

Chairman J. Calabro called the January 26, 2022 Board of Zoning Appeals Public Hearing to order at 7:11 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. In the audience was Zoning Inspector Wilson; Trustees Augustine, Ascherl and Swedyk attended virtually.

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 or virtually, 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 applicants Katharine and Michael Baker, property owners of 1964 Plymouth Oval, Hinckley, Ohio requesting a variance from the enforcement of certain Hinckley Township Zoning Resolution Sections to property owned by the applicant.

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, which includes the following: original variance application; letter from the property owners; renderings or drawings of 22x24 detached garage; and site map.

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 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 asked the Recording Secretary to poll the Board as to whether they received the packet of information and inspected the property at 1964 Plymouth Oval, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 1/26/2022, Hoop – yes and yes inspected on 1/22/2022, Zeleznak – yes and yes inspected on 1/22/2022, Budd – yes and yes inspected on 1/22/2022; Schaefer – yes and yes inspected on 1/22/2022 .

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 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 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.

Ch. Calabro stated that on behalf of the virtual audience we ask that everyone save personal conversations until after the meeting as additional voices cause confusion for those attending virtually.

Ch. Calabro asked the applicants to come to the podium.

Katharine and Michael Baker, 1964 Plymouth Oval, Hinckley, OH.

Katharine and Michael Baker, applicants, were sworn in accordingly.

Ch. Calabro asked Mr. and Mrs. Baker to provide to the Board a brief summary of their request.

Mrs. Baker stated that the only additional thing they want to add is that they have not had their property line surveyed so they don't know exactly where the property line is. The driveway

where it stands appears to be approximately 10 feet from the property line, but where they are placing the garage they may have as much as 12 feet, they really don't know for certain. Mrs. Baker stated they did discuss moving the location of the proposed garage back 6 feet because their lot is pie shaped and they are very close to the line so this would give them even more space. Mrs. Baker stated that the difficulty with the lot is where they want to place the garage at the end of the current driveway pad there is a great bit of slope behind that spot, so moving back creates a difficulty in building, so the further back they go the more risk of going into the woods which they want to avoid because they don't want trees to fall on the garage, and also because of the slope. Mrs. Baker stated they feel the requested placement is the most logical place for the garage and they would like to attach it with a breezeway to the existing house.

Ch. Calabro asked if they are planning to get a survey and Mr. Baker stated that their assumption was they are building the garage at the end of the current pad which is what they submitted and they would like to stay with what they submitted. Mr. Baker stated they considered moving it straight back but it still plans to be at the end of the pad.

Mr. Zeleznak asked if they are redoing the driveway and Mrs. Baker stated yes. Mr. Zeleznak asked if the driveway would be in the same location as it is now and Mr. and Mrs. Baker stated yes. Mr. Zeleznak stated that based on their measurements they talked about a 6 foot breezeway, 22 foot garage, which is 28 feet which is to the edge of the driveway, which he believes is what they measured when they were there. Mr. Zeleznak stated that he did some research on the Medina tax maps and did some measuring, and using the ruler on the tax map he went from the edge of the roof line to the edge of the existing concrete driveway and that measures to 28 feet. Mr. Zeleznak stated that's not going to be perfect, but if looking to the proportion where they are showing the property line that shows another 19 feet, so if this is correct you really don't need the variance, but it makes the 5 foot variance less substantial. Mr. Zeleznak stated if they did get a survey they might have found that they further over than they think.

Ch. Calabro stated they are in the middle of the process so if they said they don't need a variance, they would have to get a survey. Mr. and Mrs. Baker stated they have come this far they would like to continue with the variance request. Discussion followed regarding the property line.

Ch. Calabro asked for the record what is the reason for building the garage. Mr. Baker stated because they couldn't find a place to put a shed and they want to fit their cars in a garage and Ch. Calabro asked if it is for personal storage use and Mr. and Mrs. Baker stated yes it's for personal storage, they will not be running a business out of the garage.

Mr. Schaefer asked Zoning Inspector Wilson if he looked at map and Zoning Inspector Wilson stated no. Mr. Schaefer stated they are fairly accurate and it might be beneficial to use them to take measurements.

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

Zelesnak–Yes

Schaefer – Yes

Budd – Yes

Factor #2: Is the variance substantial?

Vote:

Calabro –No

Hoop – No

Zelesnak–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

Zelesnak – 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
Zelevnak – No
Schaefer – No
Budd – No

Factor #5

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

Vote:

Calabro – Ch. Calabro stated she doesn't know
Hoop – No
Zelevnak – 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 – Yes
Zelevnak – Yes
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
Zelevnak – Yes
Schaefer – Yes
Budd – 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 grounds the decision was unreasonable or unlawful.

Ch. Calabro asked for a motion. Mr. Hoop made a motion for variance AP0260 submitted by applicants Katharine and Michael Baker, property owners of 1964 Plymouth Oval, Hinckley, Ohio 44233, Permanent Parcel No. 01603A09013, requesting to construct an attached garage at the said property in a location that does not meet the side yard setback of 15 feet. The request is for a 5 foot variance from the 15 feet. Zoning Reference, Chapter 6 District Regulation Subsection 6R1.4.K.2.d.

The motion was seconded by Mr. Zeleznak.

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, Schaefer – yes, Budd – yes

Ch. Calabro stated that the variance passed 5-0

Ch. Calabro stated they have one year from the date of this hearing to begin construction or to act on this request and anyone adversely affected by this decision has 30 days from the date of the approval of the meeting minutes to file an appeal. The minutes are typically approved at the next regular meeting and upon approval of the meeting minutes they will be posted and available on the Township website.

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

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

The January 26, 2022 Board of Zoning Appeals Public Hearing for Baker was adjourned at 7:33p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

Bill Budd, Member

Bill Schaefer, Member