

**Board of Zoning Appeals
Gacom Variance Hearing – Cont. from 11/22/06
Organizational Meeting
January 10, 2007**

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Gacom Hearing Continuation

Roll found Manley, Tamulewicz, Hoop, Zeleznak, Huff and Fox present.

Ch. Manley stated that the property being considered was inspected by the board members on January 6, 2007. All members were present.

Ch. Manley stated that Mr. Gacom was still under oath.

Mr. Gacom stated that he delivered another map to the board. A professional surveyor surveyed the property and made this drawing. .

Ch. Manley: We came up with different distances. We were not sure if your surveyor measured to the end of the road. For example on the eastern corner, he shows 59' 1" to the edge of the road. We came up with 78' 9". We measured in a little straighter line than he did. In the western corner he came up with 50'. We came up with 69'6".

V. Ch. Tamulewicz: Did the surveyor measure to the right-of-way?

Mr. Gacom: I assume he did.

Ch. Manley: 58'9" versus 59'.1"

Mr. Zeleznak: The heavy black line on the drawing is the right-of-way.

Discussion of the different widths to determine if the surveyor's measurements are correct.

Mr. Gacom: The property pin is on the right-of-way. The same as where the arrow on the map is indicated.

Mr. Zeleznak: Yes. The arrow shows it is going to the road right- of- way. What measurements do we have to the road?

Mr. Tamulewicz: It is 78' 9" but it is 59'1" on the surveyor's map.

Ch. Manley: Remember we took as straighter line, so we came out on a different point on the curve.

Mr. Jim Kamps: It looks to me that he took the radius of the arc of the curve of the road and tried to pull a 90-degree reading off of that, and then measured to the corner of the building. In both the front corner and the rear corner.

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Mr. Zeleznak: If that road is 20' wide, using that measurement it will come out to about 79'1" to the right-of-way, which is very close to what we got. I would say these are accurate measurements.

Ch. Manley asked the board if they had further questions.

Mr. Gacom stated that the building would be done exactly according to this latest drawing done by the surveyor.

Ch. Manley stated for the record that Mrs. Fox was not present for the first part of this hearing on November 22, 2006, therefore Mrs. Huff would be voting on this case.

Mr. Tamulewicz: For the record, Mr. Gacom is asking for a 15' rear-yard setback. He needs a 35' variance from the rear property line, fifty foot is the requirement for the rear-yard setback. He needs a 40' variance for the front yard setback, the northwest corner, the southwest corner is 32'.

Ch. Manley: We are giving you a little extra.

Mr. Tamulewicz reviewed the Duncan Factor worksheet:

Will the property yield a reasonable return or
can there be a beneficial use of the property without the variance?

Yes.

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

Yes..

Can the property be used without the variance?

Yes.

Is the variance substantial?

Yes.

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

No.

Will the variance adversely affect the delivery of governmental services?

No.

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

No.

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

No.

Does the variance preserve the “spirit and intent” of the zoning requirement and will “substantial justice” be done by granting the variance?

All he has to do is prove practical difficulty.

Mr. Tamulewicz made a motion to grant the following variances:

1. Section 6R1.2.B.2 to allow for the construction of an accessory building in front of the primary residence.
2. Section 6R1.4.A.4 to allow a variance of 40’ to the northwest front setback and a variance of 32’ to the southwest front setback
3. Section 6R1.4.A.6 to allow a variance of 35’ to allow for the construction of the accessory building 15’ from the rear-yard property line.

Second by Mr., Hoop.

There was no further discussion,

Vote: Huff – yes Zeleznak – yes Hoop – yes Tamulewicz – yes Manley – yes

Ch. Manley stated that any person adversely affected by this decision of the Board of Zoning Appeals might appeal to the Court of Common Pleas of Medina County because such decision was unreasonable or unlawful. They have thirty (30) days from the date the minutes of the appeal are journalized. The minutes of this hearing will be journalized on February 14, 2007. Once the permit is issued, construction must commence within 90 days.

Mr. Manley made a motion to adjourn this hearing at 7: 21pm.

Mr. Hoop second.

Vote: Huff – yes Zeleznak – yes Hoop – yes Tamulewicz – yes Manley – yes

Annual Organization Meeting

Ch. Manley called the organizational meeting to order at 7:22 pm.

Roll found: Manley, Tamulewicz, Hoop, Zeleznak, Huff and Fox present. Also present: Jim Kamps.

Ch. Manley explained the purpose of the organizational meeting.

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Mr. Zeleznak nominated Mr. Manley for Chairman of the BZA for 2007.
Mr. Hoop second.

Ch. Manley asked for further nominations. No other nominations were offered and the vote was called..

**Vote: Huff – yes Fox – yes Zeleznak – yes Hoop – yes Tamulewicz –
yes Manley – yes**

Mr. Zeleznak nominated Mr. Tamulewicz for vice chairman.
Mr. Hoop second.

Ch. Manley asked for further nominations. No other nominations were offered and the vote was called.

**Vote: Huff – yes Fox – yes Zeleznak – yes Hoop – yes Tamulewicz –
yes Manley – yes**

Ch. Manley polled the board as to their opinions on the meeting nights and times. All agreed that the work sessions would be held on the second Wednesday of the month beginning at 7:00 pm. The hearings will be held on the fourth Wednesday of the month beginning at 7:30 pm.

Mr. Tamulewicz reminded all that during daylight savings May through September, the site inspections will be held the evening of the hearing. During the months October through April, the site inspections will be on the Saturday prior to the hearing.

Complete data for requesting an action by the BZA must be filed by the 22nd of the month preceding the hearing. The data pertaining to the hearing will be mailed to the Board at least 10 days prior to the hearing

Ch. Manley announced that notice of the meetings are published in the Medina County Gazette and written requests may be submitted by any citizen in advance along with a self-addressed stamped envelope for the meeting schedules.

Ch. Manley stated that the Trustees approved of the salary for the board and it will remain at \$25 per meeting and work session and site inspections that occur on days other than that of the regular meetings. The Trustees will pay seminars and continuing education classes at a rate and or reimbursement subject to approval.

Members reviewed the Hearing Procedures and made some changes from the 2004 version. (The amended procedures are attached and will be reviewed at the next meeting.)

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Mr. Kamps suggested that a statement be included in the procedures stating the adherence to the Ohio Revised Code Sunshine Laws.

The Board agreed to include this statement.

Mr. Zeleznak made a motion to approve the changes to the Procedures for Hearings.
Mr. Hoop second.

**Vote: Huff – yes Fox – yes Zeleznak – yes Hoop – yes Tamulewicz – yes
Manley – yes**

Mr. Zeleznak made a motion to adjourn the organizational meeting at 7:50 pm. .
Mr. Hoop second.

**Vote: Huff – yes Fox – yes Zeleznak – yes Hoop – yes Tamulewicz –
yes Manley – yes**

WORK SESSION

Ch. Manley called the work session to order at 7:55 pm.

The minutes of the Hinckley Equestrian Center Conditional Use hearing and the O'Neill hearing were reviewed.

Mr. Tamulewicz made a motion to accept the minutes as amended.
Mr. Zeleznak second.

Vote: Huff – yes Zeleznak – yes Hoop – yes Tamulewicz – yes Manley – yes

Ch. Manley stated that he would not be in attendance at the January 24, 2007 hearing or the work session date on February 14, 2007. Vice Chairman Tamulewicz will also be out of town on that date. Therefore, Mr. Zeleznak will chair the Marini hearing on January 24, 2007 and continue it until February 28, 2007.

Discussion of the application that Mr. Marini filed for a conditional use permit.

Mr. Kamps discussed riparian setbacks, catch basins and how runoff water affects the properties downstream.

Mr. Hoop made a motion to adjourn the meeting at 8:20 pm.
Mr. Zeleznak second.

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**Vote: Huff – yes Fox – yes Zeleznak – yes Hoop – yes Tamulewicz –
yes Manley – yes**

Patty Garrett, Zoning Clerk

Minutes Approved _____, 2007

David Manley, Chairman

Tom Tamulewicz, Vice Chairman

Jeff Hoop, Member

Dave Zeleznak, Member

Dottie Fox, Member

Melissa Huff, Alternate Member