

**BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS**

**MEETING MINUTES of May 20, 2015**

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

**Present:** Scot Etling Vince Murdocco

**Alternates:** Cheryl Rueschman

**Absent:** Bruce Knippenberg Lisa Cotton Ed Shutty

**Staff:** Dick Messner, Zoning Inspector  
Wendi O’Neal, Assistant Zoning Inspector

**Public Present:** NONE

<b>Name</b>	<b>Phone</b>	<b>Company / E-mail</b>
William Stone	330.930.0256	4494 ST RT 43, wsnow@stofferreality.com
Nelie Slepoy	330.673.6621	Stone and Properties
Brian Wikes	330.715.7571	Penn-Ohio Group, brian@penn-ohiogroup.com
Mike Trombly	330.814.7693	Penn-Ohio Group, mike@penn-ohiogroup.com

**CALL TO ORDER:**

**Scot Etling** calls the Brimfield Township Board of Zoning Appeals to order at 7:15 PM Wednesday, May 20, 2015 meeting.

Roll Call:

**Cotten** = Absent

**Etling** = Here

**Knippenberg** = Absent

**Murdocco** = Here

**Shutty** = Absent

**Rueschman** = Here

**Cheryl Rueschman** does reserve voting rights this meeting, in lieu of an absent member.

**MOTION#2015-0019**

A motion is made to accept the Agenda as presented by **Vince Murdocco**, seconded by **Cheryl Rueschman**. Motion carries.

**MOTION#2015-0020**

A motion was made by **Vince Murdocco** to table the March 18, 2015 Meeting Minutes, seconded by **Scot Etling**. Motion carries.

**MOTION#2015-0021**

A motion was made by **Vince Murdocco** to approve the April 15, 2015 Meeting Minutes as presented, seconded by **Scot Etling**. Motion carries.

**Scot Etling** states that the Board of Zoning Appeals is a quasi-judicial board. We have an application for a conditional permit tonight. Anyone having any statements, comments or questions to make tonight, we ask that you state your name, address, and confirm that all the statements that you are making are true to the best of your knowledge and are considered under oath.

**PUBLIC COMMENTS: None**

**SWEARING IN OF APPLICANTS AND COMMENTERS:**

**Wendi O’Neal** dually notes that the meeting has been advertised per the Ohio Revised Code.

**Wendi O’Neal** states that as long each individual understands they are under oath and that the meeting is being recorded. Also it will be reflected in the public minutes or in any legal action that would come.

**APPLICATIONS:**

**Conditional Use Application:**

**Applicant: 4494 State Route 43, LLC – Brian Wilkes**  
**Location: 4494 State Route 43, Kent, Ohio 44240**  
**Parcel: 04-023-00-00-049-000**  
**Zoning: H – C Highway Commercial**  
**Medical Care Facility**

**Wendi O’Neal:**

- Address is 4494 State Route 43, a.k.a. the ‘Epling’ building.
- The use is a medical care facility.
- Across the street from the Holiday Inn Express.
- The same owners also own the ‘L’ shaped parcel to the north and east of the subject property.
- H-C District Zoning, the actual use is under G-C Section 309.02.B.10
- Zoning Department did notify contiguous and all interested parties per the Ohio Revised Code. The Zoning Department did not receive any response from those notified.

**William Snow:** Stoffer Reality, going to speak specifically for 4494 State Route 43, LLC. We before the board tonight to request a conditional use application for a medical facility at 4494 State Route 43, Kent, Ohio 44240. We are looking for that use in the 7380 square feet of the north end of the building. I believe at the time we submitted the application we were not able to give you the name of the institution. We do have that information tonight and I will read this: “The Cleveland Clinic and Akron General, its affiliate, proposed to operate an office out of this space. The intent is to provide express, urgent care to the local population along with primary care medical services and some specialty physician services. In addition the space will contain x-ray and lab services. I think, Wendi, pretty much went through the zoning, so I am not going to recite that. I think from my understanding from my reading under chapter 309.02, sub-section B.10, allows the Board of Zoning Appeals to grant a use variance for institutions for medical care; we are applying underneath that. We have had a chance to look at chapter 4 with several sub-sections, 614, and 51 that apply to us and we feel that we met those. Wendi just a clarification, did they see our application?

**Wendi O’Neal:** They have.

**Board:** Yes, we have reviewed it.

**William Snow:** With that review we pray for the building to have that use variance for our location. I believe that Brian Wilkes and his other partners are here and they can certainly answer some questions and I can certainly answer some questions that I know. I have a little Township background so that is the reason that I am, maybe doing the speaking?

**Scot Etling:** I guess my first question is that it sounds like a health clinic or like a minute clinic? Or something like that?

**William Snow:** Yes.

**Cheryl Rueschman:** Is it going to be open 24/7 or do you have hours on this?

**Brian Wilkes:** We have not been given hours, as we have not negotiated hours.

**Cheryl Rueschman:** Some are, some are not. I’m at Summa and I have been there many many years, and they just opened up a new one. They are limited on their hours as opposed to what used to be. I was just kind of wondering if this was a 24/7 or a limited hour clinic?

**Scot Etling:** What is your intention?

**Brian Wilkes:** Our intention is to ask that. Right now we are working on finalizing our lease. We would give them the right to operate 24 hours. As building owners if we are able, if you guys are able to give us that permission. We would give that to them as an option and let the client decides on how they want to operate.

**Scot Etling:** I guess my only question would be, would that create any kind of problems for the neighbors around the property? Well I guess not, because it would not be lit that big, okay I answered my own question.

**Vince Murdocco:** What kind of parking and so forth? Or facilities? And how much parking is going to be there?

**Brian Wilkes:** The site has 97 parking spots as is. It is not anybody’s intention to need to expand that parking that is there.

**Nelie Slepoy:** Well there could be parking in the behind, anywhere. Because your lot is deeper.

**William Snow:** We belief there is enough parking to supply our clients.

**Vince Murdocco:** Yea, I seen the building, I just wasn’t sure how much parking was available.

**Nelie Slepoy:** Well I know there is a good bit behind, because the Epling’s applied for a variance in zoning before they sold it, to put in storage units in behind. I’m not sure how deep

that it is, but there is a good amount of property behind. I would say that there would be no problem with parking; not with it being that kind of client.

**Scot Etling:** Okay.

**Nelie Slepoy:** Not with that kind of service. If it was going to be a place where people park and stay there all day, every day it might be a problem.

**Scot Etling:** I'm just assuming that you are doing lab work, like blood tests and that kind of stuff there; like a typical medical facility. It's not experimental or anything like that?

**Vince Murdocco:** I was going to ask that question.

**Scot Etling:** You are not creating nuclear rats or something like that?

**William Snow:** No.

**Cheryl Rueschman:** Is it going to be an ER?

**Nelie Slepoy:** Do you know if it is going to be an emergency service or if its going to similar to devon's place? Do you have any idea?

**William Snow:** I am just going to read you exactly what they gave me. Speaking for Cleveland Clinic and Akron General, I'm not real good at it, but they do want to provide express urgent care services. That is more of a primary care in general as I understood it as in speaking with them. So primary care being acute problems; where people come in with something wrong with them, there is no rehab, or for things that are chronic type things, you would probably not see there.

**Scot Etling:** Gotcha.

**William Snow:** Does that help fill that gap, alittle?

**Scot Etling:** Yes.

**Nelie Slepoy:** Now the fact that there is only one access, or driveway even though it's wide, will that be a problem for you? Or will you later have to it cut and made for another exit?

**Brian Wilkes:** That has not been expressed as a problem.

**Nelie Slepoy:** See that is nice and wide now.

**Scot Etling:** Can you give your name and address for the record please?

**Nelie Slepoy:** My name is Nelie Slepoy and I am the property owner across the street.

**Brian Wilkes:** Brian Wilkes, my address is 361 Hillstone, in Cranberry Township, Pennsylvania.

**Mike Trombly:** Same address.

**William Snow:** My address is 130 North Miller, Fairlawn Ohio.

**Vince Murdocco:** I think that you guys have answered, reading everything, looking at the zoning regulations and so forth and what you are proposing, I don't have an questions or problems with it. I'm going to make a motion that we grant the conditional use permit.

**Wendi O'Neal:** Are there going to be ambulances delivering there?

**Brian Wilkes:** We just asked that question, and they said no. It would be no difference than a normal place.

**Scot Etling:** Just Walk-ins.

**Cheryl Rueschman:** Just primary care facility correct?

**Mike Trombly:** Yes it is express urgent care services along with primary care services.

**Scot Etling:** It's basically like a walkin-doctor's office.

**Brian Wilkes:** That is our understanding, now I don't want to misrepresent or whatever, but that is what we have been told and what we understand it to be. And we ask specifically will there be ambulance services to this place and the answer was no. I just want to clarify if someone walks

in with something more than urgent care than, an ambulance is called to take a patient to the hospital.

**Cheryl Rueschman:** Something more than urgent care, usually an ambulance is called from that place. If the patient is there, this is usually the sum of what Summa does as I know it, they call from there the ambulance, the ambulance comes and takes them to the closest hospital required by law.

**Brian Wilkes:** Great that was our understanding of it. You are the expert of it.

**Cheryl Rueschman:** No, not really. I have just been in the hospital a long time.

**Vince Murdocco:** So to clarify my motion I want to put in that there is no ambulances bring patients there, patients can be picked up and taken to a hospital.

**Nelie Slepoy:** There maybe a case that they could come from a doctor's office maybe by ambulance if there were handicapped.

**Scot Etling:** I don't think typically, because it sounds more like a walk-in doctors office. Like if I have a cold, I'm going to go there.

**Cheryl Rueschman:** An ambulance would be required only if they accessed that there and decided the need to take them to the nearest hospital.

**William Snow:** Mr. Chairman let me offer this up as 22 years as a paramedic in Bath Township, and I will tell you that you have the Akron General Wellness Center in our community and it is very clear that from a hospital or EMS provider, you are on your duty to provide that patient care and take them to a facility that can address their needs. And I must tell you that my reading of the information that is coming from Cleveland Clinic and Akron General is that this would not be a definitive care establishment that you would be transferred to.

**Scot Etling:** Right. Can we put something in the conditions that if we find out that it is different than what you are stating, unintentionally, that they can come back in to the Board with any changes.

**Nelie Slepoy:** Wendi can you tell me the biggest difference between the newest zoning like they are requesting and what it used to be?

**Wendi O'Neal:** Do mean when it was changed in 2004?

**Nelie Slepoy:** Yea. What can the building used for?

**Wendi O'Neal:** Before 2004, there were only four districts. So you could put a house next to a huge apartment complex. So we updated that, to make sure that the industrial plants stays in a designated industrial area. So that's the biggest difference.

**Nelie Slepoy:** So this is not even now zoned industrial?

**Wendi O'Neal:** No, it is commercial.

**Scot Etling:** So I would recommend that it would be granted as presented provided if they find out it is different that, or get more definitive of the services; it is a walk-in doctor facility.

**Wendi O'Neal:** My input would be lighting; that we would just have to work you guys that it is followed by regulations. Also the signs, is another thing that comes through our office.

**Scot Etling:** Yup, that was my going to be one of my questions. Are you going to require any additional signage other than what you are required or allowed?

**Brian Wilkes:** We haven't discussed signage yet. If it does go beyond than of course we will come back and ask for it.

**Scot Etling:** Okay.

**Cheryl Rueschman:** Where is exactly is the building? The building looks familiar to me, why?

**Scot Etling:** It's right down the road.

**Nelie Slepoy:** It's right across the street from the Mexican restaurant, just over the hill.

**Cheryl Rueschman:** Oh, yes. Where I always see all of those white vehicles that say Apollo Heating.

**Scot Etling:** Okay, if we don't have any more questions, you are making a motion.

**Vince Murdocco:** I will make the motion that it is approved and if there are any changes, you come back to the board with the changes.

**Cheryl Rueschman:** I will second that.

#### **MOTION#2015-0022**

A motion was made by **Vince Murdocco** to approve the conditional use application for applicant, 4494 ST RT 43, LLC, Brian Wilkes, located at 4494 State Route 43 Kent, Ohio 44240 with the following conditions:

- Not an emergency room facility
- For urgent, express and primary care facility only
- Signs and lighting have to be approved by the Zoning Department
- If as presented changes, the applicant will return to the Board of Zoning Appeals

The motion was seconded by **Cheryl Rueschman**.

Roll Call:

**Cotten** = Absent

**Etling** = Aye

**Knippenberg** = Absent

**Murdocco** = Aye

**Shutty** = Absent

**Rueschman** = Aye

Motion passes unanimously.

#### **AUDIENCE QUESTIONS:**

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

#### **GOOD OF THE ORDER:**

Discussed the possibly change of use for properties located at 4791 Mogadore Road, Kent, Ohio 44240. The Board would need more information.

#### **SET NEXT MEETING:**

Next meeting is scheduled for Wednesday, June 17, 2015, at 7:15 PM.

#### **ADJOURN:**

#### **MOTION#2015-023**

A motion was made by **Vince Murdocco** to adjourn the April 15, 2015 Board of Zoning Appeals meeting, and was seconded by **Cheryl Rueschman** at 8:00 PM. Motion carries.

---

Chairman Bruce Knippenberg

---

Vice Lisa Cotten

---

Scot Etling

---

Vince Murdocco

---

Ed Shutty

---

Secretary Wendi O'Neal

---

Alternate: Cheryl Rueschman