

Vice Ch. Hoop called the August 24, 2022 Board of Zoning Appeals Public Hearing for Sabella to order at 7:00 p.m.

Vice 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.

Vice Ch. Hoop 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 had an excused absence, Hoop, Zeleznak, Schaefer, Wrubel, Schrader. In the audience was Zoning Inspector Wilson and Trustee Augustine. Vice Ch. Hoop stated that Mr. Schrader would move into a voting role due to the absence of Ms. Calabro.

The Recording Secretary read the legal ad and confirmed that the legal notice was mailed to the applicant and adjacent property owners.

Vice 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 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 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.

Vice Ch. Hoop stated that this is a hearing for a request submitted by applicant Leon Sampat, architect on behalf of property owner George Sabella owner of the property located at 2668 Stony Hill Road, Hinckley, Ohio requesting a variance from the enforcement of certain Hinckley Township Zoning Resolution sections to property owned by ~~the applicant.~~

MR. GEORGE SABELLA.

Vice Ch. Hoop noted that the applicant has submitted a packet that includes the original variance application, letter from the property owners, renderings and drawings and a site map all related to the variance request.

Vice 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.

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

Vice Ch. Hoop asked the Recording Secretary if there were any letters, phone calls or emails received and there were none.

Vice Ch. Hoop asked the Recording Secretary to poll the Board as to whether they received the packet of information and inspected the property at 2668 Stony Hill Road, Hinckley, Ohio 44233.

Response: Hoop – yes and yes inspected on 8/20/2022, Zeleznak – yes and yes inspected on 8/20/2022, Schaefer – yes and yes inspected on 8/20/2022; Wrubel – yes and yes inspected on 8/20/2022; Schrader – yes and yes inspected on 8/20/2022.

Vice Ch. Hoop 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. Vice 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.

Vice Ch. Hoop stated that the Board has the power to grant an applicant's request for variance.

Vice Ch. Hoop 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.

Vice Ch. Hoop 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.

Tim Szoradi – 6544 Sutton Drive, North Olmsted, Ohio

George Sabella (property owner) 2668 Stony Hill Road, Hinckley, OH

Mr. Szoradi and Mr. Sabella were sworn in accordingly.

Mr. Sabella stated that they want to build a structure identical looking to their existing garage, on the other side of the property. Mr. Sabella stated it will not be larger than their current garage. Mr. Sabella stated that they turned a large portion of their current garage into a home gym and they park the cars outside. Also, they put an office in the garage for his wife who works at the Cleveland Clinic because there wasn't an extra room in the house. Mr. Sabella stated the proposed structure would look identical to the existing garage but it would be on the other side of the driveway.

Mr. Zeleznak asked who staked out the garage for the site visit and Mr. Szoradi stated he and the property owner did. Mr. Zeleznak stated they had a difficult time finding the property line at their site visit because there was no representative at the property visit. Mr. Zeleznak stated when they had the site visit a neighbor was outside and he discussed the property line with the Board members. Mr. Sabella and Mr. Szoradi explained where the property line is.

Mr. Zeleznak stated when the Board members did their measurements at the site visit they found that the back of the proposed building was four foot and a few inches away from the property line which does not match what is on the submitted drawing for the variance.

Mr. Szoradi stated the location of the building on the property was not represented properly by the architect when it was designed and put on the civil map. Mr. Zeleznak asked for clarification on the applicant's request. Mr. Szoradi stated the property owner does not want to infringe on the existing concrete turnaround drive and they would like to push the proposed structure closer to the property line.

Mr. Zeleznak asked if they are now requesting a variance of 13 feet 3 inches which is 19 feet away from the property line. Mr. Zeleznak stated the way it was staked at the site visit it looked like they are asking for a variance of 25 feet because the stakes were approximately 4 feet from the property line.

Mr. Szoradi stated they discovered the error on Saturday when they were staking it for the site visit, they didn't realize the architect had put it in the wrong place on the drawings. Mr. Zeleznak stated they are asking now for something different than what they requested on their application. Mr. Zeleznak asked Zoning Inspector Wilson to address the matter.

Zoning Inspector Wilson asked for clarification on what the applicant is asking for. Mr. Szoradi stated that the building size is the same as what is on the application, but the location of the proposed structure as shown on the drawing would put the proposed structure on top of the current driveway and they don't want that, they need to keep the existing driveway the way it is

so there is room for turnaround of vehicles. Zoning Inspector Wilson asked how close to the property line they will be.

Ms. Wrubel asked if they are requesting a 25 foot variance and the Mr. Sabella confirmed that is correct. Mr. Szoradi stated that what they are requesting is what was staked out at the site visit, approximately 4 feet from the property line. Mr. Sabella stated that the neighbor to the South said he has no objection because coming to the property line would eliminate the need for maintaining the area.

Mr. Zeleznak stated he doesn't think they can continue with the hearing because they are now asking for a different variance than what was advertised, it was advertised as 16 feet 9 inches from the line and they are asking for something that is closer to the property line, so they cannot continue the hearing, it will have to be advertised again with the correct measurements. Mr. Zeleznak stated they will have to do a new application and he stated he wants to let them know that 4 feet is a very large variance. Zoning Inspector Wilson confirmed.

Mr. Schaefer asked about reason for wanting to build the proposed structure. Mr. Sabella stated the existing building is a gym and houses some vehicles, but his car is parked in the driveway. Mr. Schaefer asked if they gave consideration to putting an addition onto the back of the house. Mr. Sabella stated they did, but it's a 2 bedroom home so they would have to go through a bedroom in the back, that is the only way they could do it and that wouldn't work. Mr. Sabella stated this is the only thing that makes sense and it would look good and be good for property value. Mr. Sabella stated this would also allow for everyone to be able to access the tractor he shares with the neighbors and it would give his wife the privacy she needs to work from home.

Mr. Schaefer requested that at the next site inspection it would be helpful if someone was home to answer any questions and Mr. Sabella stated he thought someone would be available. Mr. Zeleznak stated they spent a lot of time at the property trying to determine where the property line was so it's helpful to have someone available to answer questions. Mr. Sabella apologized and stated he had left his phone number in case anyone wanted to call.

Discussion followed on the appropriate way to proceed with the current application and what the deadlines are for reapplying.

Mr. Sabella stated they would withdraw the current application and resubmit a correct application.

Mr. Zeleznak asked for confirmation for the record that the current application for a variance is being withdrawn due to incorrect information and Mr. Sabella confirmed that is correct.

Vice Ch. Hoop stated the applicant has withdrawn his application.

Vice Ch. Hoop adjourned the Public Hearing at 7:23 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

(absent)
Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

Bill Schaefer, Member

Lindsey Wrubel, Member

Tom Schrader, Member