No

Board of Zoning Appeals  
Verbos – Variance request  
September 22, 2010

4

Factor #4

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

Vote:

Calabro – No

Sullivan – No

Hoop – No

Fox – No

Manley – No

Factor #5

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

Vote:

Calabro – No based on Mr. Verbos testimony

Sullivan – No

Hoop – No

Fox – No

Manley – No, we have testimony on the record stating he did not.

Factor #6

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

Vote:

Calabro – Yes it can be moved

Sullivan – Yes

Hoop – Yes

Fox – Yes

Manley – Yes

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

Sullivan – Yes justice will be done by granting the variance.

Hoop – Yes

Fox – Yes

Manley – Yes

**Board of Zoning Appeals**  
**Verbos – Variance request**  
**September 22, 2010**  
**5**

Ch. Manley asked for a motion for approval of the variance.

Vice. Ch. Fox stated that this is a motion for approval of a variance submitted by Ed and Debbie Verbos of 105 Northern Light Circle, Hinckley Township, Ohio Permanent Parcel #01603B30015 requesting a 9' variance for installing an in-ground pool at 105 Northern Light Circle that is less than what is required by the Hinckley Zoning Regulations.

Kevin Sullivan seconded the motion.

**Vote: Manley – Yes, Fox – Yes, Hoop – Yes, Sullivan – Yes, Calabro – Yes.**

**Passed by a vote of 5 to 0**

Ch. Manley stated that any person adversely affected by a decision of the Board of Zoning Appeals has 30 days to get a copy of the minutes and file suit. A copy of the signed documents will be given to the applicant today.

Meeting was adjourned at 7:47 p.m.

Todd Gienger, Recording Secretary

Minutes Approved: OCT 13, 2010