

**BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS**

**MEETING MINUTES of April 15, 2015**

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

**Present:** Lisa Cotton Scot Etling Vince Murdocco Ed Shuttly

**Alternates:** Cheryl Rueschman

**Absent:** Bruce Knippenberg

**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>
Nelie Slepoy	330.673.6621	Stone and Properties
Connie Pratt	330.673.3880	4525 ST RT 43
Bill Lemmon	330.497.8686	Lemmon&Lemmon Developers
James Rohaley	330.678.6222	3871 Olmsby Drive
Ronald Mohnacky Jr.		3863 Olmsby Drive **

\*\*spoke, did NOT sign in\*\*

**CALL TO ORDER:**

**Lisa Cotten** calls the Brimfield Township Board of Zoning Appeals to order at 7:15 PM Wednesday, April 15, 2015 meeting.

**Lisa Cotten** states that the Board of Zoning Appeals is a quasi-judicial board. We have an application for a variance and 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.

Roll Call:

<b>Cotten</b> = Here	<b>Etling</b> = Here	<b>Knippenberg</b> = Absent
<b>Murdocco</b> = Here	<b>Shuttly</b> = Here	<b>Rueschman</b> = Here

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

**MOTION#2015-0014**

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

**MOTION#2015-0015**

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

**Lisa Cotten** dually notes that the meeting has been advertised per the Ohio Revised Code.

**PUBLIC COMMENTS:** None

**SWEARING IN OF APPLICANTS AND COMMENTERS:**

**Dick Messner** 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:**

### **Variance Application:**

**Applicant:** James Rohaley  
**Location:** 3871 Olmsby Drive  
**Parcel:** 04-042-10-00-135-000

### **Side Setback Variance of Eight (8) Feet**

**James Rohaley:** 3871 Olmsby Drive.

- Applying for Variance to build 24' X 24' attached garage.
- Existing driveway is six feet from the property line; garage foundation would add two feet.
- Almost 14 feet between neighbor house and property line (16' total space with garage).
- Presented letter from neighbor on the side of the house where garage would be built that stated no objections to build the garage.

**Wendi O'Neal** asks to make copies of the letter, and states the Zoning Inspector will give an overview presentation.

### **Dick Messner**

- R-4 District, Beachcrest Allotment 4 / Atwood Allotment,
- Setback in R-4 is 12 feet, in Beachcrest setback is 10 feet.
- Variance is asking for 8 foot side setback or two feet from the property line
- For attached 24'x24' garage
- Olmsby and Neville numerous variances have been granted for garages and sheds; counted four other houses in the neighborhood had the same type of garage with various setbacks from the property line.
- The neighbors were all notified
- Zoning Department aspect not uncommon, neighbor on the side is in agreement, done in a neat and orderly fashion and it will match the house.

**Ronald Mohnacky:** 3863 Olmsby Drive

- Does not think it will look good. Lives in green house, next door.
- Thinks the zoning keeps changing, going to let everyone and make it look like Akron.
- His is 20 feet away from the house.
- Argues that the garage affects him and if everyone is going to be able to do it.
- Affects the value of my property. He spoke against me building mine and I was an owner and he rented.

### **The Board**

- The Board takes each circumstance individually.
- Wants the garage to look like the house.
- Asks if the garage is going to be the same height as the house.
- Asks if it was possible to put the garage in the back of the house like neighbor.
- Asks if it the foundation that would be two feet away or the building wall.
- Asks if the exterior of the garage is going to be the same as the home.
- Suggests that the shakes would be put on the front to keep the buildings uniform.
- Asks if anyone else is in neighborhood is concerned with what you are doing.
- Assures that attention for this individual variance only. Seems like an on going dispute that we are not here to address.

**James Rohaley:**

- The garage is a foot lower than the house, like most are staggered.
- Even with the house in the front and the back.

- Putting the garage in the back would defeat the purpose, getting old in their 70s and want the attached to eliminate the cold, and snow clean off, and clean the steps just to go to store.
- Going to put siding, and all the way around the rest of the house, and leave shakes on the front of the house. I can put the shakes on the front of the garage if you would like, to get everything to match; that is not a problem.
- No one. States that Mr. Mohnacky is a constant pain, so did not speak to him about it.
- Would think that attached garage would increase the value of own and other's property.

**Wendi O'Neal** states that all contiguous properties and interested property owners were notified.

#### **MOTION#2015-0016**

A motion is made by **Vince Murdocco** to approve the variance of the eight foot setback for the attached garage for the applicant, James Rohaley, located at 3871 Olmsby, with the condition that the addition finish will match that of the principal building. Motion was seconded by **Scot Etling**. Motion carries.

#### **Conditional Use Application:**

**Applicant:** Lemmon & Lemmon, Inc.  
**Location:** Sanctuary View Drive  
**Parcel:** 04-023-00-00-081-000  
**Zoning:** H – C Highway Commercial

#### **Senior and Senior Care Housing**

#### **Dick Messner:**

- 12.77 Acres, located behind Holiday Inn
- Sanctuary View Drive will be extended by Omni Companies, and new developments across the street.
- Wetlands in the back of the property, 25 / 40 Buffer from wetlands.
- Mounding and Landscaping on the property also
- 82 feet approximately from road right away to the front of the building
- Estimate 65 Feet from the property line on the side, over the 50' setback minimum
- 4500 square feet at foundation, 89,800 total square feet
- Total of 101 rooms; 64 studio, 31 one-bedroom, 6 two-bedroom,
- 80-90% Single Occupancy, Average age mid-80s
- Parking: 76 normal parking, 4 ADA, Total – 80
- Approximately total 75 employees on shifts, Average 37 per shift, Zero Doctors on staff
- Zoning on parking Section 610.10.B.2 – one space per five beds, two spaces per three employees, one space per doctor...etc. Total of 62 parking spaces needed. Ability to go up to 81, Satisfies the parking. No variance needed.
- Deciding tonight to approve the conditional use permit for the Senior and Memory Care Facility to be built. Carbon copy of the Tallmadge facility that is being built now.
- Under 309.02.B.10
- Zoning, Planning and Development would ask for consideration for approval in lieu of the revenue the facility would bring in for the Township.
- Describes the preliminary plans as it is now, as to where it would sit and the use of the property, the improvement plans then would be submitted to the county; Soil and Water to do the review for the Clean Water Act Phase II. Anything to with water on this property has to be approved by Soil and Water. The location of the basins are done by the architectural and the engineering firm that will submit it to the county and also the EPA will make sure regulations have to be satisfied.
- The Board of Zoning Appeals is responsible for setting conditions on a conditional permit and the variances within the Township; they can set the conditions now at these meetings.
- When this submitted to the county, they will ensure that water is kept on the property and they cannot allow offsite discharge of any sort.

- The biggest problem with Nelly's property is when the five-lane was built it was not drained properly. No, not at county because it is not a subdivision. It will be thoroughly reviewed.
- They exceed the amount of parking with 76 parking spaces.

**Bill Lemmon:**

- Lemmon and Lemmon, 1201 South Main Street, North Canton, Ohio 44720
- Working with Omni Development for proposed Senior Housing
- Just opened a building like this in Columbus
- Broadview Heights is a new building.
- All private pay with the exceptions of the veteran's program that will be able for a partial payment on theirs. No Medicare, or Medicaid.
- No plans to build in the back; might bring some of the dirt up to the front to help elevate the building to road level.
- Retention basins are part of a future phase of the development plan. All of the plans have to be submitted to the county before we can start building. If we would probably looking at creating a retention pond towards the front and that would probably help your situation.
- I understand their concerns and the laws are so much stricter than they were five years ago that we are not obligated to cure your problem but we are obligated to not aggravate your problem. Our engineers are going to make sure that does not happen, and will working soil and water to do all of what we saying we were going to do.
- The game plan is that we are going to do the Tallmadge Project first, this summer and then this one will follow that, which will be either later in the year or earlier next year to be starting.

**Board of Zoning Appeals:**

- This is all private pay?
- The property that is flooded is where in relationship to this property of both Connie and Nellie.
- The easement for the retention basin that is already on the property is from the Holiday Inn, there is no clear way to say how they did that off of their own property.
- But the Board has no control over where retention or detention for water on the property.
- What you have to understand is that you are already having a problem there.
- Understand that we are not at that point of reviewing; this is just to approve the use of that property.
- It's beyond our powers to make that judgement of you being further displaced by this problem when it could be the result of something else.
- That is our job is to look out for the community. That flooded is out of our control.
- Is there a place at soil and water so they can go voice their concerns?
- We are here just for the zoning of the use of the property being conditional is this district. We are not in charge of the water run-off. And it seems as though this problem is more of a county issue because of the pipes not being able to take on all the water.
- We sympathize with you but legally there isn't much we can do about it.
- What is the game plan or estimate dated was for the date of construction.

**Nelly Slopey:** 4545 State Route 43

- We just spent a fortune on getting the ditch cleaned, and nobody the state, county or township would help us out. Caused by all of you, the paving, and the development.
- Well it has been overlooked for some time, and I'm not blaming this Board but some time people did not think about us for all of the meetings with the state and county and no one has helped. We have spent \$6,000 this year alone.

**Connie Pratt:** 4525 State Route 43

- Plans for the back part of the parcel.
- Plans for the ditch or effecting the ditch and the flow of the water; problem is the property closer to 43 is easily flooded from the top of the hill. Edson road and all the businesses up there drain down 43 and do not stay in the drainage and overflow in our land.
- Where is the plan for the retention basins?
- So once this goes through we have no more of a say? How do they make the conditions?

- Can you make a condition that will make them do enough retention that will satisfy the neighbors? So they are not flooded more.
- Because you people that let people build and put in paving without thinking about the people at the bottom of the hill.
- Asking that the Board make sure that the flooded properties are not displaced more. Would you have thought about the retention basins and the tension wires if we weren't here today?

**MOTION#2015-017**

A motion was made by Vince Murdocco to approve the conditional use permit for Lemmon & Lemmon Development, parcel number: 04-023-00-00-081-000 for a Senior, Assisted Living and Memory Care facility under Zoning Resolution No. 309.02.B.10 and seconded by Ed Shuttly. Roll Call:

**Cotten** = Aye  
**Murdocco** = Aye

**Etling** = Aye  
**Shuttly** = Aye

**Knippenberg** = Absent  
**Rueschman** = Aye

Motion passes unanimously.

**AUDIENCE QUESTIONS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

**GOOD OF THE ORDER:**

**SET NEXT MEETING:**

Next meeting is scheduled for Wednesday, May 20, 2015, at 7:15 PM.

**ADJOURN:**

**MOTION#2015-018**

A motion was made by **Scot Etling** to adjourn the April 15, 2015 Board of Zoning Appeals meeting, and was seconded by **Vince Murdocco** at 8:30 PM. Motion carries.

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 Chairman Bruce Knippenberg

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 Vice Lisa Cotten

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 Scot Etling

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 Vince Murdocco

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 Ed Shuttly

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 Secretary Wendi O'Neal

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 Alternate: Cheryl Rueschman