

Chairman J. Calabro called the September 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 ex parte communication, should disclose at this time.

Roll found: Calabro, Hoop, Zeleznak, Mainzer, Budd. In the audience: Alternates Schaefer and Wolny and Trustee Schulte, and Zoning Inspector Wilson.

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.

Ch. Calabro 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 evidence 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 upon the application of Hoppy Dude Brews c/o Chad Riffle and Keith Clapper, tenants of property located at 1369 Ridge Road, Hinckley, Ohio for a conditional zoning certificate.

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 stated there have been no phone calls or emails and no residents have visited regarding this application. A letter was received from Hinckley Zoning Commission Chairman Kalina which was read into the record by Ch. Calabro. Ch. Calabro polled the Board as to whether they received the packet of information and inspected the property at 1369 Ridge Road, Hinckley, Ohio 44233.

**Response: Calabro – yes and yes inspected on 9/19/2020, Hoop – yes and yes inspected on 9/19/2020, Zeleznak – yes and yes inspected on 9/19/2020, Mainzer – yes and yes inspected on 9/19/2020, Budd – yes and yes inspected on 9/19/2020.**

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 stated that written communication from persons not present this evening may include communication that are not made by affidavit because these communications are made by persons not under oath they are not accepted by this Board. Written communication may include writing by affidavit by persons not present this evening and therefore cannot be subjected to cross examination. These affidavits will not be given much weight, if any, in the decision of the Board on this matter.

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

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.

**Chad Riffle, 2474 Forest Drive, Hinckley, OH.**

Mr. Chad Riffle, applicant, was sworn in accordingly by Ch. Calabro.

**Keith Clapper, 17412 Sheldon Road, Brook Park, OH**

Mr. Keith Clapper, applicant, was sworn in accordingly by Ch. Calabro.

Ch. Calabro asked the applicants to provide to the Board a brief summary of their request.

Mr. Riffle explained that Hoppy Dudes Brew would like to use the space located at 1369 Ridge Road as a brewery and tavern. They are working through the process with the State and Federal agencies to obtain their A1C1 license and one of the requirements is to have a building that is approved by the local authority to use as a brewery. The purpose at the property is to

brew, they are currently brewing at home and once they have the license, they would like to open a tap room at the Ridge Road location so people can come in for tastings and purchase. They would like to develop a relationship with Fosters across the street to provide them their beer and also provide additional business for Fosters since they will not be serving food at their location so people can go across the street to Fosters to eat. Eventually what they would like to do, if permitted, is expand their business within the Township.

Mr. Zeleznak asked what hours they are considering once they open to the public.

Mr. Riffle stated that both applicants have full time jobs and they want to be cognizant of current tenants, so they will be open later in the evening. They don't want to interfere with the current businesses and they have to keep their current jobs until they are established so they will only be able to open on weekends, most likely Friday, Saturday and Sunday to begin with.

Mr. Budd asked if they could be more specific as to the times they would be open. Mr. Riffle stated they would probably be open about 6:00 p.m. on Friday around the time the beauty shop closes. And they would be open longer on Saturday and Sunday most likely open at 1:00 p.m. There will not be any brewing when people are there due to the odor from the brewing which is similar to the smell of bread.

Mr. Zeleznak asked if there will be odors outside. Mr. Riffle stated the exhaust will move the odors outside and the smell is not a horrible smell. Mr. Riffle stated that the brewing process produces an odor similar to baking bread or brownies.

Mr. Zeleznak stated that he assumes it will be a fairly quiet operation. Mr. Riffle stated that most of the noise would come from the music they play while brewing. Mr. Clapper stated that they will not be selling anything for at least 6 months because they have to obtain the license from the State first and that takes at least four to six months.

Ch. Calabro asked if they need the location established and approved before they can apply for the license and the applicants stated that is correct, that is a requirement of the State of Ohio.

Ch. Calabro asked if all business operations will take place indoors. Mr. Riffle stated all brewing will be done inside. Ch. Calabro asked if there were any concerns regarding parking due to the other tenants' businesses and Mr. Riffle stated there are 40 parking spaces at the site and they will be open during evening hours and during off hours for the other tenants so there shouldn't be an issue with the parking.

Ms. Mainzer asked what time their business would close. Mr. Riffle stated that currently the State of Ohio requires an 11:00 p.m. closing time. Additionally, with the A1C1 license they are restricted to an 11:00 p.m. shut down. They would need a different license to stay open later. Ms. Mainzer asked if they are planning to serve food and Mr. Riffle stated no food except for possibly a bag of chips.

Ch. Calabro asked if they will be brewing while people are there for tastings and Mr. Riffle stated no. Ch. Calabro questioned the location of the burners to where people would be sitting. Mr. Riffle stated that their intention is to move the equipment when they are serving so it won't be used while they are serving people and will be behind doors. Ch. Calabro asked what the capacity is and Mr. Riffle stated that they received their certificate of occupancy from the County and that shows 32, however, that is not likely. Mr. Riffle stated he discussed with the Hinckley Fire Department and was told the maximum occupancy would be 18.

Mr. Budd asked if they are bottling at that location and if so where is the equipment. Mr. Riffle stated they don't have the equipment for bottling. Mr. Budd asked what type of refrigeration equipment they have and Mr. Riffle stated they have one refrigerator, which is all they intend to put in at this time, once they get larger they'll add more. Mr. Clapper stated they have storage racks, they won't be producing large quantities of the product initially. Mr. Budd asked for confirmation that the brewing process will be done when there are no customers in the building and Mr. Riffle confirmed that is correct. Mr. Clapper stated that sanitation is a top priority so they don't want a lot of people around when they are brewing.

Mr. Budd asked if a situation arises when they are at capacity and more people show up how will they handle that. Mr. Riffle stated they will have to ask the people to wait outside until people leave.

Ch. Calabro asked if the shared bathroom is an issue with the State. Mr. Riffle stated they haven't gotten any information from the State yet regarding that, but they have heard from their representative at the State that they will be required to clean up the bathroom area, clear the clutter and make sure there is room for 2-way traffic in that area. Ch. Calabro asked if that is the only bathroom for the salon and the space and Mr. Riffle stated yes.

Ch. Calabro asked if there were any other questions or comments from the Board. There were none.

Ch. Calabro asked if there was anyone from the audience that wished to speak.

**Tom Vanover, 1388 Ridge Road, Hinckley, Ohio**

Ch. Calabro swore in Mr. Vanover.

Mr. Vanover stated they own the beverage store and doughnut shop across the street from the proposed brewery and he had some questions regarding production. Ch. Calabro stated he can address the Board with his questions and then they will be answered by the applicant.

Mr. Vanover asked what is the plan for the spent water and spent grain produced by this operation. Also, what is the plan for bottling and distribution, will it be done in bottles or kegs, how will that be done and when they move from 6 brew stands or move to larger brew stands what does that plan look like, specifically to the facility and their traffic plan regarding distribution and deliveries. They also wanted to ask about the occupancy of the business, he would like verification that the zoning approvals, despite what the certificate of occupancy states, would require a limited occupancy.

Ch. Calabro stated they can put conditions on the approval.

Mr. Vanover stated he is not opposed to the project, however, he wants to be certain it is done correctly.

Ch. Calabro asked the applicant to address the questions asked by Mr. Vanover.

Mr. Riffle stated they don't have 6 brew stands, they have 2. The facility is not large enough to handle anything larger. They can't expand into a bigger system until they are licensed and have established distribution and once that happens they will need to find a larger location to accommodate expansion of the operation.

Mr. Vanover then asked what is the plan for disposal of the spent water and grains. Mr. Riffle stated there is currently only well water on site, so they are working with Minnehaha across the street to provide distilled water. All water will be disposed of in the sanitary dispensers in the business. As far as spent grains they are talking to local farmers to find out if they want to take the spent grains for use on their farms. Mr. Vanover asked if any deals have been worked out with any farmers yet and Mr. Riffle stated no they haven't. Mr. Vanover explained that he knows that the disposal of spent grains is a problem, it is considered a by-product and it starts to pile up and even though the brewing process produces a smell like baking bread, spent grain does not smell like that. Mr. Riffle explained that all spent grain will be taken off-site and they are hopeful to find local farmers that will take them. Mr. Vanover asked what will happen when they start bottling and distribution, which will require expansion. Should they expect to

see trucks pulling up in front of their facility at 1369 Ridge Road. Mr. Riffle stated there may be one truck initially, but that is not expected to happen at that location.

Ch. Calabro asked if they are currently brewing out of their private facility and Mr. Riffle stated that yes, they are. Ch. Calabro asked what quantity Mr. Riffle is currently brewing compared to what they plan to brew at this location. Mr. Riffle stated they are currently limited to 250 gallons per year per person before they have their license. Once they receive their license, they can brew up to 31 million gallons per year.

Ch. Calabro asked what Mr. Riffle believes they will be brewing at this location once they receive their license. Mr. Riffle stated if they brew every day for 365 days, they would produce about 13,000 gallons in a year with the equipment they currently have.

Ch. Calabro asked what they are doing currently with their spent grains. Mr. Riffle stated they are being disposed of in a garbage can in a facility that they have approval for and also using some for compost in his yard. Their plan is to work out an arrangement with local farmers to dispose of the spent grains.

Mr. Budd asked if they can currently sell beer before they get their license and Mr. Riffle stated they can have customers taste the beer, but they cannot sell it. Mr. Budd asked how long it will take to receive the license and Mr. Riffle stated it could be as quick as 90 days, but most likely 4-6 months, they are hoping to be open by Christmas this year.

Ch. Calabro asked about the reference to selling and Mr. Riffle stated they do intend to sell 6-packs so there will be some retail at the location. Mr. Clapper stated that none of this will happen until they get their license.

Ch. Calabro asked if the State has any requirements about the outside lighting. Mr. Riffle stated no.

Mr. Budd asked if anything would prevent them from getting a license.

Mr. Riffle stated all requirements must be satisfied before a license can be issued by the State and Federal agency and if that is not done properly a license won't be issued.

Mr. Budd asked if anyone from the State or Federal agency comes out to inspect the operation and Mr. Riffle stated he only knows what he has heard from other breweries, the Federal side won't but the State will come out to do the inspection and then report back to the Federal.

Ch. Calabro asked if there was anyone else from the audience that would like to contribute.

**Del Painting, 1144 Mattingly, Hinckley, OH**

Ch. Calabro swore in Mr. Painting.

Mr. Painting stated his family owns the property and he gave a brief history of the ownership of the property and a description of the building. He explained that there is a 2,000 gallon/day septic tank and they only use 200-400 gallons per day between the beauty shop and the grooming business. Mr. Painting explained that he contracts with a gentleman to come twice a week to monitor the septic system and then prepare a quarterly report regarding the septic system that has to be submitted to the Ohio EPA. Last year he spent \$10,000 to keep the septic system in perfect working condition. Mr. Painting stated that as the owner of the property he welcomes this business.

Ch. Calabro asked if anyone else has anything to contribute.

Ch. Calabro stated they should include a condition related to capacity and that all operations should be kept within the inside space, so no tastings are being done in the parking lot. Mr. Riffle stated their intention is to keep all brewing in the building, but they were hoping that if someone wanted to take a beer out back and sit at a picnic table on a nice day that would be allowed.

Mr. Hoop made a motion for a conditional use permit (AP0246) submitted by Hoppy Dude Brews, c/o Chad Riffle and Keith Clapper, tenants of 1369 Ridge Road, Suite B, Hinckley, Ohio (PPN 01603B43004) requesting a conditional use permit to operate Hoppy Dude Brews brewery tap room at the stated address above. Zoning Reference Ch. 6 Section 6.B.1 and 2 Business Districts and subsections 6.B.3.b.8 permitted use by a conditional use c tavern and bar night clubs of Hinckley Township Zoning Regulations. The conditions placed on the permit will be a maximum occupancy of 18 people and brewing and serving to remain inside the facility.

The motion was seconded by Mr. Zeleznak.

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, Mainzer – yes, Budd – yes

Ch. Calabro stated that the motion 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. Ms. Mainzer moved and Mr. Budd seconded. All in favor.

The September 23, 2020 Board of Zoning Appeals Public Hearing adjourned at 7:44p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2020

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Josephine Calabro, Chairperson

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Jeff Hoop, Vice-Chairperson

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Dave Zeleznak, Member

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Julie Mainzer, Member

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Bill Budd, Member