

Richfield Township Board of Zoning Appeals  
July 19, 2021

The meeting was opened at 6:36 p.m. on July 19, 2021, with the following members in attendance:

Jeffrey Smola  
Geoffrey Graham  
Natalie Grubb

Also in attendance:

Mindy Remec, Township Administrator  
Patricia Ryan, Zoning Inspector  
Raymond Hartsough, Summit County Assistant Prosecuting Attorney  
Mr. Gary Cerasi, property owner and applicant  
Mr. Dave Sabol, architect  
Attorney Dale Markowitz  
Mr. Greg Schunck, Mannik & Smith Group, Inc.  
Mr. Chris Kichurchak, resident  
Attorney Bridey Matheney  
John Allega, resident

Patricia Ryan explained the applicant for Case 650-21 withdrew their application and will build their proposed accessory building in compliance with our resolution.

Mr. Smola announced Case 651-21 and Mr. Davis Sabol came forward to speak. Chairman Smola reminded him he was still under oath.

Mr. Sabol reviewed the project and the revised drawings submitted. He explained they have attached the proposed garage to the existing house and in doing so they eliminated the need for the side yard setback. He also slid the building to the south to reduce the rear variance to 20'.

There was discussion regarding getting closer to the well and Mr. Sabol explained they wanted to leave a buffer from the well.

Mr. Smola asked why the building orientation couldn't be turned so the building was not as deep into the lot.

The property owner, Mr. Gary Cerasi, was given the oath and said it would change the aesthetics, add more concrete and the doors would face the neighbor to the rear.

Mr. Smola reminded them their goal is to reduce or eliminate variances and that aesthetics are not a basis for approval. He also felt a 33% variance was too large and not enough had been done to minimize the variance.

Mr. Graham stated he felt the current orientation would be more pleasing to the neighbor to the rear.

Mr. Cerasi discussed the French drain he installed to take water from the rear of the property to the pond and reorienting the building could impact this improvement.

Mr. Graham asked if the pond could handle the extra water from the new building and pavement.

The Board felt this should be continued to the next meeting.

They moved on to the barn in the front yard.

Mr. Sabol said they had met with the County regarding the septic and meet a required setbacks for the building.

The Board discussed the location of the neighboring properties and asked if the neighbor to the west had contacted us. Patricia Ryan responded she had come into the office to see the file. She was not in favor of the barn in the front yard, feels the lot was too small for 3 horses concerned about odors and the look of having a barn in the front yard. She is not able to attend the meeting.

Mr. Graham stated the issue is not the setback but having the barn in the front yard. There was discussion about the distances from neighboring residences and the road. The Board stated they would like to have this information.

Ms. Grubb addressed lighting for the barn and if changing the orientation could minimize any impact to the neighbors.

The Board opened the hearing to the neighbor, Mr. Kichurchak and his attorney, Ms. Bridey Metheny. They were administered the oath.

Attorney Bridey Matheney stated according to the revised plan she had received dated June 30, 2021, she does not see the lighting or location for the manure storage. Her client is concerned since this is the entrance to his property and another neighbor behind. There can be considerable odor with manure, and this could impact the neighbors that use the common drive and parking area. She suggested the Board deny the request.

Mr. Sabol requested to continue the hearing next month.

Mr. Kichurchak stated he did not want to penalize his neighbor but he does not want to smell manure. He was also concerned about possible animal waste washing into the pond. The pond is the source of water used for irrigation on the property to the east. There was discussion regarding the irrigations system and Mr. Cerasi stated that had been abandoned about 10 years ago.

Mr. Smola made a motion at 7:20 p.m. to go into executive session seconded by Mr. Graham, all members present voted to approve.

The Board resumed the public hearing at 7:31 p.m. and asked the applicant to consider and address the comments from the hearing in as much detail as possible for the next meeting.

Mr. Graham made a motion to continue case 651-21 until August 16, 2021, at 6:30 p.m. Ms. Grubb seconded, all members present voted to approve.

Mr. Smola announced case 652-21 stating that due to all the pertinent information not having been submitted they could listen to the information but would not open the case. This would be for discussion only.

Attorney Dale Markowitz addressed the Board and requested clarification.

Attorney Ray Hartsough stated that the initial meeting was done with the previous zoning inspector and the process was interrupted in the change of personnel. The zoning resolution does not have a provision for expansion of a conditional use so this would be considered a modification and would need to go through the Conditional Use Review process. The proposal was not sent to the agencies for comments as required and that is why the Board can't proceed tonight. In addition, even though variances were previously approved for the fence and light pole height they are now being relocated and the impact was a major concern of the neighboring residents. He recommends new variances be submitted so there is no question as to procedure. The review process is on pages 87, 88 and 93 of the zoning resolution.

Attorney Markowitz proceeded to explain the conditional use modification request for the addition of 41 car/van parking spaces and 41 trailer spaces on the subject parcel (Areas A & B). The fencing would match what is existing and the light poles would be relocated, not additional.

Ms. Grubb questioned the traffic study and that it was done prior to other development in the LI-O district. Attorney Markowitz stated they had a new study done and it was submitted to the Township. Ms. Grubb stated she would like to see the summary of that report.

Ms. Grubb inquired why they need more parking if the facilities are not increasing.

Attorney Markowitz explained the demand for deliveries has increased so there is a greater need for additional contractors and trailers.

Ms. Grubb stated many of the conditions in resolution 586-13 have not been adhered to, specifically related to landscaping and establishment of work rules. She requested these be addressed at the next meeting. Discussion ensued.

There was no motion due to this was discussion only.

Mr. Smola stated they had minutes from February 15 and March 15 they can approve and made a motion to approve the February 15, 2021 minutes as written. Ms. Grubb seconded. All members present voted to approve.

Mr. Graham made a motion to approve the minutes from March 15, 2021 as written. Mr. Smola seconded. All members present voted to approve.

Having no further business, a motion was made to adjourn by Mr. Graham and seconded by Mr. Smola at 8:10 p.m. All members present voted to approve.

Chairperson \_\_\_\_\_ Secretary \_\_\_\_\_ Date \_\_\_\_\_