

RECORD OF PROCEEDINGS

Minutes of

Meeting

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

DEAR GRAPHICS INC. 325-R094 FORM NO. 10146

Held

WEDNESDAY, JUNE 13, 2018

20

1 Neal Call convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were
2 Neal Call, Russ Hose, Naureen Dar, Sylvia Chinn-Levy, Mike Pritchett and Charles
3 Myrick. Dave Robinson was absent. Sue Schultz and Shawna Gfroerer, from the
4 Department of Community & Economic Development were present.

5
6 Mr. Call called for a review of the minutes.

7
8 Mr. Call stated that a portion of the text on page 0107 line 13 was bold and did not
9 need to be.

10
11 Mr. Hose moved to approve the May 9, 2018 minutes as submitted, Mr. Myrick,
12 second. Mr. Call asked for the vote. The motion carried.

13

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X	X		X		
Naureen Dar	X			X		
Sylvia Chinn-Levy	X			X		
Mike Pritchett (alt.)	X			X		
Charles Myrick (alt.)	X		X	X		

14

15 **PUBLIC HEARING**

16

17 Applicant: Patrick Studards
18 Landowner: Weathermark Home Improvement LLC
19 Property Location: 1835 Knox Blvd.
20 Purpose: Property Maintenance Code Appeal
21 Sections:
22 7.02 Condemnation-Unsafe Structure
23 7.04 Condemnation-Closing of Vacant Structure

24

25 Mr. Call opened the Public Hearing by swearing in all who wished to speak regarding
26 the applicant's appeal.

27

28 Ms. Schultz presented an overview of the property and stated that the applicant,
29 Patrick Studards on behalf of Landowner, Weathermark Home Improvement LLC,
30 own the property located at 1835 Knox Blvd. which is located within the Residential-
31 Open Space Conservation District (O-C). Ms. Schultz stated that the
32 applicant/landowner is appealing Sections 7.02 and 7.04 of the Property
33 Maintenance Code as issued by the Code Enforcement Officer on April 26, 2018.

34

35 Ms. Schultz handed the presentation over to Mr. Jeff Newman, Code Enforcement
36 Officer for Copley Township.

37

38 Mr. Newman stated that the property owner was issued a Notice of Violation on
39 February 28, 2017 for Section 5.03-Property & Structure Exteriors and Section 5.10-
40 Junk, Including Inoperable & Junk Motor Vehicles. Mr. Newman believed that the
41 home appeared to be uninhabitable and abandoned at this time.

42

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COPLEY TOWNSHIP BOARD OF ZONING APPEALS

BEAR GRAPHICS, 800-326-8094, FORM NO. 10140

Held

20

WEDNESDAY, JUNE 13, 2018

1 Mr. Newman stated that further investigation revealed the property was behind on
2 real estate taxes and it was learned that the owner was deceased and with this
3 information along with the condition of the structure the property was recommended
4 for future revitalization efforts.

5 Mr. Newman stated that while on routine field work in the Township late summer
6 2017, he became aware that the property had been purchased by Mr. Studards on
7 March 29, 2017. Upon entering the property, Mr. Studards informed him that he had
8 purchased the property and planned to locate his home improvement business on the
9 property. Mr. Newman stated he informed Mr. Studards that the property was not
10 zoned for commercial activities and discovered that Mr. Studards indicated that the
11 septic had not received appropriate inspection prior to purchase and upon purchase,
12 Mr. Studards discovered over 300 abandoned tires on the property. Mr. Newman
13 stated he instructed Mr. Studards to follow up with the Zoning Inspector regarding
14 the commercial activity and to clean up the property and bring it into compliance.

15 Mr. Newman stated that following the March 2018 flood of this area, he conducted a
16 field visit to this property and determined that the property had been subject to
17 flooding.

18 Mr. Newman determined that there was no noticeable progress being made on the
19 property and a Placard of Condemnation, with support of the Summit County Public
20 Health Department and the Copley Township Board of Trustees, was issued in
21 addition to a Notice of Violation for Section 5.10 Junk, Including Inoperable or Junk
22 Motor Vehicles on April 26, 2018.

23 Mr. Newman provided an overview of the request stating that Mr. Studards request
24 is to appeal the CEO's order to comply with the Property Maintenance Code. Mr.
25 Studards indicated that he needs more time to have the well and septic tested. Mr.
26 Newman said the applicant would like to maintain the structure and continue to
27 improve the house. Mr. Studards stated that he believes he is able to fix the home, he
28 will help surrounding homes hold or improve their value.

29 Mr. Newman concluded the presentation by showing photos which highlight the
30 current state of the property including an opened vacant structure, failing foundation,
31 trash, and abandoned vehicles.



32
33 Mr. Newman stated that since the initial visit in 2017, some items have been removed
34 and Mr. Studards just informed him on June 13, 2018 that the tractor was being
35 scrapped as well.

36
37 Mr. Call asked Mr. Newman when he last observed the property. Mr. Newman stated
38 he walked the property about two weeks ago and had a conversation with Mr.
39 Studards today.

40
41 Mr. Hose asked Mr. Newman if he noticed any difference today. Mr. Newman stated
42 that he didn't walk behind the property, so was not certain.

43
44 Mr. Call asked if anyone else would like to speak on behalf of 1835 Knox Blvd.

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COPLEY TOWNSHIP BOARD OF ZONING APPEALS

HEAR GRAPHICS 800-325-8094 FORM NO. 10141

Held

WEDNESDAY, JUNE 13, 2018

20

1 Mr. Patrick Studards came forth and stated his name for the record as owner of 1835
2 Knox.
3
4 Mr. Studards stated that he was made aware of the property through a neighbor last
5 year, paid back taxes and paid a small sum to the owner to obtain the property. During
6 this time period, Mr. Studards stated he found large amounts of trash due to this being
7 an old salvage yard.
8
9 To date, Mr. Studards stated he has removed five dumpsters of trash, including (2) 40
10 yard and (3) 30-yard dumpsters, from the house and warehouse. Mr. Studards stated
11 he attempted to get the tractor running, but was unable to do this. He has removed
12 one boat, electric is now on as of last week, the barn has a new electric panel, and
13 there is a new pump for the well.
14
15 Mr. Studards stated he is a licensed contractor and after he purchased the property,
16 he became aware that there was an EPA wetland designation and therefore he
17 couldn't do anything other than repair the property already there. Mr. Studards stated
18 he wasn't aware he was under a time constraint and when he met Jeff and Matt
19 Springer when he first bought the property he spoke to them about the wetlands and
20 really just wants to do repairs and live in the house. Mr. Studards stated he would just
21 like more time to remedy some of the problems as he is currently addressing them
22 and that his goal is to fix the house and move in.
23
24 Mr. Studards stated he would like to apply for a zoning variance so that he may park
25 his commercial trucks there.
26
27 Mr. Studards stated that the foundation is good and the home is made of block as well.
28
29 Mr. Studards stated that has been working every day and investing \$2,000-\$3,000 in
30 renovations since it was condemned and since he just got electric, he wasn't able to
31 do much and now he is able to.
32
33 Mr. Studards stated he is cleaning up items caused by illegal dumping such as tires
34 and propane tanks and he is disposing of these items properly.
35
36 Mr. Myrick asked Mr. Studards if he had set a time table to complete and come into
37 compliance. Mr. Studards stated that he had not set a timeline. Ms. Dar asked if he
38 knew how much more time he would need. Mr. Studards stated that he would need a
39 couple of months over the summer and he could do windows in a couple of weeks and
40 repair the roof over that time period.
41
42 Ms. Dar asked if there was something mentioned about use of the property as a
43 commercial property. Mr. Studards stated that he doesn't intend to build or expand it
44 for commercial use and that he would just like to store equipment and trucks on the
45 property.
46
47 Ms. Dar asked if the property was zoned commercial. Ms. Schultz stated, no, it is Open
48 Space Conservation.
49
50 Ms. Dar asked if there was a barn on the property. Mr. Studards stated there is a
51 warehouse. Mr. Pritchett asked for the size of the warehouse. Mr. Studards said that
52 it was maybe 24x36 and around the same size of the house.
53
54 Mr. Call asked if the violations are on the structure only or is there also a violation
55 regarding junk as well. Mr. Newman stated that there are violations regarding the
56 structure and junk, but Mr. Studards is appealing the 7.02 Condemnation and Closing.

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COPLEY TOWNSHIP BOARD OF ZONING APPEALS

DEAR GRAPHICS, 800-325-0004, FORM NO. 10140

Held

WEDNESDAY, JUNE 13, 2018

20

1 Mr. Pritchett asked Mr. Newman if the structure being habitable is dependent on the
2 septic approval. Mr. Newman said, yes, and Mr. Studards isn't able to alter the
3 footprint of the structure due to it being in a floodplain, and alter includes, decking.
4

5 Ms. Dar asked Mr. Studards what was around the property. Mr. Studards stated that
6 there are some houses around his and Pigeon Creek to the side.
7

8 Ms. Chinn-Levy asked to see where the home was located on the property. Mr.
9 Studards showed where his home was located on the property. Mr. Studards stated
10 that his home sits a little off the road and then there is a garage behind the house. Mr.
11 Studards stated that he was not that concerned about the flooding, and he would put
12 in a sump pump and elevate things off of the floor. Mr. Studards stated that he has
13 never noticed that much water and didn't see the water as a big problem as there are
14 other homes in the area and they all deal with water.
15

16 Mr. Hose asked if there was anywhere on the property which doesn't flood. Mr.
17 Newman stated that was hard to say, but if you look at the photo showing the flooding
18 which occurred in March you can see there is water all around the property. Mr.
19 Newman stated that Knox has closed due to flooding in the past and the Fire
20 Department had to go into the area and rescue people.
21

22 Mr. Hose asked how the Building Department views this with the Health Department
23 supporting the condemnation. Mr. Newman said he was not certain about their inner
24 workings, but as far as Zoning, we would not permit any alternations to the footprint
25 of the building.
26

27 Mr. Hose asked if there was gas on the property. Mr. Studards said no. Mr. Newman
28 said many of the houses use propane.
29

30 Mr. Hose asked if the county inspected the electric. Mr. Studards said yes, they have
31 approved.
32

33 Mr. Call asked to confirm, if the appeal is to remove the condemnation or remove fees.
34 Mr. Newman said there are no fines associated with this property and that it his
35 understanding, Mr. Studards would like to save the structure and he isn't certain how
36 this will happen with the flooding and other items.
37

38 Mr. Myrick asked if there was approval for the septic. Mr. Newman stated not to his
39 knowledge.
40

41 Ms. Chinn-Levy asked what needs to be done to the septic. Mr. Newman stated that it
42 probably needs approved. Ms. Chinn-Levy asked Mr. Studards if he would want to
43 start with the septic before he put more money into the structure in case he isn't able
44 to live in it.
45

46 Mr. Hose asked if it would be possible to table this and allow Mr. Newman to continue
47 to follow up with the property to see what improvements are being made and then
48 see if Health and Building will OK this and then if Mr. Studards is making an effort to
49 clean this up then we could keep moving towards compliance.
50

51 Mr. Call stated that since this is the first he has dealt with a situation to remove a
52 designation of condemnation he would need to see irrefutable proof that it has been
53 approved and since a deadline date is not established for demolition then health
54 inspection is key as well as progress to improve.
55

RECORD OF PROCEEDINGS

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COPLEY TOWNSHIP BOARD OF ZONING APPEALS

BEAR GRAPHICS 800-325-6094 FORM NO. 10140

Held

20

WEDNESDAY, JUNE 13, 2018

- 1 Ms. Dar stated that improvements have been made by removing junk and Summit
- 2 County has improved electric so it appears Mr. Studards is making progress and since
- 3 approval from Health is the key, they could table to see what progress is being made.
- 4
- 5 Mr. Studards stated that everyone else around his property has to deal with the septic
- 6 system issues as well so maybe this means things are not contaminated.
- 7
- 8 Ms. Chinn-Levy stated that if the discharge gets into the creek, then it could cause
- 9 issues.
- 10
- 11 Mr. Studards stated that he has already invested \$30,000+ in the property. Mr. Hose
- 12 said that he understands, but should have considered this prior to the purchase.
- 13
- 14 Mr. Studards asked if the septic wasn't done right, could he put in a new septic. Mr.
- 15 Hose stated that would be up to the Health Department.
- 16
- 17 Mr. Hose asked Mr. Newman if he condemned the house and the pole building or just
- 18 the house. Mr. Newman stated that the home foundation is bad, but the pole barn may
- 19 be OK.
- 20
- 21 Mr. Newman stated that in regards to an imposed deadline, under closing of the
- 22 structure, there is a 14 day timeframe imposed on the notice. Mr. Newman stated that
- 23 he is OK to wait and see what the progress is, but the structure must be closed
- 24 immediately.
- 25
- 26 Mr. Hose stated that a lot will depend on Mr. Newman's report and what the Health
- 27 Department says regarding the septic and he was not certain what happens if the
- 28 home comes down and you still have a pole building.
- 29
- 30 Mr. Studards asked if the house would have to come down if the septic is bad. Ms.
- 31 Schultz stated he wouldn't be able to use it for other things since commercial isn't
- 32 allowed in the district.
- 33
- 34 Mr. Studards stated that he would like to ask for a commercial zoning. Ms. Schultz
- 35 stated that the property has never been commercial.
- 36
- 37 Mr. Call stated that if there was a salvage yard, it would have been before zoning. Ms.
- 38 Schultz stated she was not certain of that activity happening there.
- 39
- 40 Mr. Call stated that these are two separate things and the house has been condemned
- 41 with a 14 day time stamp.
- 42
- 43 Mr. Call asked if there were any other comments, questions.
- 44
- 45 Mr. Newman stated to review, the back of house, side, all windows, and doors would
- 46 need to be closed to prevent anyone from going into the home.
- 47
- 48 Mr. Call recommended that Mr. Studards get a plan to get the building into compliance
- 49 and stated that the fact that Mr. Studards is making some progress is the only reason
- 50 he would continue the hearing.
- 51
- 52 Mr. Hose stated that if the septic isn't approved, that would be the major problem. Mr.
- 53 Studards stated the he has contacted the Health Department and they stated that the
- 54 septic might not have been installed right to begin with and there wouldn't be
- 55 anything which prohibits him from using the septic or well.
- 56

RECORD OF PROCEEDINGS

Minutes of

Meeting

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

DEAR BROTHERS 000-326-0004 FORM NO. 10126

Held

20

WEDNESDAY, JUNE 13, 2018

1 Ms. Chinn-Levy asked if Mr. Studards could obtain a letter from the Health
2 Department stating this.

4 Mr. Call asked Ms. Schultz to give Mr. Studards a number for the septic contact at
5 Summit County Health. Ms. Schultz provided the information to Mr. Studards.

7 Mr. Hose asked the board to table the item if Mr. Studards agrees to board up the
8 property, obtain approval for septic, and continue clean-up efforts which could be
9 seen by Mr. Newman.

11 Ms. Dar asked how long it would take to get information from the Health Department.
12 Ms. Schultz stated maybe a week or two.

14 Mr. Studards stated that based on the questions he has asked the Health Department,
15 he is not confident the septic will pass or meet the standards. Mr. Hose stated that Mr.
16 Studards should explain what he has and ask what he needs to do to bring into
17 compliance.

19 Mr. Studards stated that he understood that he needs to continue improvement and
20 close up the property.

22 Mr. Call asked if he was asking to remove the condemnation or extension of time. Mr.
23 Newman stated an extension of time. Mr. Studards stated with ultimate removal of
24 the condemnation.

26 Mr. Call asked if there were any other additions.

28 Mr. Call asked for a motion to continue the hearing for Mr. Studards to the next
29 meeting on July 11. Mr. Myrick made a motion to continue the hearing for Mr.
30 Studards to the next meeting on July 11. Ms. Dar second. Mr. Call asked for
31 discussion.

33 Mr. Call stated that he believes this is the only chance Mr. Studards would have to
34 show progress on the home and make it safe. Mr. Hose stated that Mr. Studards has
35 to do the immediate stuff Mr. Newman has asked for and contact Health. Mr. Pritchett
36 stated that he believes there should be a timeline for the other items. Mr. Hose stated
37 that the timeline is the next meeting and they will see where they are at based on Mr.
38 Newman's report. Mr. Call stated that he would also like a timeline.

40 Mr. Call asked for the vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X			X		
Naureen Dar	X		X	X		
Sylvia Chinn-Levy	X			X (esp)		
Mike Pritchett (alt.)	X			X		
Charles Myrick (alt.)	X	X		X		

42
43 Mr. Newman stated that he would work with Mr. Studards to help him through the
44 process. Ms. Dar stated that Mr. Studards should get something in writing from the
45 Health Department.

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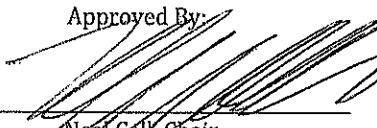
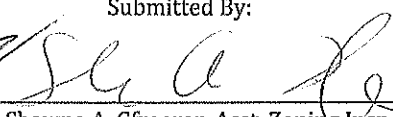
Meeting

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

BEAR GRAPHICS, 886 325-8884 FORM NO. 10140

Held WEDNESDAY, JUNE 13, 2018 20

1 Mr. Call asked for business from the floor. There was no business from the floor.
 2
 3 **BUSINESS FROM THE DEPARTMENT OF COMMUNITY & ECONOMIC**
 4 **DEVELOPMENT**
 5
 6 Ms. Gfroerer presented the new "Projects on the Move" which would highlight
 7 existing projects in place and the status of each project. Ms. Gfroerer highlighted five
 8 Commercial Projects including Concordia, CESO, Inc., Dairy Queen, Dan's Wholesale
 9 Carpet and Planet Fitness, and 25 Residential projects including single family homes
 10 and decks.
 11
 12 Ms. Gfroerer presented an update on the Concordia expansion and invited those in
 13 attendance to join Concordia on Friday, June 15th for their groundbreaking ceremony
 14 on the new expansion.
 15
 16 Ms. Gfroerer reviewed the status projects under consideration for the Architectural
 17 Review Board and Zoning Commission:
 18 • **COPLEY TREE ORDINANCE**
 19 Architectural Review Board
 20 Includes a preliminary review of the Current Tree Preservation Code in the
 21 Zoning Resolution and determining methods to evaluate options for achieving
 22 a tree canopy
 23 • **TREE CITY USA**
 24 Architectural Review Board
 25 Goal: December 2018
 26 Working on the following requirements for application: Designee for tree care,
 27 Enforcement/Definition of nuisance trees
 28 • **LAND USE PLAN**
 29 Zoning Commission
 30 Goal: December 2019
 31 Working on comprehensive update to the Land Use Plan
 32
 33 Ms. Gfroerer provided an update on the monthly totals for the Department of
 34 Community and Economic Development which included 34 new permits, over \$1.5
 35 million dollars in investment and 83 property maintenance sites.
 36
 37 With no further questions, Ms. Gfroerer concluded her report.
 38
 39 The next meeting will be held on July 11, 2018.
 40
 41 With no further business to come before the Board of Zoning Appeals, Mr. Myrick
 42 made a motion to adjourn the meeting, Ms. Dar second, all in favor. The meeting was
 43 adjourned at 7:02p.m.
 44
 45
 46

47 Approved By:  Submitted By: 
 48
 49
 50
 51 Neal Call, Chair Shawna A. Gfroerer, Asst. Zoning Inspector