

Chairman J. Calabro called the December 23, 2020 Board of Zoning Appeals Public Hearing to order at 7:00 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, Budd, Schaefer. Ms. Mainzer was absent. In the audience: Zoning Inspector Wilson, Trustee Schulte and Alternate Wolny.

Ch. Calabro stated that out of an abundance of caution, and under the current circumstances, the meeting is being conducted following the rules of social distancing and the meeting will be conducted as briefly and to the point as possible, and it would be appreciated if audience members could keep comments to the point and pertinent to this meeting.

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, 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 T. Scott and Gloriann Kaib, property owner of 2704 Weymouth Road, Hinckley, Ohio (PPN 01603C32013) requesting a variance to construct a new home behind an existing barn, at the stated address, in a location that does not meet the Hinckley 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 asked the Recording Secretary to poll the Board as to whether they received the packet of information and inspected the property at 2704 Weymouth Drive, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 12/19/2020, Hoop – yes and yes inspected on 12/19/2020, Zeleznak – yes and yes inspected on 12/19/2020, Budd – yes and yes inspected on 12/19/2020, Schaefer – yes and yes inspected on 12/19/2020.

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 there were none.

Ch. Calabro noted for the record that non-written communication or written communication made by known or unknown persons not under oath and not properly given during the hearing are not accepted by the Board of Zoning Appeals as testimony.

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

Scott Kaib, 2704 Weymouth Road, Hinckley, OH.

Mr. Scott Kaib, applicant, was sworn in accordingly.

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

Mr. Kaib stated that they bought the property and the existing house had to be demolished due to deterioration and raccoon infestation. They would like to keep the existing barn, which is in good shape, and build a new home behind the existing barn. The new home would be built 16' farther back from frontage than the existing barn so they are asking for a 16' variance.

Ch. Calabro asked if the 16' is just in one corner and Mr. Kaib stated yes.

Mr. Zeleznak stated the letter in the packet mentioned widening the driveway to accommodate safety vehicles and Mr. Kaib stated the driveway was widened a little to accommodate the dumpsters that were brought in so the driveway is wide enough for safety vehicles.

Ch. Calabro asked how long Mr. Kaib has owned the property and if he was aware of the zoning when he purchased the property.

Mr. Kaib stated they have owned the property since October, 2020 and they were not aware of the zoning.

Ch. Calabro asked what Mr. Kaib will be using the barn for and Mr. Kaib stated he will be using the barn for storage.

Ch. Calabro asked for confirmation that the applicant is asking for a 16' variance and Mr. Kaib stated yes that is the variance he is asking for.

Mr. Budd asked how Mr. Kaib chose the spot to build the home and Mr. Kaib explained that their biggest issue was the location of the wellhead and they were restricted by the distance from the wellhead so they chose the spot to allow for that.

Ch. Calabro asked Zoning Inspector Wilson if he had anything to add and he did not.

Ch. Calabro asked if the neighbors are okay with the plan and Mr. Kaib stated that both neighbors are ok with it.

Ch. Calabro and the other board members had no further questions.

There being no further testimony offered, Ch. Calabro 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

Hoop – Yes

Zeleznak – No

Schaefer – Yes

Budd – Yes

Factor #2: Is the variance substantial?

Vote:

Calabro –No

Hoop – No

ZeleznaK–No

Schaefer – No

Budd– 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

Hoop – No

ZeleznaK – No

Schaefer – No

Budd – No

Factor #4: Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

Vote:

Calabro – No

Hoop – No

ZeleznaK – No

Schaefer – No

Budd– No

Factor #5

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

Vote:

Calabro – No

Hoop – No

ZeleznaK – No

Schaefer- No

Budd– No

Factor #6

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

Vote:

Calabro – Yes

Hoop – No

Zelesnak – No

Schaefer – Yes

Budd– 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

Hoop – Yes

Zelesnak – Yes

Schaefer – Yes

Budd – Yes

Ch. Calabro asked for a motion. Mr. Hoop made a motion to approve a variance (AP0250) submitted by applicant T. Scott and Gloriann Kaib, property owner of 2704 Weymouth Road, Hinckley, Ohio (Permanent Parcel 01603C32013) requesting a variance of 16’ to build a new home behind an existing barn at the stated address in a location that does not meet Hinckley Zoning Regulations. Zoning Reference Chapter 6 subsection 6R1.6.A.1.

The motion was seconded by Mr. Zelesnak.

Ch. Calabro 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 to appeal.

Ch. Calabro explained the voting process to the applicant as follows: Yes, simple majority with a quorum present is in favor of the applicant and a No, simple majority, or a tie vote denies the applicant’s request. If the vote is favorable to the applicant, the applicant has one year from the date of the hearing to begin construction or to act on the approved request.

Vote: Ch. Calabro –yes; Hoop – yes, Zeleznak– yes, Budd – yes, Schaefer – yes

Ch. Calabro stated that the variance passed 5-0

The Board of Zoning Appeals Decision form was signed and a copy given to the applicant.

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

The December 23, 2020 Board of Zoning Appeals Public Hearing adjourned at 7:19p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2021

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

(absent)
Julie Mainzer, Member

Bill Budd, Member

Bill Schaefer, Alternate