

BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS

MEETING MINUTES of February 20, 2019

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

Present: Chairman Bruce Knippenberg Vice Chair, Scot Etling

Alternates: Clayton Popik, Michelle Walker

Absent: Ed Shutty, Vince Murdocco

Staff: Michael Hlad, Zoning Inspector/Economic Development Director ,
Jendy Miller, Zoning Secretary

Public Present:

Name	Company	Phone or Address
Mike Daudenmire	Fortune Wireless	317-650-4704
Lori & Warren Kleski	Homeowner	Sugar Maple
Nick Maruccio	Homeowner	Sugar Maple
Brian Franklin	Homeowner	Sugar Maple
Douglas Guslz		
Jeff DeZort	CESO	330-396-5702
Mary Peck	P & G	216-403-5247
Christopher Ernst	Homeowner	Sugar Maple
Mike Wojno	Gables Inc	330-697-0853
Norma Tomlinson	Homeowner	Sugar Maple
Gary Guerdatt	Homeowner	4744 Perie Wood
Mike Kendall	GBC Design	330-836-0228
Chris & Terri Watt	Homeowner	Sugar Maple
Wayne Dalton	Homeowner	216-410-0567
Jason Brenner	Lewis Land for Sugar Maple Development 2	330-335-8232
Mark Garner		330-620-1903
Kim Hutchings		
Dale & Johanna Goudin		
Tom Wallace		
Sue & Jim Underwood		
Tim Contant		330-283-4856
Stan & Brenda Ptak	Homeowners	330-676-0719
Dion Sams		330-634-4623
Gary Gerdat		330-310-5640

CALL TO ORDER:

Chairman Bruce Knippenberg calls the Brimfield Township Board of Zoning Appeals to order at 7:00 PM at the Thursday, February 20,2019 meeting:

Roll Call:

Scot Etling: Present Bruce Knippenberg: Present Vince Murdocco: Absent Ed Shutty: Absent
Sean Phillips: Present Michelle Walker: Present Clayton Popik: Present .

Jendy Miller notes that Clayton Popik and Michelle Walker will be voting members

Minutes of Previous Meetings for Approval

Chairman Bruce Knippenberg dually notes that the meeting has been advertised per the Ohio Revised Code and neighboring properties were notified.

MOTION#2019-12

A motion was made to accept the Agenda as presented by **Scott Etling** seconded by **Sean Phillips**.
Motion carries.

PUBLIC COMMENTS:

SWEARING IN OF APPLICANTS AND COMMENTERS:

Chairman Bruce Knippenberg states that the Board of Zoning Appeals is a quasi-judicial board. Therefore, if speaking tonight, please state your name, your address and swear or affirm that anything stated is true to the best of your knowledge; if you do not want to be under oath please do not make any contacts or any comments. Speakers sworn in

APPLICATIONS:

Zoning Conditional Use Application:

Applicant: GREAT Development LLC – Michael Wojno

Owner: Pitts Retreading & Tire Co Inc

Address: 1105 Tallmadge Road

Parcels: 04-032-00-00-001-000, 04-033-00-00-012-000, 04-033-00-00-013-000, 04-033-00-00-014-000

Conditional Use Request: Assisted Living Facility: Resolution Chapter 3 Sec 308.02: B2: f in compliance with Resolution Chapter 4: 400.10 B:42

Mike Wojno Developer – Formerly Green Hills Golf Course – 76 acres mix use development, senior living development – “life care community” including empty nesters single housing, rental apartments and assisted living – Mr Wojno explained other units he has been involved with - 92 villa units of single family houses by Ryan will be available as well as Redwood Living Rental Apartments geared toward seniors – will be called High Point Hills

Is only requesting conditional use for assisted living facility at this time – GREAT Development will be managing the assisted living facility

Mr. Wojno explained that while the single-family villas and apartments are geared toward the senior community who may eventually need the Assisted Living facility, the housing is not limited just to senior citizens.

Michael Hlad – explained that High Point Hills fits into the Town Center District criteria

Mike Kendall- GBC Engineering – Mike Kendall presented map plat of development

Resident Brenda Patak – 4712 PeriWood Lane – asked if they have been approved for the residential portion – Zoning Inspector Michael Hlad stated that the housing is permitted as long as they meet the zoning requirements of green space, set-backs but that no plans for any of the housing units have been submitted to Zoning at this time.

Resident Stan Patak – 4712 PeriWood Lane – stated that the school levy hasn’t passed because of the amount of older people in our community and is concerned that we are bringing in more older people. Also wanted to know about how this additional complex will affect traffic pattern

Michael Hlad – Zoning Inspector/Economic Development Director stated that the state and county do have plans for improving the roads and have taken into consideration the future growth of Brimfield Township. Also explained that the Township is looking to TIF this unit which will be advantageous to the schools. Units will be in the Tallmadge/B

MOTION#2019-13

A motion was made by **Scot Etling** to approve the Conditional Use Permit for the Assisted Living Facility, Parcels: 04-032-00-00-001-000, 04-033-00-00-012-000, 04-033-00-00-013-000, 04-033-00-00-014-000 Assisted Living Facility: Resolution Chapter 3 Sec 308.02: B2: f in compliance with Resolution Chapter 4: 400.10 B:42 - seconded by **Michelle Walker**:

Motion passes unanimously.

Zoning Conditional Use Application:

Applicant: S & B 33 LLC, Brige and Spicer McDowell

Owner: Barbara Edmunds: 04-011-00-00-004-000, 04-011-00-00-004-001, Daniel & Lisa Herchick: 040-011-10-00-045-024

Zoned: R-2

Address: Meloy Road, 2040 Meloy Road and 4811 Brower Tree Lane

Parcels: 04-011-00-00-004-000, 04-011-00-00-004-001, 040-011-10-00-045-024

Conditional Use Request: Subdivision, PRD subdivision – Resolution Chapter 3 Sec. 304.02 B 8 “Planned Residential Developments, subject to the provision of Chapter 4 , Sec 400.10 B 56.

Jason Brenner – Lewis Land Professionals – civil engineer for S&B 33 LLC – Requesting Conditional Use of continuation of Sugar Maple Hills Development – presented new layout plan for housing development. Single family residential homes, Scot Etling stated the housing is not similar to the current Sugar Maple Hills Development as the lots are smaller. Mr. Brenner stated this plan is similar layout to Cranberry Creek, will include about 58 acres of open space. Plans at this time do not show any walking trails. Sidewalks will be installed on both sides of the street and street lighting at various places. Michelle Walker asked if lighting will be placed at completion of development or during construction. Mr. Brenner stated the street lights would most likely not be installed until the roads are completed. Total 92 acres . The plans brought to BZA did not show walkways or sidewalks but showed open spaces where those would be placed.

Michael Hlad stated that part of the Conditional Use plan includes that the development must give something back to Brimfield Township...such as park etc.

Scot Etling stated that this development does not mirror the current Sugar Maple Hills development at all, the current homes are custom built and the new development plans include more homes and may be Ryan Homes.

Residents of Sugar Maple Hills are upset that the development will not be custom built homes and request that the name be changed since this new development will not have the same criteria as Sugar Maple Hills.

Mr. Brenner stated he cannot speak to how the developers will work with the current Sugar Maple Hills development.

Residents:

Gary Guerdatt - 4744 Perie Wood Lane – Board member of HOA Sugar Maple Hills - Wants a clearer diagram of plat and plan for new phase – Mr. Guerdatt is explaining where current Sugar Maple Hills is and where new development will be. Has concern about protecting wetlands, asked if the wetland behind the current development will be protected and not developed to which Mr. Brenner answered yes, it is protected.

Mr. Brenner explained that the developers have reached an agreement with Daniel and Lisa Herchick to purchase part of the property they own.

Bruce Knippenberg explained that the PRD only allows a certain number of homes and that there could be no more than 106 units.

Resident asked what the size of the lots would be, Mr. Brenner stated from approximately .33 to ½ acre lots.

Chris Watt 2197 Sugar Maple Drive – asked how the 106 homes could impede the water and sewer system, questioned if the new development would be paying into Sugar Maple HOA, asked if the new development would be required to follow the original Sugar Maple Hills development criteria since the developers are saying that this is an extension of the current Sugar Maple Hills Development and will have the same name.

Mr. Brenner stated that the developer contacted Portage County Water Resources and that Portage County said there would be problem or strain on the current water and sewer lines and that in fact there have been some upgrades in that area. Mr. Brenner stated that it would be a separate HOA, also stated that while the property is part of the original Sugar Maple Hill development any developer could come in and make changes.

Mike Hlad stated that he is unable to make developers change name etc for developments. Also stated the plans that were presented are permitted including the necessary buffers.

Residents and BZA members talking at once, including residents speaking to Mike Hlad about plans. Mike Hlad stated that this meeting is for the BZA to make decisions, that the PRD is allowed as a Conditional Use in the zoning but it is up to the BZA and this hearing is for the BZA not Zoning.

Residents stated they believe the new development will lower their house values.

Terry Watt – 2197 Sugar Maple Hills – states this is not zoned for what they want and that most residents want the permit denied.

Chris Smeiles 2125 Meloy Road How many homes can be put up in R-2 and how many in PRD – 106 homes

Bruce Knippenberg said that the amount of homes proposed are permitted in a PRD most could be 106 and must have the PRD rules for green space.

Residents prefer this development's name to be different and not include any reference to Sugar Maple since it is a different type of housing than the original Sugar Maple Development.

Michael Hlad stated he does not have authority to force them to change the name.

Residents request that the developer in addition to the engineer be available to answer their questions.

James Brenner states the developer will place all the necessary buffers.

Bruce Knippenberg said it is zoned for Conditional Permit for PRD.

Mr. Hlad explained that the if the Conditional Use is allowed by the BZA, it then goes to Portage County Regional Planning, Portage County Soil & Water. Also explained that the county does require construction access.

Bruce Knippenberg stated that the Conditional Use would require street lights, buffers, construction access and possible deed restrictions and if they meet all the requirements, it must be permitted. Suggested that perhaps the developer should be present to answer some of the many questions.

Jason Brenner requested to table decision until the developer can answer the many questions in person.

MOTION#2019-14

A motion was made by Vince Murdocco to table Conditional Use Permit request until developer can supply more information to the board, Michelle Walker second, motion passed unanimously. Scott Etling abstained from voting since he is a resident of the current Sugar Maple development.

Zoning Variance Application:

Applicant: S & B 33 LLC, Brige and Spicer McDowell
Owner: Barbara Edmunds: 04-011-00-00-004-000, 04-011-00-00-004-001, Daniel & Lisa Herchick: 040-011-10-00-045-024
Zoned: R-2
Address: Meloy Road, 2040 Meloy Road and 4811 Brower Tree Lane
Parcels: 04-011-00-00-004-000, 04-011-00-00-004-001, 040-011-10-00-045-024
Variance Request: 5 foot variance for side setback from 15 feet to 10 feet Resolution 400.10 56 L 3 “The minimum setback from the restricted open space for all buildings, structures and other improvements shall be fifteen (15) feet.

MOTION#2019-15

A motion was made by Sean Phillips to table variance request since Conditional Use was tabled, seconded by Vince Murdocco, motion passed unanimously. Scott Etling abstained from voting since he is a resident of the current Sugar Maple development.

Zoning Variance Application:

Applicant: S & B 33 LLC, Brige and Spicer McDowell
Owner: Barbara Edmunds: 04-011-00-00-004-000, 04-011-00-00-004-001, Daniel & Lisa Herchick: 040-011-10-00-045-024
Zoned: R-2
Address: Meloy Road, 2040 Meloy Road and 4811 Brower Tree Lane
Parcels: 04-011-00-00-004-000, 04-011-00-00-004-001, 040-011-10-00-045-024
Variance Request: 15 ft variance building separation from 35 ft to 20 feet – Resolution 400.10 56 L5 “ Principal Building Spacing Requirements: The minimum separation between dwellings shall be thirty-five (35) feet.

MOTION#2019-

A motion was made by **Clayton Popik** to table variance since Conditional Use was tabled, **Michelle Walker** second, motion passed unanimously. **Scott Etling** abstained from voting since he is a resident of the current Sugar Maple development.

Zoning Conditional Use Application:

Applicant: CESO Inc
Owner: Brimfield Crossings Limited

Address: 4261 State Route 43 Kent OH 44240

Parcel: 04-032-10-00-001-001

Conditional Use Request: Gasoline Serve Stations Additional Truck Fueling Resolution 310.02 B 4: "Gasoline service stations, subject to the provisions of Chapter 4 and Sec 400.10 B 7 & 49"

Jeffrey DeZort, CESO. Engineer for Speedway – requesting to amend the previously approved Conditional Use – regarding the roadway – requesting to change the road be private and not dedicate the road as public. By making road public, the lot then becomes non-conforming flag lot per Portage County. The road will be built to county standards and maintained by Speedway, would be an entrance only road.

Mr. Hlad stated that a new conditional use permit is required because the plat and plans previously approved by BZA included the road as public, and now the plat has changed due to it being a private drive.

MOTION#2019-16

A motion was made by **Scot Etling** to approve Conditional Use Permit conditionally as a private road maintained by Speedway, built to county standards, that it will be an entrance only road and Speedway will post no truck parking signage, seconded by **Clayton Popik**. Motion passes unanimously.

Zoning Conditional Use Application:

Applicant: Fortune Wireless Inc/ Eco-Site

Owner: Danie & Kim Ebie

Address: 3192 Congress Lake Road, Mogadore, OH 44260

Parcel: 04-061-00-00-019-001

Zoned RR

Conditional Use Request: Wireless Communications Tower Resolution Sec 400.10 A, B, 63 and Sec 202.00 and 202.05.

Christopher Artz attorney for Eco Site, Fortune Wireless: Only here to correct procedure from issue from last year due to deficient time of notice to parties of interest 8 days instead of 10 days, showed copy of the current notice that was within the proper time frame. Mr. Artz went through the previous presentation. Mr. Artz stated that the tower will allow cell coverage in area that has none, and will therefore be beneficial for all to make emergency calls and for police officers

Mr. Hlad said that Eco Site will need a Zoning Permit for a fence if Conditional Use is granted.

Mark stated the tower is about 1300 to 1500 feet from road but is 190 feet in the air so it will be seen but the base of the tower should not be seen due to location, trees etc.

Bruce Knippenberg read each of the Conditional Use guidelines of the Township Resolution - stated that all guidelines have been addressed by Eco-Site/Fortune Wireless including any detriment to nearby property owners since tower will not come near any property lines and will not increase traffic or interference of street traffic.

Mr. Artz stated there will be proper signage on who to contact in case of any emergency. Eco- Site/Fortune Wireless will maintain access driveway. Team Mobile will be the first antenna on the tower.

Michelle Walker asked life span of towers, Mr. Artz said the lifespan is decades, what changes is the antenna lines.

MOTION#2019-17

A motion was made by **Scot Etling** to accept application for Conditional Use Permit by Eco-Site/Fortune Wireless due to previous permit vacated come back to correct notice issue, seconded by **Sean Phillips**. Motion passes unanimously. Mr. Artz requests that all documents presented tonight also be made part of the record.

MOTION#2019-18

Scott Etling made motion to approve minutes at the end of the meeting rather than at the beginning, **Michelle Walker** second, motion passes unanimously.

OLD BUSINESS: Minutes of Previous Meetings for Approval – these were older minutes from previous years– Tabled due to not enough members present to sign

All minutes tabled due to not enough members present to sign due to absent members and members no longer BZA members

**SET NEXT MEETING:
MOTION#2019-19**

Motion made by **Scot Etling**, second by **Bruce Knippenberg** to set next meeting is for Wednesday, March 20, 2019, at 7:00 PM.

ADJOURN:

MOTION#2019-

A motion was made by **Scot Etling** to adjourn the February 20, 2019 Board of Zoning Appeals meeting at 9:49 pm and was seconded by **Bruce Knippenberg**. Motion carries unanimously.

Chairman Bruce Knippenberg

Vice Scot Etling

Sean Phillips

Vince Murdocco

Alternate: Michelle Walker

Alternate: Clayton Popik