

Richfield Township Board of Zoning Appeals
October 18, 2021

The meeting was opened at 6:34 p.m. on October 18, 2021, with the following members in attendance:

Jeffrey Smola
Natalie Grubb
Robert Kapitan

Also in attendance:

Patricia Ryan, Zoning Inspector
Marvin Evans, Summit County Assistant Prosecuting Attorney
Attorney Mark Stockman, representing Randy and Lena Hooke
George Hoffmann, Surveyor
Randy Hooke, applicant
Patricia Klopp of 4718 Sunset Dr.

In response to the applicant's request, a motion was made by Mr. Smola and seconded by Mr. Kapitan to continue case 651-21 to November 15, 2021, at 6:30pm. All members voted unanimously to approve.

Mr. Smola opened case 656-21 and attorney Mark Stockman and Randy Hooke were administered the oath. They presented the case stating this was the same plan as last month, but they have added restrictions to address the Board's concerns regarding Parcel A and B property layout and access. Attorney Stockman again noted a larger variance was granted for 4 lots at 35.76' on property located at 2806 Southern Rd. At the time of the original variance request in 2020 Mr. Hooke proposed 31.25' lot frontage for the 4 new flag lots north of 3492 Southern and left the existing 60' frontage with new Parcel A. They achieved a larger frontage of 37' by reducing the frontage for Parcel A from 60' to 37' and adding the remaining 23' to 14' on the north side of the existing lot at 3492 Southern. The 4 new lots on the north of 3492 Southern are all proposed with a width of 37'. By splitting the existing 60' frontage they were able to reduce the variance request.

There was additional discussion regarding the driveway for the existing house and the split frontage around the existing lot at 3492 Southern.

Mr. Kapitan stated the variance circumstances were totally different in acreage, 42 vs 29, number of new lots, 4 vs. 5 and the fact that I-271 reduced the frontage on the original parcel leaving the 42 acres with a narrow frontage. Attorney Stockman stated the Hooke property has the same conditions being that there were lots on Southern which were not contiguous and left spaces in frontage on Southern.

Mr. Kapitan said he still questions what role the Board has related to deed restrictions and if they can require or even consider them. He further stated the problem is the applicant can't create lots without restrictions and the Board can't approve a lot split based on the applicant's possible future actions. The other issue is with the 14' and 23' frontage split and does this meet the intent of the code.

Mr. Smola opened the public comment portion. Ms. Patricia Klopp of 4718 Sunset Drive stated she had no objections to the request, it was better than having it completely developed with a road.

There were no other public comments. Mr. Smola closed the public hearing and made a motion to enter into executive session, Ms. Grubb seconded the motion. The Board entered executive session at 7:18.

The Board resumed regular session at 7:40pm. Mr. Smola stated the Board was not comfortable with the split frontage. Even though it was not specifically stated in the code as being disallowed they did not feel it met the intent of the code.

Mr. Smola read the resolution. Roll call: Ms. Grubb, no, Mr. Kapitan, no, Mr. Smola, no. The application was denied with a 0-3-0 vote.

If the applicant was considering reapplying, the Board members stated they were in support of asking the Trustees to waive the fee for the variance since it was his 4th application.

Having no other business before them Ms. Grubb made a motion to adjourn at 8:00 pm. Mr. Smola seconded. All members voted unanimously to approve.

Chairperson  Secretary  Date 1-17-22