

Joint BZA and Planning Commission meeting minutes
for the Demko property subdivision at 13483 Kinsman Rd.

November 26, 2024 – 5:30pm

Mayor Spanos called the meeting to order at 5:30pm.

Roll call: Mr. Paul Emch-present, Mr. Nick Fischbach-present, Mrs. Cindi Boehnlein-present, Ms. Karen Charvat-present.

Recognition of visitors: Mr. Dan Demko-property owner, Mr. Chuck Szucs-Civil Engineer-Polaris Engineering, Mr. Jason Kibler-Stanfield Construction, Mrs. Ann Weisert-Geauga Maple Leaf, Mr. Skip Boehnlein, Mr. Ray Kauffman, Mr. Bill Pinkava, Mrs. Maryann Hawkins, Mr. R. Kokochak, Mr. Todd Hicks, Mr. Tom Blair, Mr. Rick Gruber, Mr. George Hess II, Mr. George Hess III, Ms. Sheri Hornak, Mrs. Jacqueline Samuel on behalf of Elizabeth Cupp.

Board of Zoning Appeals will have the public hearing first.

Mr. Hicks came forward and stated under the Ohio revised code, any party who wishes to speak at a public hearing must be sworn in first. Mr. Hicks asked visitors: whoever wishes to speak, please raise their right hand to be sworn in. A total of six (6) individuals raised their right hands – as follows: Ms. Sherri Hornak – Mr. Dan Demko – Mr. Ray Kauffman – Mrs. Maryann Hawkins – Mrs. Jacqueline Samuel – Mr. Chuck Szucs-Civil Engineer.

Mr. Hicks moved to Mr. Gruber the Village of Burtons Zoning Inspector and asked him to give a recap of all that is going to be discussed at tonight’s meeting regarding variance request and requirements.

Mr. Gruber came forward and mentioned there is a variance request on the R3 zoning requirements located on the map of the new multi-resident district. The variances requested are as follows:

1). Variance request to allow private street in the development of a subdivision.

CODIFIED ORDINANCE OF BURTON, OHIO / PART ELEVEN-PLANNING AND ZONING CODE
CHAPTER 1139: HEIGHT, LOT & FLOOR AREA REQUIREMENTS – SECTION 1139.02 / R-3 MULTIPLE DWELLING – SINGLE FAMILY.

2). Front Yard Depth: minimum required – 45’ / minimum provided – 20’ / **variance requested – 25’.**

3). Either side yard depth: minimum required-10’ / minimum provided- 0’ / **variance requested– 10’.**

4). Sum of side yards: minimum required - 25’ / minimum provided - 9’ / **variance requested – 21’.**

5A). **Lot area:** minimum required: 14,500 sq.ft.

Minimum provided: 4,496/5,561/6,827 sq.ft / **variance requested: 10,004/8,839/7,673 sq. ft.**

5B). **Rear**:**

Minimum provided:4,293/5,406/6,519 sq.ft/ variance requested: **10,207/9,094/7,981 sq. ft.**

6). Rear Yard:** minimum required – 30’ / minimum provided – 25’ / **variance requested 5’.**

7). Lot frontage: minimum required – 100’ / minimum provided – 40.5’/51.0’/61.5’ /

Variance requested: 59.5’/49.0’/38.5’.

CHAPTER 1147: EXCEPTIONS & MODIFICATIONS / SECTION 1147.05: SIDE YARDS

d). "For the purpose of side yard regulation, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot."

8). **VARIANCE REQUESTED TO CONSIDER A TWO-FAMILY DWELLING AS TWO UNITS OCCUPYING TWO LOTS.**

9). ALL SIDEWALKS TO BE REPLACED WITH A TRAIL SYSTEM WITH A CONNECTION TO RAPIDS ROAD.

**ITEMS SHOWN IN BLUE ARE MODIFIED OR ADDED VARIANCE REQUESTS.

TOTAL LOTS: 140 (138 DUPLEX, 2 SINGLE).

Mr. Hicks wanted to remind both boards that this is a unique situation. This project was accentually negotiated for a couple of years, to have the property annexed in the village. The overall development scheme is consistent with what was always represented by Mr. Demko. Mr. Hicks is moving to Mr. Demko to speak.

Mr. Demko came forward and stated he had started this project in 2018. To be able to utilize the property, they needed water and sewer. This is what began the discussion with the Village and Township of Burton. Mr. Demko was granted annexation in 2020 or early 2021. Mr. Demko mentioned when Covid hit the funds dried up and could not get the project funded. Mr. Demko reiterated this is not for rental but for sale, which is more of an immediate advantage to the village in terms of tax structure, revenue, water increase usage but still within the variance which was agreed to in the annexation agreement. This would have 140 town homes with 40 pads. They noticed wetlands which meant they needed to separate pads because of the wetlands. Mr. Demko is working with the Army Corp of Engineers regarding the wetlands located on his property.

Mr. Emch asked if the homes will have water meters which Mr. Demko stated each home will have a water meter which Mr. Johnson stated will be owned by the Village.

Mr. Fischbach questioned if any residents from Bigelow have been notified and what their opinion was. Mr. Demko stated as part of the annexation process, Mr. Demko had to notify all neighbors with certified letters as to what he is planning to do. Mrs. Boehnlein questioned if Hillside Village will be maintaining the roads or will the Village. Mr. Demko also stated a mound will be constructed on Route 87 which will have trees to divide the roadway from the sub-division. Mr. Fischbach questioned the streetlights or if there would be any. Mr. Demko stated that all electric wiring will be buried, there will be no telephone poles. Mr. Fischbach brought up the pump house. Mr. Demko stated they need a pump house with two areas he has looked at. Either the Hillside property or at the Geauga Sheriffs lot on Rt 87 which the County will be approving.

Ms. Charvat brought up the exit and entrance, which is one way in and one way out. Mr. Demko stated "yes" but it will be two lanes with a median in the middle and will build a guard shack / bus stop for the school aged kids that need to be picked up by school buses.

Mrs. Boehnlein asked if this is just a 55 and older community. Mr. Demko stated "NO". This is for families with or without children. Ms. Charvat questioned if there are any estimates regarding the costs of these new homes. Mr. Demko has estimated the one-bedroom homes would start at \$195,000.00, the two-bedroom homes would start at \$280,000.00 to \$300,000.00 range and the three-bedrooms would start at \$325,000.00. Mr. Fischbach asked how wide the roadways are in the event a Fire truck needs to pull into the subdivision. Mr. Demko as well as Mr. Chuck Szucs stated the roads are 24' wide, which will work for the fire service, so will the radius and turns for the fire trucks.

Mr. Hicks has asked Mr. Demko to explain what is expected of the homeowners as well as what they will own. Mr. Demko will maintain the grass, the owners will own the home, the entire lot and will be required to sign a maintenance agreement. There will be underground fencing as well. Along 87 they will mound the dirt and plant trees and help with noise levels. There are 3 existing homes on the property. The third home will be demolished and the other two will become part of the association. The homes will consist of a recreation area, pool or meeting place. There will be stocked ponds, nature trails coming down from Rapids Road as well as walking paths.

Mr. Hicks asked if the BZA board had any further questions. The board has no further questions, moving to the public for discussion.

Mr. Ray Kauffman from 14755 Bigelow Road Burton OH 44021 stood and stated he is against the subdivision and is worried about the noise of developing the property. His home and one other are the only homes that will be affected by this development, his privacy will be compromised and does not want the property to be developed or new homes put in. Mr. Kauffman is worried about his home value and what it will do to his own property.

Mrs. Maryann Hawkins 14737 Bigelow Road Burton OH 44021 came forward and stated she was worried about the noise. She is concerned about the lights shining in her windows. She mentioned Preston's lights shine right into her bedroom window. Mrs. Hawkins is requesting a privacy fence from Mr. Demko for separation of the properties for her privacy. Her home is literally right on top of this new subdivision and is also concerned about construction noise. She loves her backyard and the nature surrounding her home. She stated she never received a certified letter from Mr. Demko regarding the annexation of his property and he never spoke to her either. Mrs. Hawkins asked about streetlighting at Hillside Village and Mr. Demko again stated there would not be any streetlamps installed. Mr. Hicks mentioned this meeting is for variance requests, not privacy.

Mrs. Jacqueline Samuel (did not give her address) raised her hand and is speaking on behalf of Mrs. Elizabeth Cupp who owns 35 acres on Bigelow Road. Mrs. Samuel asked if Bigelow Road will no longer exist or be maintained, what is happening with the road? Mr. Hicks stated that Bigelow Road is not near this subdivision, not involved nor will it be affected by this project. Mrs. Samuel heard that if the sub-division went in, Burton Township will no longer take care of this roadway. Mr. Hicks told Mrs. Samuel the Village has not heard of any such plan, and this meeting is strictly about variance requests. Mrs. Samuel stated Mrs. Elizabeth Cupp has requested a fence that has a sign "no children" to keep them out of the fields and woods which Mr. Demko will investigate for her. Mrs. Samuel mentioned the streetlights and how bright will they be? Mr. Demko explained that the lighting will be on posts in everyone's front yard and will be located low to the ground. These lights will not shine anywhere but down. Mrs. Samuel asked if anyone has completed an analysis regarding the cost of service from farmland to development. Mr. Hicks stated Mr. Demko is seeking variance requests this evening, not a cost analysis of the project. Mr. Hicks explained to her this is a private development and there will be cost to the Village as in snow plowing, potholes and so forth.

Mr. Brown asked Mr. Demko when this project was going to start. Mr. Demko said he has the Corp of Army Engineers and a couple other hurdles to get through beforehand. They anticipate Spring of 2025.

Mr. Hicks asked if there were any more questions from the audience. There are no more questions from the audience, Mr. Hicks has closed the public discussion at 6:19pm.

Mr. Hicks stated he will now read the variance requests for the BZA board to vote on and each variance will be a separate motion.

Mr. Hicks is now reciting each requested variance for the plans in front of us now - **HILLSIDE VILLAGE PRELIMINARY PLAN / PROPOSED VARIANCES DATED OCTOBER 16, 2024 CONTRACT NO.#24154.**

First variance request:

FRONT YARD DEPTH-MINIMUM REQ - 45'/MINIMUM PROVIDED 20' / VARIANCE REQUESTED 25'.
Mr. Paul Emch motioned to approve the variance request which was seconded by Mrs. Karen Charvat.

ROLL CALL: Mr. Paul Emch-YES / Mr. Nick Fischbach-YES / Mrs. Cindi Boehnlein-YES / Mrs. Karen Charvat - YES. Motion carries forward.

Second variance request:

EITHER SIDE YARD DEPTH-MINIMUM REQ-10'/MINIMUM PROVIDED 0' / VARIANCE REQUESTED 10'. Mr. Paul Emch motioned to approve the variance request which was seconded by Mrs. Cindi Boehnlein.

ROLL CALL: Mr. Paul Emch-YES / Mr. Nick Fischbach-YES / Mrs. Cindi Boehnlein-YES / Mrs. Karen Charvat-YES. Motion carries forward.

Third variance request:

SUM OF SIDE YARDS-MINIMUM REQ-25' / MINIMUM PROVIDED 9' / VARIANCE REQUESTED 21'.
Mr. Nick Fischbach motioned to approve the variance request which was seconded by Mr. Paul Emch.

ROLL CALL: Mr. Paul Emch-YES / Mr. Nick Fischbach-YES / Mrs. Cindi Boehnlein-YES / Mrs. Karen Charvat-YES. Motion carries forward

Fourth Variance Request:

LOT AREA:-MINIMUM REQ-14,500 SQ.FT / MINIMUM PROVIDED-4,496/5,561/6,827 SQ.FT / VARIANCE REQUESTED 10,004/8,839/7,673 SQ.FT.

Mrs. Cindi Boehnlein motioned to approve the variance request which was seconded by Mrs. Karen Charvat.

ROLL CALL: Mr. Paul Emch-YES / Mr. Nick Fischbach-YES / Mrs. Cindi Boehnlein-YES / Mrs. Karen Charvat-YES. Motion carries forward.

Fifth Variance Request:

REAR YARD—MINIMUM REQ-30' / MINIMUM PROVIDED-25' / VARIANCE REQUESTED 5'.

Mr. Paul Emch motioned to approve the variance request which was seconded by Mrs. Karen Charvat.

ROLL CALL: Mr. Paul Emch-YES / Mr. Nick Fischbach-YES / Mrs. Cindi Boehnlein-YES / Mrs. Karen Charvat-YES. Motion carries forward.

Sixth Variance Request:

LOT FRONTAGE- MINIMUM REQ-100' / MINIMUM PROVIDED-40.5'/51.0'/61.5' / VARIANCE REQUESTED 59.5' / 49.0' / 38.5'.

Mrs. Karen Charvat motioned to approve the variance request which was seconded by Mrs. Cindy Boehnlein.

ROLL CALL: Mr. Paul Emch-YES / Mr. Nick Fischbach-YES / Mrs. Cindy Boehnlein-YES / Mrs. Karen Charvat-YES. Motion carries forward.

All Variances have passed.

OLD BUSINESS: nothing to report

NEW BUSINESS: nothing to report

Mr. Hicks motioned to adjourn the Board of Zoning Appeals meeting which was seconded by Mr. Fischbach. All in FAVOR? AYE! motion carries.
BZA adjourned at 6:23PM.

***Planning Commission Meeting
November 26, 2024
6:25PM***

Mrs. Lynn McCollum-Arnold has called the meeting to order at 6:25PM

Roll Call: Mr. Cory Brown-present, Mr. Curt Johnson-present, Mrs. Ruth Spanos-present.

Mr. Hicks stated there are two variance requests for the Planning Commission at tonight's meeting. The first variance is a request to allow private streets as dedicated roadways, and the second variance request is the trail system in lieu of sidewalks.

Mr. Demko came forward to discuss the sidewalks and the subdivision. They have an easement from Rapids to the Demko property. This is where they intend to run the waterline for the loop system. Since there will be construction and digging of dirt, they determined they could have a hard packed pathway in lieu of a sidewalk. Follow the easement that they already have and follow the water and sewer line that will already be present. Mr. Demko wants to keep as much green as they can. The walking path will go around the ponds and be more attractive than a sidewalk.

Mr. Demko brought up the roads for the sub-division. They will build them, maintain them, take care of snow removal, have the school bus bring in the children from school and turn right around. They will build the road to the specs as a county roadway.

Mr. Johnson inquired where the snow mounds will go if the roads need to be plowed. Mr. Szucs explained on the sub-division map where the snow mounds will go as they are laid out and mapped on the Hillside Village Preliminary Plan contract 24154.

Mr. Johnson questioned the boarder of the development and Preston's property which is located right next to the Demko property. Mr. Johnson wanted to ensure there was no unused property between Hillside Village and Preston. There will be a mound built with trees so the residents will not have to look at Preston's backyard, which Preston's agreed to before.

Mr. Brown does not like the way the road is laid out, as one way in and one way out. He believes this will cause a massive traffic issue like Berkshire Schools. Ms. Hornak came forward to explain the point of entry and exit of the sub-division. Ms. Hornak stated in other communities and this type of one way in and one way out was never an issue, residents have different schedules, and traffic should not be a problem.

Mr. Johnson made a motion to accept the private roadways, seconded by Ruth Spanos. All in Favor? AYE, motion carries.

Mr. Johnson asked the width of the walking trails. Mr. Demko stated they will be 8 feet wide. Mrs. Spanos questioned the cross of the walking trails if there was going to be a pedestrian sign, which Mr. Demko stated there would be. Mrs. Spanos made a motion to approve the walking trails in lieu of sidewalks which was seconded by Mr. Johnson. All in Favor? AYE! Motion carries.

Mrs. Spanos would like to modify and amend her motion to approve the walking trail along the easement of this Hillside Village property and Rapids Road in lieu of the sidewalk which was seconded by Mr. Brown. All in Favor? AYE! By voice vote motion carries.

Mrs. Spanos has made a motion to adjourn the Planning Commission meeting which was seconded by Mr. Brown.

All in Favor? AYE! By voice vote motion passed

Meeting adjourned at 6:50PM.