

Board of Zoning Appeals

Yoder/Anderson – Variance request

July 26, 2017

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Ch. Calabro called the meeting to order at 7:05 p.m.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer and Budd present. Also present was Alternate Member Schaefer, Trustee Schulte, Zoning Inspector Wilson, Mr. Jacob Yoder, Ms. Anastacia Ciphers, Mr. Tony Kava, Ms. Cindy Anderson, Mr. Dick Anderson, Mr. Charles Naegle, Mr. James Mills and Ms. Linda Mills.

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 Jacob Yoder, contractor, on behalf of Richard Anderson, property owner of 1508 State Road, Hinckley, Ohio (Permanent Parcel #01603D05032) 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 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 1508 State Road, Hinckley, Ohio (Permanent Parcel #01603D18048).

Response: Calabro – yes and yes inspected on 7/26/17, Hoop – yes and yes inspected on 7/26/17, Zeleznak – yes and yes inspected on 7/26/17, Mainzer – yes and yes inspected on 7/26/17, Budd – yes and yes inspected on 7/26/17.

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

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Gienger if any letters, phone calls or emails were received. Mr. Gienger noted there was no additional information received for the hearing.

Mr. Jacob Yoder, Contractor, was sworn in accordingly.

Ch. Calabro asked Mr. Yoder, who is representing Mr. Anderson, if he had any additional information he would like to submit. Mr. Yoder stated he had no more information than what was submitted. He stated they are asking for the 30' variance due to the slope/drop off near the house and to keep some distance from the house.

Ch. Calabro asked Mr. Yoder what was the purpose of the building. Mr. Yoder stated he believed it was going to be used for storage.

Mr. Budd asked Mr. Yoder if he believed the variance could be reduced. Mr. Yoder stated it may be possible to reduce it a few feet but nothing more than that.

Mr. Budd asked Mr. Yoder if the issue was drainage and asked if the building could be pushed back further. Mr. Yoder stated as you go back, it drops off immediately so there is not much room to push it back further.

Mr. Zeleznak asked Mr. Yoder if it was 20' from the property line. He noted it looks like on the plan it is about 22' and he measured in the field approx. 24'. He asked if 20' was enough if an actual survey was done later. Mr. Yoder stated that he feels confident with the measurements as submitted. He noted there is a marker further back on the property that he used to measure from so he is confident with these numbers.

Ch. Calabro asked Mr. Yoder about the wrap around porch and why it is needed and if that added to the extent of the variance request. Mr. Yoder stated that it is for aesthetics of the building and that even if it were eliminated, it would only change the dimensions 2'-3'.

Being no further questions, Mr. Yoder was seated.

Mr. Richard Anderson was sworn in accordingly,

Ch. Calabro, asked Mr. Anderson if he was aware of the zoning restrictions prior to purchasing the property. Mr. Anderson stated he was not aware of the restrictions.

Ch. Calabro asked Mr. Anderson how long they have lived at the property and if he always has thoughts of installing an accessory building. Mr. Anderson stated they moved in August 2016

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and he always has thoughts of additions but bought the house thinking it was large enough but then as they lived there, they realized they needed additional storage capacity.

Being no further questions, Mr. Anderson was seated.

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:

Budd – Yes

Mainzer – Yes

ZeleznaK – Yes

Hoop – Yes

Calabro – Yes

Factor #2

Is the variance substantial?

Vote:

Budd – 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:

Budd – 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:

Budd – No

Mainzer – No

ZeleznaK – No

Hoop – No

Calabro – No

Factor #5

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

Vote:

Budd – No

Mainzer – No

ZeleznaK – No

Hoop – No

Calabro – No

Factor #6

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

Vote:

Budd – No

Mainzer – No

ZeleznaK – Not as designed

Hoop – No

Calabro – No

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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:

Budd – 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 Jacob Yoder, contractor, on behalf of Richard Anderson, property owner of 1508 State Road, Hinckley, Ohio (Permanent Parcel #01603D05032) 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 fifty (50) feet by the Hinckley Zoning Regulations. He is requesting a variance of 30’ for the side yard setback.

Mr. ZeleznaK seconded the motion.

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

Passed by a vote of 5 to 0

Hearing was paused at 7:24 p.m.

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Todd Gienger, Recording Secretary

Minutes Approved: _____, 2017

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

Bill Budd, Member