

Chairman J. Calabro called the March 9, 2022 Board of Zoning Appeals Public Hearing to order at 7:00 p.m.

Ch. Calabro stated that the first order of business is to swear in the new members of the Board of Zoning Appeals. Trustee Augustine swore in new member Lindsey Wrubel and new alternate member Tom Schrader and Trustee Augustine and the Board welcomed the new members.

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 ex parte communication should disclose at this time.

Roll found: Calabro, Hoop, Zeleznak, Wrubel, Schrader – Mr. Schaefer was absent so Mr. Schrader filled his seat for this meeting. In the audience were Trustee Augustine and Zoning Inspector Wilson and attending virtually was Trustee Swedyk.

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 Luke Allen Wittasek, owner of Team Chitwood North, and tenant/occupant of property located at 2571 Center Road, Hinckley, Ohio requesting 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, including a letter stating

what type of classes are being offered and hours of operation, a letter from the property owner granting permission of request and a site map of the space and the parking lot.

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 2571 Center Road, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 3/5/2022, Hoop – yes and yes inspected on 3/5/2022, Zeleznak – yes and yes inspected on 3/5/2022, Wrubel – yes and yes inspected on 3/5/2022; Schrader – yes and no - not inspected.

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 stated that all people that wish to give testimony will be sworn in individually, must state their name and address 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 applicant to come to the podium.

Luke Wittasek – 11635 Glendora Lane, Parma Heights, OH.

Mr. Wittasek was sworn in accordingly.

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

Mr. Wittasek stated that he would like to run and operate a Brazilian jiu jitsu school and he'd like to offer classes to kids, teens and adults, primarily sport jiu jitsu and self-defense. Mr. Wittasek stated the hours he will be operating will be in the evening 5:00 pm and no later than 9:00 pm, where the other tenants of the building will be operating during the day, usually 8:00 am – 4:00 pm or 9:00 am – 5:00 pm. Mr. Wittasek stated he will also be operating Saturday mornings when all of the other businesses will be off for the weekend.

Mr. Wittasek explained kid classes are from ages 7-11, teen classes are ages 12-15 and adult classes will be 15 and older. Mr. Wittasek stated he knows there was some concern regarding parking and in the complex there are about 35 spots, 2 of them are for handicapped and he will be operating later hours so none of the other businesses there will be open.

Mr. Wittasek stated he grew up in Parma and graduated from Valley Forge High School, did some culinary arts, joined the marine corps in 1999 and in 2004 when he got out of the marine corps. he got into law enforcement. In 2005 he was hired in Parma Heights as a police officer and has been there since. He developed his interest in defensive tactics after he joined the police force and he would go to OPOTA (Ohio Police Officer Training Association) where he found out about a school located in Lexington, Ohio where they taught jiu jitsu. About three years ago he began teaching a law enforcement jiu jitsu class which was successful and after about a year he had an opportunity to teach at an academy in Strongsville and taught there over 2 ½ years. A few months ago he decided to go out on his own to teach jiu jitsu and he found the location in Hinckley which has 1000 square feet for office space and 2000 square feet for the training room. A lot of his students are in law enforcement and he would like to grow the kids and teens classes.

Ch. Calabro thanked Mr. Wittasek and stated that when they viewed the space it appeared there was no need for modification and Mr. Wittasek agreed that was correct. Ch. Calabro asked for confirmation that classes will be inside and Mr. Wittasek confirmed that they will be inside, nothing will be outdoors.

Mr. Zeleznak asked if there will be adequate safety and first aid equipment and Mr. Wittasek stated yes and he is certified in CPR and he has firemen and medics in the class. Mr. Wittasek stated he is trying to get a defibrillator.

Ch. Calabro stated that most of her questions have been answered, but stated the parking is an issue but the hours solves that problem. Ch. Calabro asked about the noise level and Mr. Wittasek stated he doesn't think it will get that loud but he can put foam on the walls to diminish the sound. Ch. Calabro stated she doesn't think that is an issue.

Ch. Calabro asked if there were any other questions and there were none. Ch. Calabro asked if there were any questions from the audience or virtually and there were none.

Ch. Calabro asked if Zoning Inspector Wilson had anything to add and he stated no.

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 and they have 30 days from the date of this meeting to appeal.

Ch. Calabro asked for a motion. Mr. Hoop made a motion for a Conditional Use Permit AP0263 being submitted by applicant Luke Allen Wittasek, owner of Team Chitwood North and tenant/occupant of property located at 2571 Center Road, Hinckley, Ohio, Permanent Parcel No. 01703A37007 requesting to operate an indoor recreation Brazilian jiu-jitsu martial arts school at the said property. Zoning Reference Chapter 6, Section 612.4.D of Hinckley Zoning Regulations.

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, Wrubel – yes, Schrader – yes

Ch. Calabro stated that the Conditional Use Permit 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. Mr. Zeleznak moved and Mr. Schrader seconded. All in favor.

The March 9, 2022 Board of Zoning Appeals Public Hearing for Wittasek was adjourned at 7:19 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

Lindsey Wrubel, Member

Tom Schrader, Member