

Board of Zoning Appeals

Blueter – Variance Request

September 23, 2009

1

Ch. Manley called the hearing order at 7:30 pm.

Roll found: Manley, Fox, Hoop, Zeleznak and Mainzer present. Mr. Sullivan had an excused absence. Also present: Zoning Inspector Pope and Mr. Jim Kamps, Trustee Schulte, the applicant Ms. Blueter and 1 guest.

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 powers as provided under Section 7 & 13 of The Hinckley Township Zoning Regulations. All hearings are open to the public. Please note that a person is guaranteed the right to attend this meeting but not necessarily the right to be heard. Any person may request that a schedule or agenda be mailed to them by providing a self addressed stamped envelope in advance.

Ch. Manley noted that the Board of Appeals does not accept as testimony non-written communication made by known or unknown persons, not under oath at a properly noticed hearing. He explained that the meeting is being taped for transcription purposes only. The written minutes and any attachments will serve as the official record of this meeting. He also noted that relevant documents might include written communications from persons who are not present this evening.

Ch. Manley announced that written communications from persons not present this evening include communications that are not made by affidavit. Because persons not under oath make these communications, this Board does not accept them. He also noted that written communications might include some writing by affidavit, 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 of the Board on this matter. In addition, the audience was informed that they must state their names and addresses, and be sworn in. All testimony will be given from the podium. Evidence and testimony must be pertinent to the particular hearing and the chairman may limit comments. No personal attacks, editorials or opinions etc. will be permitted. Notice of the application was properly given in local newspapers, and the application has been available for public review and comment. He then asked the Hinckley Township Zoning Clerk whether she has received any documents that relate to this hearing.

Ms. Garrett stated that no written or verbal comments had been received.
Clerk Garrett read the legal ad.

Ch. Manley announced that an application for variance was submitted by Lori Blueter of 837 Aldon Drive, Hinckley, OH 44233 requesting a variance to construct a 3-car garage in front of the house at the above stated address, permanent parcel # 016-03D-10-092.

Ch. Manley polled the board as to whether they reviewed the application packets for the Slater request.

Response: Mainzer – yes Zeleznak – yes Hoop – yes Fox – yes Manley – yes

Board of Zoning Appeals

Blueter – Variance Request

September 23, 2009

2

Ch. Manley polled the Board as to whether they inspected the property at 837 Aldon Drive, Hinckley Township. (Parcel # 016-03D-10-092)

Response: Mainzer – yes Zeleznak – yes Hoop – yes Fox – yes Manley – yes

Ms. Lori Blueter, 837 Aldon Drive, Hinckley, Ohio was sworn in accordingly.

Ch. Manley: Is there any additional information you would like to provide us with other than what came in the packet we received.

Ms. Blueter: No.

Mrs. Fox: How long have you lived there?

Ms. Blueter: 7 years.

Mrs. Fox: When you purchased the property were you aware of any of the zoning regulations for Hinckley Township.

Ms. Blueter: I knew there was a 2 acre ..., I've lived in Hinckley all my life.

Mrs. Fox: You didn't know about the garage not being allowed to be in front of the principal residence.

Ms. Blueter: I didn't see anywhere else I could possibly put it.

Mrs. Fox: But were you aware of that ordinance?

Ms. Blueter: I'm not sure.

Ch. Manley: When you purchased the property did you have any conversation with the seller or the real estate agent about your desire at some point in time in the future to build a 2 or 3 or 1 car garage?

Ms. Blueter: I really had no plans when I bought it.

Mr. Zeleznak: I would say that is a no then.

Ms. Blueter: No.

Mr. Zeleznak: Because when you bought it you had no intentions, you never looked into it.

Ms. Blueter: No.

Board of Zoning Appeals

Blueter – Variance Request

September 23, 2009

3

Mr. Zeleznak: How many acres do you have?

Ms. Blueter: I have .7 acres.

Mr. Zeleznak: What is the square footage or footprint of your house?

Ms. Blueter: I believe it is 950 sq. ft.

Mr. Zeleznak: When we were out there, it is shown in the drawings and it was also pointed out that you have a cistern and a septic tank in front of the house. Now was it discussed that the cistern has a overflow pipe that goes to the area where the garage would be on the property?

Ms. Blueter: Yes.

Mr. Zeleznak: About how deep is that?

Ms. Blueter: I don't know, I just know there is one.

Mr. Zeleznak: Is it a plastic pipe or clay tile?

Ms. Blueter: I'm not sure, I know there are a lot of rocks.

Mr. Zeleznak: Also is the septic bed also going toward the property line where the garage would be?

Ms. Blueter: Yes.

Mr. Zeleznak: The leach bed.

Ms. Blueter: They are both going in the same direction because of the slant of the land.

Mr. Zeleznak: Is there any reason why you would not want to or can put your garage next to your house where the movable shed is now.

Ms. Blueter: I don't want to rip down a building that I just put up and I don't want to run over pipes and everything that is already in place.

Mr. Zeleznak: Would a driveway be going over the leach bed?

Ms. Blueter: It would have to to get over there.

Mr. Zeleznak: Okay, and over the overflow pipe.

Ms. Blueter: Yes.

Mr. Zeleznak: That's all I have.

Board of Zoning Appeals

Blueter – Variance Request

September 23, 2009

4

Ch. Manley: Anybody else?

Mrs. Fox: Does anyone know whether or not any emergency equipment or fire trucks will be able to make it through here to get to the house?

Ch. Manley: The current drive is large enough.

Mr. Zeleznak: I would say so.

Mrs. Fox: Okay.

Mr. Zeleznak: If you mean if a garage goes there will there be any difference?

Mrs. Fox: There shouldn't be any difference.

Mr. Zeleznak: Right.

Mr. Kamps was sworn in accordingly.

Mr. Kamps: Those lots are tight in that area, I have a concern about where the septic system is and with the Health Department where they might permit a garage because the normally the Health Dept. wants another spot for a leach bed. I would have to believe it ought be checked on before hand.

Ch. Manley: Where she wants to put the garage would not be on a leach bed at all.

Mr. Kamps: No, a second leach bed. They generally ask for that in most cases, and I'm thinking those lots are pretty tight.

Mr. Zeleznak: Have you seen the drawing?

Mr. Kamps: I know the lots are small, there's not a lot of room up there.

Mr. Kamps reviews the drawings.

Mr. Kamps: It's just a question I have.

Mr. Zeleznak: It's a valid question and especially if the garage is going to be sitting right next to it.

Ch. Manley led the discussion of the Duncan Factors;

Board of Zoning Appeals

Blueter – Variance Request

September 23, 2009

5

Factor #1

Can the property be sold for a reasonable amount without the variance?

Vote:

Mainzer – Yes

Zeleznak – Yes

Hoop – Yes

Fox – Yes

Manley – Yes

Can the property be used without the variance?

Vote:

Mainzer – Yes

Zeleznak – Yes

Hoop – Yes

Fox – Yes

Manley – Yes

Factor #2

Is the variance substantial?

Vote:

Mainzer – Yes.

Zeleznak – Yes

Hoop – Yes

Fox – Yes

Manley – 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?

Vote:

Mainzer – No.

Zeleznak – No

Hoop – No

Fox – No, there's no neighbors here to question.

Manley – No

Board of Zoning Appeals

Blueter – Variance Request

September 23, 2009

6

Factor #4

Will the variance adversely affect the delivery of governmental services?

Vote:

Mainzer – No

Zelesnak – No

Hoop – No

Fox – No

Manley – No

Factor #5

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

Vote:

Mainzer – No.

Zelesnak – No.

Hoop – No.

Fox – No.

Manley – No.

Factor #6

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

Vote:

Mainzer – No

Zelesnak – No.

Hoop – No

Fox – No.

Manley - No

Factor #7

Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Vote:

Mainzer – Yes

Zelesnak – Yes

Hoop – Yes

Fox – Yes.

Manley – Yes.

Mrs. Fox made a motion to approve the variance to 837 Aldon Drive, Hinckley, Ohio (permanent parcel # 016-03D-10-092) as submitted by Lori Blueter as shown on the drawing submitted.

Mr. Zelesnak second.

Board of Zoning Appeals

Blueter – Variance Request

September 23, 2009

7

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 grounds that such decision was unreasonable or unlawful. They have 30 days from the date the minutes of the hearing are received by the applicant via certified mail.

Vote on the Motion: Mainzer – yes Zeleznak – yes Hoop – yes Fox – yes
Manley – yes

The Motion passed by a vote of 5 to 0.

Ch. Manley asked if there was any further discussion. Mr. Zeleznak stated to make sure the garage is built based on where the stakes are located and no closer to the property line.

Ch. Manley amend a motion to include all other aspects of our zoning.

Z – yes

H – yes

Fox – yes

Ch. Manley adjourned the hearing at 7:45 pm.

Signatures on following page

Board of Zoning Appeals

Blueter – Variance Request

September 23, 2009

8

Patty Garrett, Zoning Clerk

Minutes Approved _____, 2009

David Manley, Chairman

Dottie Fox, Vice Chairman

Jeff Hoop, Member

Dave Zeleznak, Member

Julie Mainzer, Member

Kevin Sullivan, Alternate Member