

Chairman Calabro called the November 23, 2021 Board of Zoning Appeals continued Public Hearing from October 27, 2021 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 on behalf of the virtual audience, we ask that the public joining us in person approach the podium in the event they would like to speak, they should announce their name and address prior to speaking and we ask the audience to save any personal conversation for after the meeting as additional voices cause confusion for those attending virtually.

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, Schaefer, Wolny.

In the audience: Ms. Mainzer and Mr. Budd and Trustees Burns and Kalina and Zoning Inspector Wilson.

Ch. Calabro stated that alternates Wolny and Schaefer will sit on the Board because this is a continued Public Hearing from October 27, 2021 and they want to maintain the same Board members from that meeting.

The Recording Secretary 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 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. Ch. Calabro stated that evidence and testimony must be pertinent to the hearing. It is the Chairman's discretion to limit personal comments, personal attacks, opinions and/or repetitious statements or testimony or evidence previously given. Disruptive persons will lose the right to remain at this hearing. Personal attacks will not be tolerated.

Ch. Calabro stated that this is a continuation of a hearing upon the application of Thomas LaPolla, potential buyer for property owned by SEVA Ventures LLC located at 1360 Ridge Road, Hinckley, Ohio for a conditional use permit.

Ch. Calabro noted that each member of the Board of Zoning Appeals should have a copy of the documents submitted, which the Board received this afternoon, dated November 18, 2021. It is a letter from Architect Robinette. Ch. Calabro asked if everyone had the documents and the Board members stated yes.

Ch. Calabro stated that for the record they continued the hearing on October 23, but the Board just received the documents this afternoon.

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 the applicant's request for a conditional use permit and those that wish to speak must do so from the podium and state their name and address.

Ch. Calabro asked the applicant to step up to the podium. Ch. Calabro stated Mr. LaPolla was sworn in at the first Public Hearing so he is still under oath.

The secretary read into record an email received on 11/18/2021 from Gayle Prebis which read: **Zoning Inspector received the final copy of letter and drawings from Kevin Robinette certifying the measurements with second floor footprint.** A copy of this email is on file in the Hinckley Township Zoning Office.

Ch. Calabro asked Mr. LaPolla to update the Board on what has happened since the October 27, 2021 Public Hearing.

Thomas LaPolla – applicant, 29 W. 130th Street

Mr. LaPolla stated that the only thing that has changed is that they measured correctly and the measurement was 619 square feet for the upstairs dwelling unit which satisfied the Code. Mr. LaPolla stated he has submitted a proposed drawing, but he is undecided if he will follow that since he has not purchased the house and he is not sure of building costs. Other than that he has nothing new to add from the October 27, 2021 meeting.

Mr. Zeleznak asked what method was used to measure the outside dimensions of the house.

Mr. LaPolla stated he doesn't, but the current owners are present and they could possibly answer that question since their contractor and architect performed the work.

Ch. Calabro asked who measured and Mr. LaPolla stated the owners, he believes they had a contractor do the measurement.

Mr. Zeleznak stated he would like to know how they measured since it differs from the original plan and if it was verified through the Township.

Donald Prebis – 1225 Ledge Road, Hinckley

Mr. Prebis was sworn in accordingly.

Mr. Prebis stated they are one of the owners of the Ridge Road property, SEVA Ventures.

Mr. Prebis stated his contractor went on the roof and took the dimensions corner to corner. Mr. Prebis stated initially it was done off the ground, but since the second floor doesn't line up with the ~~second~~ ^{first} floor he asked the contractor to go on the roof to measure.

Mr. Zeleznak asked if the Zoning Inspector thinks it sounds reasonable that going from front to back there is actually 3 walls, 2 outside walls and inside walls -- based on the measurements, the average OD would be 7 1/2" which is pretty thick even with plaster and it doesn't correlate.

Mr. Prebis stated that the southern wall on the outside is 14" thick, they could see by the depth of the window. Mr. Prebis stated that when you take into consideration building standards from the time the house was built, when 2"x4" were actually 4" and you add the sidings and dimensions on the inside so it averages, give or take, 8".

Mr. Zeleznak stated that he wants to make sure it is verified on how it was measured. Mr. Prebis stated that they got it measured and because the house is older, it was probably constructed better back then.

Ch. Calabro asked about the original measurement of 475 sq. feet that was submitted by the applicant and where that measurement came from.

Mr. Prebis stated that he is not sure, that might have come from the broker that has the property listed for them. Mr. Prebis stated that once they found out the Board needed accurate measurements then they talked with their architect who reviewed the drawings and dimensions of the house.

Mr. Zeleznak asked if the architect signed off and if he took the measurements.

Mr. Prebis stated that he doesn't know if he did or didn't. Ch. Calabro stated she doesn't know if the architect signed off on the measurements. Ch. Calabro stated she thought Zoning Inspector Wilson requested confirmation where it came from. Ch. Calabro said she thinks the applicant is now saying that he is submitting the current drawing and the only thing about the drawing that has been submitted are the dimensions that it states that it is 619.

Mr. Prebis stated he's not the buyer, all he is trying to do is certify that they have over 600 square feet.

Gayle Prebis – 1225 Ledge Road, Hinckley

Ms. Prebis was sworn in accordingly.

Ms. Prebis stated she owned the yoga studio that was in this building and her and her partner worked with Kevin Robinette because they had originally intended to expand the building. Ms. Prebis stated Kevin had measurements and drawings from when they were going to expand the house and that is why they went back to Kevin Robinette because he already had the information regarding the building.

Ch. Calabro read into the record the letter from Kevin Robinette regarding the house, a copy of which is on file in the Hinckley Township Zoning Office.

Ch. Calabro stated that the only thing they need to keep in mind is the dimensions and not the layout.

Mr. Schaefer stated he has to have a food preparation/cooking area and Ch. Calabro stated a microwave could satisfy that.

Ch. Calabro asked Mr. LaPolla if the sellers or Broker ever mentioned that he could live upstairs and Mr. LaPolla stated yes. Mr. LaPolla stated that the Broker said it was okay based on the Hinckley Township code.

Ch. Calabro asked if there was anything else and there was nothing. Ch. Calabro asked if there were any conditions that anyone wanted.

Ch. Calabro stated she has a condition that the residents shall be in substantial conformance with the plans dated November 18, 2021 as part of the application for approval of a conditional use for them. Ch. Calabro stated that whatever stated is what the conditional use permit should be based on. Ch. Calabro asked if everyone agreed.

Mr. Schaefer stated that he doesn't have a problem with a few minor changes, but nothing substantial.

Ch. Calabro stated she would also like to place a condition that the conditional use permit for the second floor residence above a business is issued to Mr. LaPolla only, so if Mr. LaPolla does not buy the property there is no conditional, the conditional use permit is only for Mr. LaPolla.

Ch. Calabro asked if everyone agreed and all Board members agreed.

Ch. Calabro asked if there was anything else, there was nothing.

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 in Medina County on the grounds that such decision was unreasonable or unlawful.

Ch. Calabro asked for a motion.

Mr. Hoop made a motion for an application for a Conditional Use Permit AP0257 submitted by applicant, Thomas LaPolla, potential buyer of the property owned by SEVA Ventures LLC located at 1360 Ridge Road, Hinckley, Ohio 44233, permanent parcel number 01603A40041 requesting

a Conditional Use Permit for approval to have a dwelling unit above the first floor at the stated address. Zoning reference Chapter 6 District Use Regulation, subsection 6B.2.B" c" and subsection 6B.3.F.1 Schedule of Permitted Uses. With the following conditions: 1. The residence above shall be in substantial conformance with the plans dated November 18, 2021, as part of the application for approval of a Conditional Use Permit; and 2. This Conditional Use Permit for a second floor residence above a business is issued to Mr. Thomas LaPolla, potential buyer for property owned by SEVA Ventures LLC, only.

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. Anyone that is adversely affected by this decision has 30 days from the date in which the minutes of this hearing are approved to file suit or an appeal. Meeting minutes are typically approved at the next Regular Meeting. Upon approval of these hearing minutes such minutes will be posted and available at the Township website.

Vote: Ch. Calabro – yes; Hoop – yes, Zeleznak– yes, Schaefer – yes; Wolny – yes

Ch. Calabro stated that the conditional use permit has been granted 5-0.

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

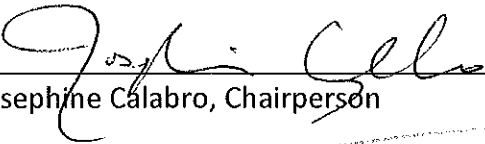
There was nothing further.

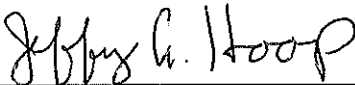
Ch. Calabro asked for a motion to adjourn the Public Hearing. Mr. Schaefer moved and Mr. Wolny seconded. All in favor.

The November 23, 2021 Board of Zoning Appeals continued Public Hearing was adjourned at 7:20 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: December 8, 2021


Josephine Calabro, Chairperson


Jeff Hoop, Vice-Chairperson


Dave Zeleznak, Member

(not voting)
Julie Mainzer, Member

(not voting)
Bill Budd, Member


Gary Wolny, Member


Bill Schaefer, Member