

Chairman Calabro called the October 27, 2021 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 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, Budd (absent), Wolny, *Schaefer*

In the audience: Ms. Mainzer and Trustee Burns

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 hearing is 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 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 Secretary if there were any phone calls. The secretary stated no.

The Secretary polled the Board as to whether the Board members received the packet of information and inspected the property at 1360 Ridge Road, Hinckley, Ohio 44233.

**Response: Calabro – yes and yes inspected on 10/23/2021, Hoop – yes and yes inspected on 10/23/2021, Zeleznak – yes and yes inspected on 10/23/2021, Wolny – yes and yes inspected on 10/23/2021, Schaefer - yes and no inspection, Mr. Schaefer stated he is familiar with the property.**

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 a conditional use permit.

Ch. Calabro asked the applicant to step up and give a summary of their proposal.

**Thomas LaPolla – applicant, 29 W. 130th Street**

Mr. LaPolla was sworn in accordingly.

Mr. LaPolla stated that he is asking to live in the house on the second floor as a dwelling and maintain his business and office space for his father's business on the first floor.

Ch. Calabro asked Mr. LaPolla if there was any explanation on the sketches he submitted. Ch. Calabro stated the sketches were not a reflection of what is there now and Mr. LaPolla confirmed that the sketches reflected what he would like to do with the property.

Mr. Zeleznak asked if Mr. LaPolla had measured the square footage of the second floor and Mr. LaPolla stated that the complete square footage of the second floor is 475 square feet, and that does not include a full kitchen, a kitchenette will be upstairs and a full kitchen will be put in downstairs.

Mr. Zeleznak asked if Mr. LaPolla is aware that one of the conditions is a minimum of 600 square feet of living area on the second floor. Mr. LaPolla stated yes and explained that the verbiage used in the regulations states if it is above an office building or commercial building and this was built as a house and is according to Medina County this is a 511 single family home and he is hoping with the square footage upstairs and the first floor kitchen this would suffice because it doesn't say a dwelling unit has to be continuous on one floor according to the definition of a dwelling unit. Mr. Zeleznak asked if that is Mr. LaPolla's interpretation and Mr. LaPolla stated yes.

Ch. Calabro asked if Mr. LaPolla could explain what regulation he is referring to and Mr. LaPolla referred to Section 7.5 Supplemental Regulations d of the Hinckley Township Code. Mr. LaPolla read the section he was referring to and then explained that there is only 475 feet upstairs but he will build the kitchen downstairs because it was built as a house.

Ch. Calabro asked Mr. LaPolla to explain how he is interpreting the language. Mr. LaPolla stated this building is not an office building or a commercial building and Ch. Calabro stated that the zoning was changed in 2017 and the building is no longer a house. Ch. Calabro stated they cannot count the kitchen downstairs toward the 600 square feet.

Ch. Calabro stated that she doesn't understand why this is being heard as a conditional use, possibly this could be a variance. Ch. Calabro stated that because Medina County has it as a house, it's not a house, it used to be a residence and then it was changed.

Mr. LaPolla stated the property was originally built as a house and Ch. Calabro stated that the zoning was changed and they cannot revert back to a residence.

Mr. LaPolla stated this is what he was told he had to do and asked for the steps to ask for a variance.

Ch. Calabro stated he needs to have a minimum of 600 square feet and the kitchen downstairs cannot be counted toward that. Ch. Calabro reviewed the dwelling unit definition in the regulation with Mr. LaPolla.

Mr. LaPolla asked how he can request a variance and Ch. Calabro explained he would have to submit an application for a variance and if that is granted he would have to go for a conditional use. Ch. Calabro stated that they cannot guarantee that the variance would be approved. Ch. Calabro asked if Mr. LaPolla was aware of the 600 square feet requirement and Mr. LaPolla stated when he filed he was not aware of that requirement but became aware of it afterward. Discussion followed regarding what Mr. LaPolla would need to do to request a variance.

Mr. Schaefer stated that the drawing shows three offices and a conference room so when Mr. LaPolla comes in, he has to show what he is proposing to do, not what it is today. Mr. Schaefer stated that there are no guarantees on the outcome.

Mr. Wolny asked what the perimeter dimensions are and Mr. LaPolla explained that was doing each room and adding it up. Mr. Wolny asked for the perimeter measurements of the second floor and Mr. Zeleznak explained that according to his rough calculations the perimeter measurements would be somewhere around 568 - going by dimensions that are presented - these are rough calculations, it is under 570 outside wall to wall. Mr. Wolny asked if living space is calculated on outside perimeter measurements or living space when looking at minimum square footage of living area.

Mr. Schaefer stated as the previous Zoning Inspector he would calculate square footage of a building he would go by exterior measurements.

Mr. Wolny stated Mr. LaPolla would be about 540 and some change which would bring Mr. LaPolla closer.

Mr. LaPolla asked if he has to ask for a variance and Mr. Zeleznak stated yes, but there is no guarantee they will grant that. Mr. LaPolla asked if he should ask the Board to table his request and Ch. Calabro stated he could withdraw his request for the conditional use and then he could, in the same evening, request a variance and a conditional use. Ch. Calabro stated she wanted to make it clear there are no guarantees that the variance will be granted.

Mr. LaPolla asked to withdraw the application so he could submit an application for a variance. Ch. Calabro stated they could also take a vote. Mr. LaPolla asked if he would have to pay an

additional fee and discussion followed regarding the fees that would be charged based on what he submitted an application for.

Mr. Zeleznak stated he doesn't see why they can't continue it, then Mr. LaPolla apply for a variance and then continue with the conditional use request.

Ch. Calabro stated that Mr. LaPolla's options are to continue his request or they could vote on the conditional use request. Mr. Schaefer stated if they vote for a conditional use and it passes then it would grant the applicant a variance which they don't have the authority to do so he doesn't think they can vote. Discussion followed.

Mr. LaPolla asked for confirmation that he cannot ask for a vote this evening because they are not hearing a variance this evening, but he can table his conditional use request, apply for a variance and come back next month and that was confirmed by the Board. Discussion followed regarding meeting dates.

Mr. LaPolla asked for a continuance on his request for a conditional use request.

Mr. Zeleznak made a motion to continue the public hearing until the next public hearing date which would be November 24, 2021 unless scheduled prior to that or withdrawn by applicant. Motion seconded by Mr. Schaefer. Discussion followed regarding the date because of the Thanksgiving holiday. It was decided to have a public hearing on Tuesday, November 23.

Ch. Calabro asked for a motion to continue the public hearing until November 23, 2021 at 7:00 p.m. Mr. Schaefer seconded. All in favor, motion passed 5-0.

Ch. Calabro stated they would continue the public hearing to November 23, 2021 at 7:00 p.m.

Mr. LaPolla asked if the Board is looking for anything on the variance - the Board suggested Mr. LaPolla get the accurate square footage from the outside walls and check with the Zoning Office regarding any application requirements.

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 October 27, 2021 Board of Zoning Appeals continued Public Hearing was adjourned at 7:31 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: 11/10, 2021

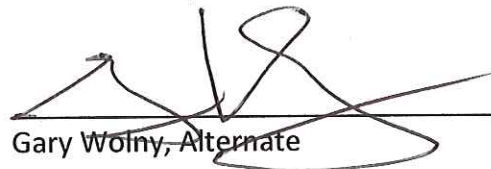
  
Josephine Calabro, Chairperson

  
Jeff Hoop, Vice-Chairperson

  
Dave Zeleznak, Member

(not voting)  
Julie Mainzer, Member

(absent)  
Bill Budd, Member

  
Gary Wolny, Alternate

  
Bill Schaefer, Alternate