

Board of Zoning Appeals
Konopka – Variance request
July 27, 2016
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Ch. Calabro called the meeting back to order at 7:12 p.m.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer and Boleman present. Also present was Alternate Member Firmanchuk, Zoning Inspector Wilson and Trustee Schulte. Also present in the audience was Ms. Elizabeth Konopka.

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.

Recording Secretary Gienger read the legal ad.

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 Section 7 & 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.

Ch. Calabro stated the hearing is for a variance submitted by Elizabeth Konopka, property owner of 53 Bellus Road, Hinckley, Ohio (Permanent Parcel #01603D18048) requesting for a variance to construct an accessory building at the stated address, in a location that does not meet the minimum side yard setback of thirty (30) feet and the minimum rear yard setback of fifty (50) feet required by the Hinckley Zoning Regulations.

Recording Secretary Gienger polled the Board as to whether they received the packet of information and inspected the property at 53 Bellus Road, Hinckley, Ohio (Permanent Parcel #01603D18048).

Response: Calabro – yes and yes inspected on 7/27/16, Hoop – yes and yes inspected on 7/27/16, Zeleznak – yes and yes inspected on 7/27/16, Mainzer – yes and yes inspected on 7/27/16, Boleman – yes and yes inspected on 7/27/16.

Ch. Calabro stated that notice of the application was properly given in local newspapers, and the application has been available for public review and comment. She asked Recording Secretary Gienger if any letters, phone calls or emails were received. Mr. Gienger noted there was no additional information received from the applicant.

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Ms. Elizabeth Konopka, was sworn in accordingly.

Ch. Calabro asked Ms. Konopka if she had any additional information she would like to submit. Ms. Konopka stated that her family has lived in Hinckley for 8 years and love the picturesque view of the township and likes how their goal is to preserve as much of nature as possible. She noted that they don't want to build the building in the front of the house and due to the topography of the back of the property and hopes to minimize the elimination of trees in the back, it is why they have proposed the location of the building as submitted.

Mr. Zeleznak asked Ms. Konopka if she had prior knowledge of the regulations and setback requirements of an accessory building. Ms. Konopka noted she was not aware of the requirements until they applied for the permit.

Mr. Zeleznak asked Ms. Konopka how they located the stake at the corner where the building will go and how they know it is 10' from the side and 5' from the back property lines. Ms. Konopka noted they received assistance from ZI Wilson and others to help find the location.

Mr. Zeleznak noted that if this is granted, they will have to get an exact location so they do not go any closer to the property line than what the variance grants. Ms. Konopka acknowledged this statement.

Being no further questions, Ms. Konopka was seated.

Zoning Inspector Wilson was sworn in accordingly.

ZI Wilson noted that he visited the site and assisted on finding the pins locating the property lines. He noted he only found one. Ms. Konopka noted that she asked the builder to come assist in locating these pins but they have not made it to the site yet.

Ch. Calabro asked ZI Wilson who wrote the footage request on the variance application. ZI Wilson noted that he is the one who wrote the footage variance requested.

Being no further questions, ZI Schaefer was seated.

There being no further testimony offered, Ch. Calabro asked for a review of the Duncan Factors.

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Factor #1

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

Vote:

Boleman – Yes

Mainzer – Yes

ZeleznaK – Yes

Hoop – Yes

Calabro – Yes

Factor #2

Is the variance substantial?

Vote:

Boleman – Yes

Mainzer – Yes

ZeleznaK – Yes

Hoop – Yes

Calabro – 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:

Boleman – No

Mainzer – No

ZeleznaK – No

Hoop – No

Calabro – No

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Factor #4

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

Vote:

Boleman – No

Mainzer – No

Zelesnak – No

Hoop – No

Calabro – No

Factor #5

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

Vote:

Boleman – No

Mainzer – No

Zelesnak – No

Hoop – No

Calabro – No

Factor #6

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

Vote:

Boleman – No

Mainzer – No

Zelesnak – Not on this property

Hoop – No

Calabro – No due to topography

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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:

Boleman – Yes

Mainzer – Yes

ZeleznaK – Yes

Hoop – Yes

Calabro – Yes

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 that such decision was unreasonable or unlawful and will have 30 days from the date of this meeting to appeal. A copy of the signed documents will be given to the applicant at the end of this hearing.

Mr. Hoop stated that this is a motion for a variance for Elizabeth Konopka, property owner of 53 Bellus Road, Hinckley, Ohio (Permanent Parcel #01603D18048) requesting for a variance to construct an accessory building at the stated address, in a location that does not meet the minimum side yard setback of thirty (30) feet and the minimum rear yard setback of fifty (50) feet required by the Hinckley Zoning Regulations. She is requesting a 20’ variance for the 30’ side yard setback and a 45’ variance for the 50’ rear yard setback.

Mr. ZeleznaK seconded the motion.

Vote: Calabro – Yes, Hoop – Yes, ZeleznaK – Yes, Mainzer – Yes, Boleman - Yes

Passed by a vote of 5 to 0

Ch. Calabro made a motion to adjourn the Meeting. Ms. Mainzer moved and Ms. Boleman seconded

Vote: Calabro – yes, Hoop – yes, ZeleznaK – yes, Mainzer – yes, Boleman – yes

Hearing was adjourned at 7:47 p.m.

Todd Gienger, Recording Secretary

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Minutes Approved: _____, 2016

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

Donna Boleman, Member