

Chairman J. Calabro called the September 28, 2022 Board of Zoning Appeals Public Hearing for Betlee 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 any Board member that has any monetary interest or has a conflict including exparte communication should disclose at this time.

Roll found: Calabro, Hoop, Zeleznak, Schaefer, Wrubel. In the audience was Alternate Schrader, Zoning Inspector Wilson and Trustee Augustine.

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 applicant Matthew Betlee, property owner of the property located at 1294 Mattingly Rd., Hinckley, Ohio requesting a variance from the enforcement of certain Hinckley Township Zoning Resolution sections to property owned by the applicant.

Ch. Calabro noted that the applicant has submitted a packet that includes the original variance application, letter from the property owner, several pictures of the site and site maps all related to the variance request.

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 the Recording Secretary stated there was an email from Matt Betlee showing example of proposed building and there was an email from neighbor Brent Karpinski, there were no phone calls and no visits to the Township office.

Ch. Calabro asked the Recording Secretary to poll the Board as to whether they received the packet of information and inspected the property at 1294 Mattingly Road, Hinckley, Ohio 44233.

**Response: Calabro – yes and yes inspected on 9/24/2022, Hoop – yes and yes inspected on 9/24/2022, Zeleznak – yes and yes inspected on 9/24/2022, Schaefer – yes and yes inspected on 9/24/2022; Wrubel – yes and yes inspected on 9/24/2022 .**

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 variance.

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 stated that all people that wish to give testimony will be sworn in individually and testimonies, if any, shall be given from the podium and all who speak must state their name and address.

**Matthew Betlee, 1294 Mattingly Road, Hinckley, OH.**

Mr. Betlee, applicant, was sworn in accordingly.

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

Mr. Betlee stated that he is proposing to put a garage in front of his property due to the flooding issue on his property caused by the river next to his property. Mr. Betlee stated if he put the garage behind his house, it could possibly dam the water when it floods. Mr. Betlee stated he is matching the floor height of the other garage and basically this is the only place he can put the proposed garage that wouldn't possibly cause future damage to his cars and equipment. Mr. Betlee stated they have multiple drivers in the house so there will be multiple vehicles and he wants to store them in a garage. Mr. Betlee further described how high the water gets when it floods and stated he is trying to save his investments.

Ch. Calabro asked if the garage use is for storage and if this is the only place he can put the garage on his property and Mr. Betlee confirmed that is correct.

Mr. Schaefer stated when they were at the site visit there was discussion regarding the other buildings on Mr. Betlee's property. Mr. Schaefer stated that Zoning Inspector Wilson wrote a letter explaining that with the existing accessory buildings on the property and the proposed building the total square feet will be 4,818 square foot and he is allowed 4,900 square feet so he is below the maximum amount.

Mr. Schaefer asked how deep the water in the yard gets when it floods and Mr. Betlee stated the worst has been 4 feet high. Mr. Betlee explained that the riverbed to the garage is an 8 foot grade drop and in 2014 the water rose up that 8 foot and into their existing garage. Mr. Betlee stated that because of that he would like to match that height with the proposed garage. Mr. Betlee stated he lost a lot of equipment when it flooded.

Mr. Schaefer asked why Mr. Betlee couldn't build in the back and raise the garage 4 feet. Mr. Betlee stated next to the house is the lowest spot and that is where their leech bed. If he put something next to the existing garage that would dam the flood water. Mr. Betlee explained how the water sheds by the house in the yard and what happens when the flood water dams up.

Mr. Schaefer asked Mr. Betlee if he puts the proposed garage in the back of the house, he would have to put it over the leech bed which would cause damming and also if he put on the other side of his house, it would cause damming. Mr. Betlee stated his cistern is on the right side of the house so he couldn't build there. Mr. Schaefer asked if Mr. Betlee could put in any driveway in those areas and Mr. Betlee stated no.

Mr. Schaefer stated the Board didn't get building plans and Mr. Betlee stated he doesn't have exact plans yet. Mr. Betlee stated he would have a 42" footer and then he would have a 4 foot masonry wall and that would hit his garage floor level and the garage would be on top of that.

Ch. Calabro asked for clarification on the left elevation drawing. Mr. Betlee explained the turn around and the grade.

Mr. Zeleznak asked for the width and depth and Mr. Betlee stated 42' wide by 29' deep.

Ms. Wrubel asked if Mr. Betlee had an engineer formally study the plans to make sure it will address the issue. Mr. Betlee stated it's more about the water flow of the property than an engineering issue. Mr. Betlee stated he needs it placed so the water is going around it. Mr. Betlee stated he is not opposed to installing culvert pipe and that will most likely be addressed at the County level.

Ch. Calabro stated that Mr. Betlee is stating this is the only place he can put the proposed garage on his property so it doesn't get worse than it already is.

Ms. Wrubel asked Mr. Betlee if he was aware of the zoning restriction preventing the out building beyond the front of the house and Mr. Betlee stated at first he was not.

Mr. Hoop asked Mr. Betlee what the total acreage is of his property and Mr. Betlee stated approximately 17 acres and he owns a second parcel next to it that is approximately 1.5 acres so the total of both is 18.9 acres.

Ch. Calabro stated for the record the purpose of this structure is for personal use, not to run a business out of and Mr. Betlee stated it is for personal use for personal vehicle storage.

There being no further testimony offered, Ch. Calabro asked for a review of the Duncan Factors.

**Factor #1:** Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?

Vote:

Calabro – Yes

Hoop – Yes

Zeleznak – Yes

Schaefer – Yes

Wrubel – Yes

**Factor #2:** Is the variance substantial?

Vote:

Calabro – Yes

Hoop – Yes

ZeleznaK–Yes  
Schaefer – Yes  
Wrubel– Yes

**Factor #3:** Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if this variance is granted?

Vote:  
Calabro – No  
Hoop – No  
ZeleznaK – No.  
Schaefer – No  
Wrubel – No

**Factor #4:** Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

Vote:  
Calabro – No  
Hoop – No  
ZeleznaK – No  
Schaefer – No  
Wrubel– No

**Factor #5**

Did the property owner purchase the property with knowledge of the zoning restrictions?

Vote:  
Calabro – No as testified.  
Hoop – No  
ZeleznaK – No  
Schaefer- No  
Wrubel– No

**Factor #6**

Can the problem be solved by some manner other than the granting of a variance?

Vote:  
Calabro – No  
Hoop – No  
ZeleznaK – No based on testimony, inspection and photos

Schaefer – No  
Wrubel – Yes

**Factor #7**

Does the variance preserve the “spirit and intent” of the zoning requirement and will “substantial justice” be done by granting the variance?

Vote:

Calabro – Yes  
Hoop – Yes  
ZeleznaK – Yes  
Schaefer – Yes  
Wrubel – Yes

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.

Ch. Calabro asked for a motion. Mr. Hoop made a motion for variance AP0269 submitted by applicant Matthew Betlee, property owner of 1294 Mattingly Road, Hinckley, Ohio, Permanent Parcel Number 01603B20018 requesting to construct an accessory building not to exceed 1300 square feet at the said property in a location that does not meet the front yard setback of not less than the principal building. Sub-Section 6R1.6.A.1.

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, Schaefer – yes, Wrubel – yes

Ch. Calabro stated that the variance granted 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. Schaefer moved and Ms. Wrubel seconded. All in favor.

The September 28, 2022 Board of Zoning Appeals Public Hearing for Betlee was adjourned at 7:26 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2022

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Josephine Calabro, Chairperson

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Jeff Hoop, Vice-Chairperson

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Dave Zeleznak, Member

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Bill Schaefer, Member

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Lindsey Wrubel, Member