

Chairman J. Calabro called the February 24, 2021 Board of Zoning Appeals Public Hearing to order at 7:03 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, Mainzer, Budd. In the audience were Trustees Burns and Kalina and Mr. George Smerigan, Certified Planner, and virtually Trustee Augustine and Zoning Inspector Wilson.

Ch. Calabro asked if Trustee Kalina would like to speak.

Trustee Kalina stated how honored he is to be given the opportunity to continue Trustee Schulte's legacy of service and how humbled he is to be selected from the outstanding group of candidates that applied for the Trustee position. Trustee Kalina stated he will work very hard to uphold the standards that Ray Schulte had set for the community. Trustee Kalina thanked the Board for the opportunity to speak and also thanked the Board for their service to the community.

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.

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 applicant Pietro and Denise Bonanni, property owners of 2691 Crestview Drive, 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.

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 2691 Crestview Drive, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 2/20/2021, Hoop – yes and yes inspected on 2/20/2021, Zeleznak – yes and yes inspected on 2/20/2021, Mainzer – yes and yes inspected on 2/20/2021, Budd – yes and yes inspected on 2/20/2021.

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 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 or virtually.

Pietro and Denise Bonanni, 2886 Emma Lane Brunswick, OH.

Pietro and Denise Bonanni, applicants, were sworn in accordingly.

Ch. Calabro asked Mr. Bonanni to provide to the Board a brief summary of his request.

Mr. Bonanni stated that they are applying for a variance at the property located at 2691 Crestview Drive, Hinckley. They are asking for a variance of 8" for each of the side yard setbacks. This lot is a 1 acre 100 foot wide non-conforming lot, that is very challenging. Mr. Bonanni stated that 40% of the lot was a fill site with fill piles and there is a drainage ravine in the front so they have to put the house so far back so there is a safe elevation for drainage. Additionally, they needed a non-conforming septic because of limited space. Mr. Bonanni stated that due to all of that there wasn't enough room for their 3 car garage so that's what they need the variance for.

Ch. Calabro asked if this is the only place the house can go and Mr. Bonanni said they can't go further back because of the septic and they can't go forward because of the ravine. Mr. Bonanni also wanted to add that the garage will be behind the neighboring house.

A drawing of the property with proposed buildings was shared with everyone virtually and Ch. Calabro asked if they are asking for an 8" variance on each side of the property and Mr. Bonanni stated yes.

Mr. Budd asked if Mr. Bonanni had knowledge of the Zoning restrictions when he purchased the property and Mr. Bonanni stated no.

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 and Yes

Hoop – Yes and yes

Zelesnak–Yes and yes

Mainzer – Yes and Yes

Budd – Yes and yes

Factor #2: Is the variance substantial?

Vote:

Calabro –No and No

Hoop – No and No

Zelesnak–No and No

Mainzer – No and No

Budd– No and 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 and No
Hoop – No and No
ZeleznaK – No and No
Mainzer – No and No
Budd – No and No

Factor #4: Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

Vote:

Calabro – No and No
Hoop – No and No
ZeleznaK – No and No
Mainzer – No and No
Budd– No and No

Factor #5

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

Vote:

Calabro – No and No according to testimony
Hoop – No and No
ZeleznaK – No and No
Mainzer- No and No
Budd– No and No

Factor #6

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

Vote:

Calabro – Yes and Yes
Hoop – No and No
ZeleznaK – Yes and Yes
Mainzer – No and No
Budd– No and 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 and Yes

Hoop – Yes and Yes

Zelesnak – Yes and Yes

Mainzer – Yes and Yes

Budd – Yes and 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 to approve a variance (AP0253) submitted by applicant Pietro and Denise Bonanni, property owner of 2691 Crestview Drive, Hinckley, Ohio (Permanent Parcel No. 01703A02030) requesting two side yard variances to construct a new single family home at the stated address in a location that does not meet the minimum left and right side yard setbacks of 15 feet required by the Hinckley Zoning Resolution Zoning Code 6R2.4.A, requesting an 8” variance on each side.

The motion was seconded by Mr. Zelesnak.

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, Zelesnak– yes, Mainzer – 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.

Ch. Calabro stated that the Board of Zoning Appeals Decision form would be emailed 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 February 24, 2021 Board of Zoning Appeals Public Hearing adjourned at 7:22p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2021

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member

Bill Budd, Member