Meeting Agenda

A. Call to Order  
   Chair Mavrides

B. Roll Call  
   Smith

C. Approval of the May 30, 2019 SCPC Minutes  
   Chair Mavrides

D. Business Items  
   Knittel

   New Business

Item # 1 – Olde Oak Preliminary Plan – Bath Township – The applicant is proposing 7 sublots, Total area 24.4396 Acres. To be serviced by septic and well water.

Item #2 – Massillon Road Industrial Park - Springfield Township – The applicant is proposing splitting Block 3 and creating Blocks 3-R1 (6.0908 Acres) and 3-R2 (22.6009 Acres).

Item # 3 – Holhauer Road Riparian Variance – Sagamore Hills Township – The applicant is requesting a variance from the Riparian Ordinance in order to be able to construct a home on the parcel.

Item # 4 – Ch. 17 Fences, Text Amendment – Twinsburg Township – The applicant is proposing an amendment of Ch. 17 General Provisions to establish the ability for residential property owners to have front yard fences, provided that they do not exceed 4 ft. in height. Currently no fences are permitted closer than 25 ft. to any right-of-way.

E. Report from Assistant Director  
   Tubbs

F. Comments from Public  
   Chair Mavrides

G. Comments from Commission Members  
   Chair Mavrides

H. Other  
   Nott

   1. Legal Update

I. Adjournment  
   Chair Mavrides
Minutes of May Meeting

**Members Present:** George Beckham, Becky Corbett, Allen Mavrides, Jeff Snell, Dennis Stoiber, Jason Segedy, and Robert Terry

**Members Absent:** Jerry Feeman, Helen Humphrys, David Kline, and Jeff Wilhite

**Staff:** Dennis Tubbs, Stephen Knittel, Dave Nott, and Cazz Smith Jr.

**Others:** John Allege – JJJ Properties, Kevin Hoffman – Polaris Engineering & Surveying, Joe Paradise – SCE, Don Faulhaber – resident from Richfield TWP, Mark Majewski – Northstar Planning and Design LLC, Randy Bergdorf – Boston TWP Trustee

I. **Call to Order**

*Allen Mavrides* called the meeting to order on *Thursday, May 30, 2019 at 3:00 pm* in the County of Summit Council Chambers, 175 South Main Street, 7th Floor, Akron Ohio 44308. A roll call was conducted by *Cazz Smith* the attending members constituted a quorum.

II. **Approval of the April 25, 2019 Meeting Minutes**

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**Motion**

*George Beckham* made a motion to approve the minutes of the *April 25, 2019* meeting, and it was seconded by *Dennis Stoiber* the motion passed with no abstentions.
III. Business Items

A. New Business – (4) items

Item # 1 – Preliminary Plan & Variance – Columbia Rd - Richfield Township - Located east of Brecksville Road, at the terminus of Columbia Road. The applicant proposes to add approximately 1700 LF of proposed roadway to be dedicated at the end of existing Columbia Rd, (approx. 1550 LF) to end in a cul-de-sac. The applicant is requesting a variance from Subdivision Regulation 1108.10 (a) Cul-de-sac, which states a commercial/industrial park cul-de-sac shall not be exceed 1,300’ in length. The proposed roadway to go through parcel 4802322 and terminating in parcel 4802159. The site is proposed to be serviced by Central Water (Cleveland Water) and Sewer (will tie into Village of Richfield’s System).

Staff Recommendation: 1a: Approval of Variance Request

SCPC Action:
Approval: X
Disapproval:
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- John Allege from JJJ Properties gave explanation of their proposal and added an emergency driveway will be developed for emergency vehicles from Columbia Road.
- Jason Segedy asked if the emergency drive will allow access from Black Road.
- John Allege from JJJ Properties replied yes.
- Jeff Snell stated that the buffer is substantial.
- Joe Paradise from SCE stated his request for adjustments before planning commission.
- Don Faulhaber residing at 5145 Hecker Drive, Richfield Township stated his concerns.
- Kevin Hoffman from Polaris Engineering & Surveying responded to Mr. Faulhaber’s concerns.
Motion

A motion was made by Dennis Stoiber to approve Item # 1a – Variance – Columbia Rd - Richfield Township it was seconded by Jason Segedy the motion passed with no abstentions.

Item # 1 cont.

Item # 1 – Preliminary Plan & Variance – Columbia Rd - Richfield Township - Located east of Brecksville Road, at the terminus of Columbia Road. The applicant proposes to add approximately 1700 LF of proposed roadway to be dedicated at the end of existing Columbia Rd, (approx. 1550 LF) to end in a cul-de-sac. The applicant is requesting a variance from Subdivision Regulation 1108.10 (a) Cul-de-sac, which states a commercial/industrial park cul-de-sac shall not be exceed 1,300’ in length. The proposed roadway to go through parcel 4802322 and terminating in parcel 4802159. The site is proposed to be serviced by Central Water (Cleveland Water) and Sewer (will tie into Village of Richfield’s System).

Staff Recommendation: 1b: Conditional Approval of Preliminary Plan with due consideration to SCE comments.

SCPC Action:
Conditional Approval: X
Disapproval:
Action:

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Motion

A motion was made by Jeff Snell to conditionally approve Item # 1b – Preliminary Plan – Columbia Rd - Richfield Township with due consideration to SCE comments, it was seconded by Dennis Stoiber the motion passed with no abstentions.
**Item # 2 Replat - Hickory Ridge – Bath Township** – Located near the cul-de-sac terminus of Aspenwood Rd. The applicant is proposing to alter the lot line between sublots 12 and 13 creating sublots 12-R (3.045 acres) and 13-R (3.297 acres). This includes vacating the existing utility easement located between the lots.

**Staff Recommendation:** Approval with the suggestion of making corrections the SCE office noted.

**SCPC Action:**
Approval: X
Disapproval: 
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- Applicant and applicant representative were not present for the May 30, 2019 meeting.
- Bath Township was not present for May 30, 2019 meeting.
- Joe Paradise from SCE stated concerns written on the original plat.
- All SCPC members present were in favor of voting on this item even though the applicant was not present.

**Motion**

A motion was made by *Dennis Stoiber* to approve **Item # 2 Replat – Hickory Ridge – Bath Township** with corrections suggested by SCE, it was seconded by *Robert Terry* the motion passed with one abstention from *Becky Corbett.*
Item # 3 – Text Amendment - Business Corridor Regulations – Boston Township - The Northfield Center Township Zoning Resolution be amended in regards to the township’s business corridor regulations, amendments include Chapter 7 Business Corridor, Chapter 12 Signs, Chapter 2 Definitions and Chapter 8 Conditional Zoning Certificates.

Staff Recommendation: Approval of proposed text amendments with due consideration from staff, SCPC, and SCE comments.

SCPC Action:
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- Mark Majewski from Northstar Planning and Design LLC stated his reason for request.
- Dennis Stoiber raised a question of consistency on all setbacks.
- Joe Paradise from SCE gave suggestions on the language of this text amendment.

Motion:
A motion was made by Dennis Stoiber to approve Item # 3 – Text Amendment – Business Corridor Regulations – Boston Township with due consideration from staff, SCPC and SCE comments, it was second by Jeff Snell the motion passed with no abstentions.
Item # 4 – Text Amendment - Section 403 Accessory Buildings– Boston Township – The Boston Township Zoning Resolution Section 403 Accessory Buildings be amended to increase the allowed size of accessory buildings and to state the number of accessory buildings allowed per lot.

Staff Recommendation: Approval of proposed text amendments with due consideration of comments from SCPC.

SCPC Action:
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- Randy Bergdorf a trustee from Boston Township stated his reason for the request.
- Dennis Stoiber asked for the definition of an accessory building.
- Jeff Snell stated a principle building is usually a residential structure.
- Randy Bergdorf stated they would correct the language.
- No comments from public.

Motion:

A motion was made by Dennis Stoiber to approve the language in Item # 4 – Text Amendment – Section 403 Accessory Buildings– Boston Township with due consideration of comments from SCPC, it was second by George Beckham the motion passed with no abstentions.
IV. **Report from Assistant Director**

During a future SCPC meeting, the Assistant Director would like to present upcoming initiatives to the planning commission.

V. **Comments from Public**

No public comments.

VI. **Comments from Planning Commission Members**

Allen Mavrides mentioned Copley Township had a public hearing regarding their properties and it was turned down.

VII. **Other**

Stephan Knittel welcomed Dave Nott as the commission’s new legal consultant.

Joe Paradise from SCE mentioned Pulte Homes filed a permit request for the Liberty Lakes parcel.

VIII. **Next Meeting**

The next Summit County Planning Commission meeting will be held on *Thursday, June 27, 2019.*

XI. **Adjournment**

Being no further business to come before the Planning Commission, Dennis Stoiber made a motion to adjourn, and it was seconded by Jason Segedy. The motion passed unanimously. The meeting adjourned at 3:55 pm.
EXECUTIVE SUMMARY

The site is located in Bath Township, on W. Bath Rd. west of N. Hametown Rd. The applicant proposes 7 sublots, Total area 24.4396 Acres. An 874 LF cul-de-sac is proposed. The site is proposed to be serviced by Well and Septic.

Staff recommends **CONDITIONAL APPROVAL**.

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**Location:** The site is located in Bath Township, on W. Bath Rd. west of N. Hametown Rd.

**Proposal:** The applicant proposes 7 sublots, Total area 24.4396 Acres. An 874 LF cul-de-sac is proposed. The site is proposed to be serviced by Well and Septic.

**Site History:**
- The concept plan was held on March 15th 2019, the development was previously called High Pines Concept Plan
- A site walkthrough was held on June 13th 2019.

**Agency Comments** *Italicized text* indicates quotations from submitted agency comments.

**Summit County Engineers Office:** Andy Dunchuck 6/19/2019:

*Our office has reviewed the above referenced preliminary plan (formerly known as High Pines Subdivision) in Bath Twp. and has the following comments:*

1. An intersection and stopping sight distance study must be completed at the Olde Oak Place and W. Bath Rd intersection. An unobstructed sight line must be maintained within the sight triangles.*
2. The Traffic Impact Questionnaire must be completed to determine if any additional studies or improvements are warranted.
3. There must be an onsite overland flow path to the stormwater management basins for the 100 Year Storm Event.
4. A minimum 12’ wide maintenance access driveway from the road to the stormwater management basins and a minimum 20’ wide driveway around the perimeter of basins is required. The maximum cross slope of the driveway shall be 10:1 and the slope shall not exceed 15%. The driveway shall be constructed with suitable material (approved by the SCE) to prevent rutting of maintenance vehicles. A minimum 20’ wide easement is required over the driveway.
5. A 20’ wide easement extending beyond the limits of the 100 Year Storm Elevation is required around the perimeter of the stormwater management basins.
6. For the proposed cul-de-sac, a minimum 45’ pavement radius and 60’ R/W radius is required.
7. The minimum pavement width for a street without curb is 22’.
8. All requirements of the SCE Stormwater Drainage Manual, Current Edition must be satisfied.

Summit Soil & Water: Alison Capoun 6/13/2019: We have no comment at this time.

DoSSS: Ross Nicholson 6/13/2019: As each property will be served by individual on-site septic systems, and DSSS has no sanitary sewer facilities at this location, we have no objection to the proposed preliminary plan. Developer’s Engineer will need to verify that the proposed on-site systems are in accordance with the current 208 Plan for this area.

Staff Comments: Show the dedicated Open Space on the Preliminary Plan.

Recommendation: Staff recommends CONDITIONAL APPROVAL of the Olde Oak Preliminary Plan on the conditions of meeting the comments made by the Summit County Engineers Office, the Dept. of Sanitary Sewer Services and Planning Staff.
EXECUTIVE SUMMARY

The site is located in Springfield Township, on Piction Parkway, north of Boyer Parkway, east of Pickle Rd. The applicant proposes Splitting Block 3 and creating Blocks 3-R1 (6.0908 Acres) and 3-R2 (22.6009 Acres).

Staff recommends APPROVAL.

<table>
<thead>
<tr>
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<th>June 27, 2019</th>
<th>Parcels:</th>
<th>5110449</th>
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<tbody>
<tr>
<td>Item No.:</td>
<td>2</td>
<td>Council Dist.:</td>
<td>8, Paula Prentice</td>
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<tr>
<td>Engineer:</td>
<td>Joe Burgoon</td>
<td>Processor:</td>
<td>Stephen Knittel</td>
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<tr>
<td>Site Area:</td>
<td>26.4396 Acres</td>
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Location: The site located in Springfield Township, on Piction Parkway, north of Boyer Parkway, east of Pickle Rd.

Proposal: The applicant proposes Splitting Block 3 and creating Blocks 3-R1 (6.0908 Acres) and 3-R2 (22.6009 Acres).

Environmental: There are environmental constraints on the site, Riparian setbacks and Wetland areas, specifically within proposed Block 3-R2.

Staff Comments:
This Replat is proposing splitting a lot and creating a new sublot, thereby increasing the number of sublots within the Platted allotment which is why this Replat is required to come before the Summit County Planning Commission.

Recommendation: Staff recommends APPROVAL of the Massillon Road Industrial Park Replat.
EXECUTIVE SUMMARY

The site is located in Sagamore Hills Township at 7528 Holzhauer (parcel 4503620). The applicant is proposing to build a new residential structure on the property. To do so, an area within the riparian setback would need to be impacted so that equipment can access the site during construction.

Staff recommends APPROVAL.

<table>
<thead>
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<th>Item No.:</th>
<th>3</th>
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<th>4503620</th>
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<tr>
<td>Meeting:</td>
<td>June 27, 2019</td>
<td>Area:</td>
<td>0.3 acres</td>
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<tr>
<td>Owner:</td>
<td>David &amp; Jeffery Snyderburn</td>
<td>Council District:</td>
<td>1, Ron Koehler</td>
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<tr>
<td>Agent:</td>
<td>Paul Karnow</td>
<td>Processor:</td>
<td>Stephen Knittel</td>
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</table>

Proposal: The applicant is proposing to build a new residential structure on the property. To do so, an area within the riparian setback would need to be impacted so that equipment can access the site during construction.

Agency Comments: *Italicized text* indicates quotations from submitted agency comments.

SWCD: Alina Godbey, 06/19/2019:

*This letter is regarding parcel 4503620, located in Sagamore Hills Township at 7528 Holzhauer Road. The applicant is proposing to build a new residential structure on the property. To do so, an area within the riparian setback would need to be impacted so that equipment can access the site during construction.*

A stream with a watershed of 1.1 square miles is located on the property directly south of this parcel. The base riparian setback extends 75 feet from the ordinary high water mark of the stream and into this parcel. A wetland also exists on the parcel, however following a wetland delineation and US Army Corps jurisdictional determination, the wetland was determined by Summit SWCD to not be connected to the riparian setback, and therefore does not fall under the Summit County riparian ordinance.

In order to access the southeast corner of the home during construction, a portion of the base riparian setback would need to be cleared and disturbed by construction equipment. An outlet for downspouts and footer drains would also be installed within the riparian setback. According to Summit County Chapter 937.07, "The following uses are specifically prohibited within the riparian
setback: ... (d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations. (e) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations." This project is proposing to clear, disturb soil, and operate machinery within the riparian setback, which are considered prohibited uses under the riparian setback ordinance.

The homeowners and site designers have worked with the Summit SWCD and have made a good faith effort to move the proposed home as far as possible out of the riparian setback area. If this variance is granted to the homeowners, the riparian setback should be replanted with native trees and vegetation following construction, to restore its function as a natural buffer area. Further, the outlet for the downspouts and footer drains will need to be designed to properly dissipate flow to prevent scouring and erosion.

**Staff Comments:**
Per the report from Summit Soil and Water Conservation District:

- The proposed building of new structures within the riparian setback is non-conforming.
- The homeowners and site designers have made a good faith effort to move the proposed home as far as possible out of the riparian setback area, while maintaining reasonable front yard setbacks.
- In order to access the southeast corner of the home during construction, a portion of the base riparian setback would need to be cleared and disturbed by construction equipment.
- An outlet for downspouts and footer drains would also be installed within the riparian setback.
- A wetland also exists on the parcel, however following a wetland delineation and US Army Corps jurisdictional determination, the wetland was determined by Summit SWCD to not be connected to the riparian setback, and therefore does not fall under the Summit County riparian ordinance.
- According to Summit County Chapter 937.07, "The following uses are specifically prohibited within the riparian setback: ... (d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations. (e) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations." This project is proposing to clear, disturb soil, and operate machinery within the riparian setback, which are considered prohibited uses under the riparian setback ordinance.
• If this variance is granted to the homeowners, the riparian setback should be replanted with native trees and vegetation following construction, to restore its function as a natural buffer area. Further, the outlet for the downspouts and footer drains will need to be designed to properly dissipate flow to prevent scouring and erosion.

Per the applicant:
• The property was acquired before May 29, 2002 when the Riparian Setback Ordinance was enacted.
• The hardship was created by enactment of the riparian setback post creation of the parcel. As stated, every effort has been made to minimize the impact while at the same time preventing the investment in the parcel from losing its entire value by implementation of the riparian setback.
• The home will be outside the setback but the use of the setback area is critical to construction and final grading

Recommendation: SCPC Staff defers to Summit SWCD Staff’s recommendation for the Variance to be APPROVED.
APPLICATION FOR RESIDENTIAL VARIANCE WITHIN RIPARIAN SETBACK
SUMMIT COUNTY, OHIO

This form shall be completed by the applicant and submitted at least fifteen (15) days prior to a regularly scheduled Summit County Planning Commission meeting. A variance review fee of $350.00 (made payable to the Summit SWCD) must accompany application. If you have questions or need assistance while filling out this application, please call the Summit SWCD at 330-929-2871.

Applicant: David & Jeffery Snyderburn (Paul Karnow agent)

Street Address: 154 E. Aurora Road #356 (agent)

City, Village, or Township: Northfield, Ohio Zip Code: 44067

Phone: 330-468-2892 FAX: Email: paulk@kraftechhomes.com

Location of property: 7528 Holzhauer Rd., Sagamore Hills, OH 44067

Parcel number(s): 4503620

Stream name (if unnamed, nearest named stream it flows into): Unnamed tributary to Cuyahoga River

Owner of property: David & Jeffery Snyderburn

Street Address: 19206 Rashall

City, Village, or Township: Bedford, Ohio Zip Code: 44146

Phone: 216-406-3965 FAX: Email: psnyderburn@ameritechinc.com

Give a brief description of the nature of the variance: permit grading and construction equipment within the riparian setback to construct home at the edge nearest the riparian setback.

JUSTIFICATION OF VARIANCE:
Written justification for the requested variance shall be made. Responses to the following questions shall be provided.

1. How far is the proposed project (i.e., construction of any buildings, decks, roads or utilities) from the stream? 75 (feet)

2. Explain how the stream and riparian area may be affected by this variance. The stream will not be impacted as a result of the variance request and the riparian setback will be impacted to allow for construction equipment to excavate the corner of the home and set trusses. The impact will be minimal and temporary so to allow for construction and establishment of final grade
3. Explain how the properties upstream and downstream from you may be affected:

There will be no impact to upstream or downstream properties as this is an isolated impact.

4. Explain how the variance from the Riparian Setback Ordinance will not be contrary to the public interest:

Granting of a variance would be consistent with the public interest inasmuch as the riparian setback was implemented after the establishment of the parcel and placed an undue hardship on the parcel. The public interest is such that a previously established parcel should not be encumbered with a hardship based on a change in regulations.

5. Explain whether the variance requested is substantial.

The variance request is minimal and even so supported by inference given that the USACE has granted a permit to allow for the filling of wetlands on the parcel so as to accommodate construction of a home.

6. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Land feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>___</td>
<td>X</td>
<td>Steep slopes (ravines with slopes too steep to build upon)</td>
</tr>
<tr>
<td>X</td>
<td>___</td>
<td>Wetlands (characterized by soils that remain wet, support typical “wetland” vegetation)</td>
</tr>
<tr>
<td>___</td>
<td>X</td>
<td>Floodplain (areas adjacent to stream or river where floodwaters leave deposits.)</td>
</tr>
</tbody>
</table>

If answer is “yes” to any above, please explain.

USACE has granted a permit to fill the wetlands required. See attached.

7. Please explain the practical difficulties or unnecessary hardship which will result from a literal enforcement of the Riparian Setback Ordinance?

Literal enforcement will require unconventional construction methods. The home will be outside the setback but the use of the setback area is critical to construction and final grading.

8. What alternatives to the variance have been explored?

The size, configuration and location of the home have been redesigned to fit the parcel without encroaching within the riparian setback. Original and preferred design had the foundation within the riparian setback but compromise was made to minimize the impact.
9. Did you acquire the property before or after May 29, 2002, when the Riparian Setback Ordinance was enacted?  Yes. Parcel was created prior to 2002 and purchase was 1997, see attached
How were you made aware of the Riparian Setback Ordinance?

when designing the house plot plan

10. Explain how the spirit and intent behind the Riparian Setback Ordinance will be observed if the variance is granted:

The hardship was created by enactment of the riparian setback post creation of the parcel. As stated, ever effort has been made to minimize the impact while at the same time preventing the investment in the parcel from losing its entire value by implementation of the riparian setback.

11. Explain how the requested variance is the minimum variance to the Riparian Ordinance that will allow for a reasonable division of land. (This question pertains only to the creation of new lots).

Action of the Summit County Planning Commission should be sent to:

Applicant:  David & Jeffery Snyderburn

Address:  19206 Rashall, Bedford, OH  44146

Respectfully submitted this 28th day of May, 2019

I certify that all information contained in this application and its supplements are true and correct.

Signature of Applicant or Authorized Representative
Matthew L. Weber, P.E. (Authorized Representative)  05-28-2019 Date

For Office Use Only

Fee Amount Paid: Date Application Received:

Staff: Comments:
Regulatory Branch

SUBJECT: Request for Reaffirmation of NWP 29 for Department of the Army Permit No. LRB-2018-00406

David Snyderburn
19206 Rashell Road
Bedford, OH 44146

Dear Mr. Snyderburn:

This is in reply to your April 11, 2019 submittal in which you requested a reaffirmation of the Nationwide Permit 29 affirmed on June 19, 2018 under Department of the Army (DA) Permit No. LRB-2018-00406. Specifically, you seek to discharge fill into 0.04 acre of federal wetlands in association with the construction of a residential house located west of Holzhauer Road, in Sagamore Hills Township, Summit County, Ohio.

I thoroughly considered your request. Based upon our evaluation, I concluded your request will not result in any unacceptable environmental or navigational impacts. Therefore, I am reaffirming the NWP within the increased fill amounts under DA permit No. LRB-2018-00406 to reflect the changes outlined in your request and identified on the attached drawings.

All other terms and conditions of the NWP affirmed on June 19, 2018 under Permit No. LRB-2018-00406 remain in full force and effect.

Questions pertaining to this matter should be directed to Peter Krakowiak at (716) 879-4363, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207, or by e-mail at: Peter.J.Krakowiak@usace.army.mil

Sincerely,

Peter J. Krakowiak
Biologist

Enclosures
Know all Men by these Presents

That, WETCO HOLDING COMPANY, an Ohio General Partnership, the Grantor,

who claim title by or through instrument, recorded in Volume Page County Recorder's Office, for the consideration of One and not ($1.00) received to its full satisfaction of

JEFFREY SNYDERBURN and DAVID SNYDERBURN, the Grantee(s),

whose TAX MAILING ADDRESS will be

Grant, unto the said Grantee(s), their heirs and assigns, the following described premises, situated in the Township of Sagamore Hills, County of Summit and State of Ohio:

and known as being all of Lot No. 4 in the Greenwood East Subdivision, as recorded in Plat Cabinet L, Slide 153 of Summit County Records of Plats.

Property also known as: Lot 4 Greenwood East Subdivision, Sagamore Hills, OH 44067.

P.M. #45-03620
P.P. #NF-00026-95-014.000

ADDITIONAL NOTARY CLAUSE

STATE OF OHIO
COUNTY OF Summit ) ss. Before me, a notary public, in and for said County, personally appeared the above named

T. W. Billings, a General Partner of Wetco Holding Company, a General Partnership

who acknowledged that he did sign the foregoing instrument, and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Sagamore Hills, Ohio this 3rd day of June, A.D. 1997.

[Signature]
Notary Public
Notary Public, State of Ohio
My Commission Expires May 5, 2001
Recorded in Summit County

be the same more or less, but subject to all legal highways.
To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, their heirs and assigns forever.

And Wetco Holding Company, an Ohio General Partnership for itself and its successors and assigns and the said Grantor, for itself and the said Grantee, their heirs and assigns, that at and until the ensailing of these presents, it is well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever EXCEPT all legal easements, restrictions, conditions of record and taxes and assessments prorated to date of transfer and EXCEPT for those restrictions which violate the Fair Housing Act of 1968 and that it will Warrant and Defend said premises, with the appurtenances thereof belonging, to the said Grantee, their heirs and assigns, against all lawful claims and demands whatsoever EXCEPT as aforementioned.

In Witness Whereof we have hereunto set our hands, the 23rd day of July, in the year of our Lord one thousand nine hundred and ninety-seven.

Signed and acknowledged in presence of

WETCO HOLDING COMPANY, an Ohio General Partnership

BY: X. Katherine L. Wargo, a General Partner

Witness to Wargo (Key Stockholder)

Katherine L. Wargo, a General Partner

Witness to Billings (Key Stockholder)

T. W. Billings, a General Partner

State of Ohio (Floyd County, ss) Before me, a notary public, in and for said County, personally appeared the above named Katherine L. Wargo, a General Partner of Wetco Holding Company, an Ohio General Partnership, who acknowledged that she did sign the foregoing instrument, and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at , this 2nd day of July, A. D. 1997.

Notary Public

Robert M. Thomson
Attorney at Law
423 Key Bldg.
Akron, OH 44308
Property known as Lot 4 Greenwood East Subdivision

Subject to the following restrictions:

(A) Until such time as Buyer commences the construction of a dwelling the Property in accordance with Plans approved by Greenwood Trading Corporation as established under the deed restrictions, Buyer shall properly maintain said lot (including the cutting of all grass during the growing season.)

(B) Buyer and Buyer’s General Contractor shall be responsible for erosion control on his individual lot prior to, and during construction.

(C) Buyer agrees to restore all drainage swales and grass which may be destroyed during construction along the front of said lot to original, present condition.
Proposal: Twinsburg Township Zoning Commission is proposing an amendment of Ch. 17 General Provisions to establish the ability for residential property owners to have front yard fences, provided that they do not exceed 4 ft. in height. Currently no fences are permitted closer than 25 ft. to any right-of-way.

Proposed Text Amendments: Text that is struck through is text proposed for deletion, new proposed text is underlined.

CHAPTER 17  GENERAL PROVISIONS

17.1-17.10 [no change]

17.11 Fences. Fences shall be constructed not closer than one foot to any right-of-way in any R district, shall be constructed not closer than 25 feet to any right-of-way in any other district, shall not exceed eight feet in height in the C, IMU, and I Districts, and shall not exceed six feet in height in any other district, and shall not exceed four feet in height when constructed closer than 25 feet to any right-of-way in any R district. The location, composition, and structure of any fence shall, at a minimum, conform to the standards and regulations of the Summit County Building Department. Fences constructed within the Business or Industrial Districts shall conform to the specific requirements of each District and shall, at a minimum, conform to the standards of the Summit County Building Department governing their structure, composition, appearance and location. Barbed wire, razor wire, and similar fences are prohibited, except that barbed wire fences shall be permitted in the I District, provided that they are located behind the building line and not less than 50 feet from any property zoned or used for residential purposes, and provided that any barbs are no closer than six feet to the ground. Electrified fences are prohibited. All fences shall be positioned at a distance of not less than one (1) foot inward of the property lines along which they will be installed and their horizontal supports or braces shall face to the inside of the property and the finished side shall face outward. Permits will not be required for the installation of temporary seasonal fences such as snow-fences.

17.12-17.20 [no change]"
Staff Comments:

Summary of the changes proposed:
17.11 – add language to allow for front yard fences in residential areas.

Comments:

- The height of 4 ft. for a front yard fence is fairly standard in Ohio zoning codes where front yard fences are permitted.
- Often design guidelines are included as well, staff would recommend the township consider adding language about the type of fencing permitted in front yards, many places prohibit chain link fencing in the front yard.
- Consider including language regulating the opacity of the fence, for instance Cuyahoga Falls zoning states: *Have a void of at least 50% up to 4 feet, so that a 4-foot high picket fence shall have a picket to void ratio of 2:1 or greater transparency.*
- Consider including language that states fencing shall not impair line of sight when entering/exiting a driveway.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be APPROVED.