

Vice-Chairman Hoop called the June 23, 2021 Board of Zoning Appeals Public Hearing to order at 8:02 p.m.

V.Ch. Hoop 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.

V.Ch. Hoop stated that any Board member that has any monetary interest or has a conflict, including ex parte communication, should disclose at this time.

Mr. Wolny stated he has an interest and will be recusing himself.

V.Ch. Hoop stated now there are only 3 members present so they could continue the public hearing or they could proceed because there is a quorum. Discussion took place with the applicant regarding how to proceed. The applicant, Mr. Lydon, stated he would like to start the public hearing and present the project.

Roll found: Hoop, Zeleznak, Schaefer. (Calabro, Mainzer and Budd had excused absences) In the audience: Trustee Kalina

V.Ch. Hoop 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.

Ms. Peterlin read the legal ad and confirmed that the legal notice was mailed to the applicant and adjacent property owners.

V.Ch. Hoop stated that this is a hearing upon the application of AP0255 for the conditional zoning certificate.

V.Ch. Hoop 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.

V.Ch. Hoop 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. Ms. Peterlin stated there is an email from Mr. Marzullo, Chairman of the Zoning Commission and it was

read into the record. Ms. Peterlin polled the Board as to whether they received the packet of information and inspected the property.

Response: Hoop – yes and yes inspected on 6/23/2021, Zeleznak – yes and yes inspected on 6/19/2021, Schaefer – yes and yes inspected on 6/19/2021.

V.Ch. Hoop noted that each member of the Board of Zoning Appeals has been provided a copy of the application and supporting documentation.

V.Ch. Hoop 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.

V.Ch. Hoop asked the applicant to step to the podium and discuss the project.

Applicant Mr. Don Lydon introduced himself and then was sworn in accordingly.

Mr. Lydon stated that he is here tonight for a conditional use permit request for a proposed TireMax to be located at the corner of Route 303 and W. 130th Street. Mr. Lydon stated that for the record they believe their use as a TireMax store is a permitted use as a retail establishment. They are moving forward tonight but they would like to preserve the right that their TireMax store is a permitted use. They feel that the TireMax as an operating facility is a retail service, their primary use is selling and installing tires on vehicles. They do perform vehicle service relating to tires such as brakes and shock absorbers. They do not do major mechanical repairs, basically only something involved with tires. All the work is performed within the 4 walls of the facility and no vehicle is left outside overnight. Any vehicle not serviced during the day is stored in the garages overnight. They would like to consider themselves a step above a Conrads store.

Mr. Schaefer stated that Mr. Lydon said they don't do engine tune ups or transmission work, but they do shocks, rotors and things like that. How much is it just tires?

Mr. Lydon stated that typically 60-75% of the customers are coming in for the purchase of tires. The tires are removed and they inspect brakes and shocks and if they find they are in need of repair and replacement, they do that type of work. If someone comes to them with an undiagnosable problem they typically refer them to someone who can perform that kind of work. Most of their guys are tire guys. Mr. Lydon stated that to answer the question it is basically tires and tire related work.

Mr. Zeleznak stated he believes that someone was supposed to contact the prosecutor for an interpretation. V.Ch. Hoop stated they are waiting for a report from OHM, the Township has hired them to consult regarding this issue. Mr. Zeleznak asked if anyone knows when that report will be complete. No one had a date.

Mr. Zeleznak stated that he feels out of fairness to the applicant they should wait on that report because Mr. Zeleznak is not sure that the TireMax fits based on the current code. Mr. Zeleznak stated he feels they should wait on the interpretation.

Mr. Lydon stated that obviously a gas station would be a permitted conditional use, they don't sell gas and oil. The only thing that gets them close to an auto service station is adding oil to a car and minor auto repairs, but they feel they would fit in some part of the definition as a conditional use. Mr. Lydon stated that a conditional use should be allowed if one of the permitted items from the list is met.

Mr. Zeleznak stated that out of fairness to the Township and to the applicant he feels they need to get an interpretation to see if it does fit. Mr. Zeleznak stated that he would like to continue the public hearing until the end of July.

Mr. Wolny stated he would like to make a comment. Mr. Wolny stated that one of the things that when we started down this path, they went to Trustee Schulte and Mr. Wilson and asked the process they should follow and they put them on the conditional use path. In February 2019 with Suburban Transportation they were awarded a conditional use for a service repair facility for Suburban Transportation, it was 8000 square feet and they had a 16,000 sq. foot corporate headquarters and that was allowed in the B-1 classification, it went through they received conditional use and the project went forward. Unfortunately, the project was not completed but it was awarded by the Board. There is history with Suburban Transportation.

V.Ch. Hoop stated he would like to continue. Mr. Wolny stated that Suburban Transportation was doing major repairs to their vehicles and this is much lighter repair and service and there is less of a footprint so for everything he sees, it fits, there is history with what the board has done and it looks like he should go forward with it.

Gary Wolny – 2505 Laurel Road, Hinckley

Mr. Wolny was sworn in accordingly.

V. Ch. Hoop asked if Mr. Wolny is speaking as a property owner and Mr. Wolny stated yes.

Mr. Wolny stated he was there for the Suburban Transportation process also and they had a much more aggressive service nature than what they are talking about here with this application and that

was awarded 5-0 on that conditional use – that was 2 years ago. The discussion regarding does this apply for a conditional use, it meets the service station classification which is what we were told to pursue. They think it is a retail application and the Zoning Inspector felt they should follow the conditional use for a service station.

V.Ch. Hoop and Mr. Zeleznak stated they both feel they should continue in order to wait for the report from OHM.

Mr. Lydon stated that he is fine with continuing this until July, but as you know there is a season in the construction business and they would like to get up and running, especially since tires are also seasonal and Mr. Zeleznak stated he understands that.

V. Ch. Hoop made a motion to continue this Public Hearing to July 28, 2021 at 7:00 p.m. Mr. Zeleznak second. All in favor.

V. Ch. Hoop stated this Public Hearing will be continued to July 28, 2021 at 7:00 p.m.

Mr. Zeleznak made a motion to adjourn the Public Hearing, Mr. Schaefer second. All in favor.

The June 23, 2021 Board of Zoning Appeals Public Hearing adjourned at 8:29 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2021

Josephine Calabro, Chairperson (absent)

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

Julie Mainzer, Member (absent)

Bill Budd, Member (absent)

Bill Schaefer, Alternate