

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

PRESENT

**CHAIRPERSON, SALLY ALBRECHT
BOARD MEMBERS: RON TANSKI
KRISTINA SINK
ALLEN BIEHL
TERRY HUGHES**

ALSO PRESENT

**ZC CHAIR JOHN VUJEVICH
ZC V. CHAIR ALAN PIATAK
DERYL ALBRECHT
JIM GOWE
JACK EMRY
TONY VALORE
KAREN POLIAK
LORI BRILLHART**

**ZI, JUDITH EMRICK
ZS, ROBIN HALLEEN**

HANDOUTS:

- 1. MARCH CALENDAR**

AGENDA

APPLICATIONS:

1. CONDITIONAL RENEWAL: APPLICATION #02-10-03 ~ CONDITIONAL RENEWAL #8 MONTVILLE BUSINESS CENTER, INC. (MR. JIM GOWE, OWNER), 4930 CHIPPEWA ROAD, MEDINA, OHIO 44256 (CONDITIONAL #7 EXPIRES MARCH 3, 2010)

2. CONDITIONAL RENEWAL: APPLICATION #02-10-04 ~ CONDITIONAL RENEWAL #11 RIDGE TOP GOLF COURSE (MR. JACK EMRY, OWNER), 7441 TOWER, MEDINA, OHIO 44256 (CONDITIONAL #10 EXPIRES MARCH 3, 2010)

3. VARIANCE: APPLICATION #01-10-02 ~ VARIANCE A REQUEST BY MR. ANTHONY VALORE, GRAND TERRACE, LLC, 23550 CENTER RIDGE ROAD, WESTLAKE, OHIO 44145 FOR A 22 ACRE VARIANCE PARCEL #030-11B-35-013 (6133 WADSWORTH ROAD) AND PARCEL #030-11B-35-017 (6107 WADSWORTH ROAD) MEDINA, OHIO 44256 - SECTION 414.4.C (MINIMUM PROJECT AREA)

4. DISCUSSION BLUE HERON DEED RESTRICTIONS

PUBLIC HEARING

Chairperson Albrecht: The March 1, 2010 meeting of the Montville Township Board of Zoning Appeals will please come order (7:00 p.m.).

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

Chairperson Albrecht: Will the secretary please call the roll?

Zoning Secretary Halleen: Ron Tanski: Present
Kristina Sink: Present
Allen Biehl: Present
Terry Hughes: Present
Chairperson Sally Albrecht: Present

Chairperson Albrecht: Has this meeting been properly advertised in the paper and have contiguous property owners been notified?

Zoning Inspector Emrick: Yes

Chairperson Albrecht: If there is anyone here who wishes to speak on the subject(s) in question tonight, please sign the witness sheet if you have not already done so. Anyone who wishes to speak will be sworn in before their testimony is heard. The official minutes of the meeting are taped and therefore, it is important that the participating public state their name clearly prior to testimony. The Board of Zoning Appeals is a quasi-judicial body who bases their decisions on facts and not opinions and therefore, we ask that your testimony be based on facts and not personal opinion. The written/typed transcripts (minutes) are the official documentation of the proceedings.

1. CONDITIONAL RENEWAL: APPLICATION #02-10-03 ~ CONDITIONAL RENEWAL #8 MONTVILLE BUSINESS CENTER, INC. (MR. JIM GOWE, OWNER), 4930 CHIPPEWA ROAD, MEDINA, OHIO 44256 (CONDITIONAL #7 EXPIRES MARCH 3, 2010)

Chairperson Albrecht: Tonight's agenda consists of three items. The first item is a conditional renewal... #8, Montville Business Center, Inc. The name of the applicant is Mr. James Gowe. The address of the applicant is 620 E. Smith Road, Medina, Ohio 44256, telephone number 330-722-2466. Property location is Montville Business Center, Inc., 4930 Chippewa Road, Medina, Ohio 44256. The original zoning district was PCD II; the current zoning district is RC. The first certificate was issued January 25, 1988. Certificate #7 was issued March 5, 2007 and it is to expire March 5, 2010. The time limit was three (3) years. Also to be complied with are the general standards in Section 804; Section 805 (Specific Conditions) (101, 102, 103, 104, 105, 109, 114, 119, 123, 125); Section 415.5.A (Yard Requirements); Section 415.A (Parking & Loading; Section 506.C (Wall Sign); Section 506.E (Identification Sign); and additional conditions under Section 806.

Chairperson Albrecht: We have a memo dated February 10, 2010 from Zoning Inspector Judith Emrick that reads:

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

Montville Business Center remains a good business neighbor to Montville Township. I have had no comments or complaints regarding this business in the last three (3) years.

Chairperson Albrecht: Who is here this evening representing the Montville Business Center?

Chairperson Albrecht: Sir, stand and state your name please.

Applicant James Gowe: My name is Jim Gowe

Chairperson Albrecht: Mr. Gowe, do you swear or affirm any testimony you give tonight shall be the truth?

Applicant James Gowe: I do.

Zoning Inspector, Emrick: I do.

Chairperson Albrecht: Would you please step forward sir.

Chairperson Albrecht: Thank you Mr. Gowe. Do you have anything at all to add to your application?

Applicant James Gowe: I think you did a great job. I can't think of anything to add.

Chairperson Albrecht: Okay. Does the Board of have any questions for Mr. Gowe?

Board Member Tanski: I have a couple questions. I took a ride out to your property and I was looking at the trash facilities that are in numerous areas around the facility. I guess I am just wondering...what is the interpretation that they should all be adequately screened? There is an open dumpster there and there are other dumpsters scattered around and they aren't completely screened.

Zoning Inspector, Emrick: As Sally read... this particular business has been there since 1988. They may not have, in 1988, required ... did not have a requirement that would mandate an enclosure of a trash area. So that is why it is not enclosed.

Board Member Tanski: So you are saying that they don't even have to be enclosed?

Zoning Inspector, Emrick: Not theirs, no... if you had a new business come in then they would have to be enclosed.

Board Member Tanski: So this should be struck out of the requirement then? I am looking at 123.A.

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Chairperson Albrecht: That item in that section reads ... *all garbage and refuse facilities shall be adequately screened.*

Zoning Inspector, Emrick: Can you screen those?

Applicant James Gowe: Well I know there is one area screened off on the... in front of what we call Unit C, which would be the southwest corner. Habitat for Humanity, I honestly don't know what they do with theirs.

Board Member Tanski: There are about five (5) dumpster on your property that I saw and they are in different locations. Some of them aren't screened at all... okay.

Applicant James Gowe: There are three (3)... I guess there are four (4) main sections of the building and then the two (2) houses out front. So there are six (6) businesses in total there – four (4) of which are warehousing and Habitat for Humanity being the largest. I honestly don't know what is there ... I never really noticed them.

Chairperson Albrecht: Mr. Gowe, would it be a hardship for you to have those screened?

Applicant James Gowe: It depends on what is involved there. We need to see what each of those tenants needs are... the required size of dumpster and so forth. I hate to over commit because I really don't know what is there.

Zoning Inspector, Emrick: Is that something you could look into and then get back to me and I could report back to the Board?

Applicant James Gowe: Absolutely

Zoning Inspector, Emrick: If they went ahead and approved your conditional, you've been there since 1988... it's... you've been there a long time and continue to be, like I said, a good business neighbor to the Township.

Board Member Tanski: I would comment, Judy, there are normal dumpsters that you would be familiar with but there is a long bed... 20-25 foot dumpster there – open bed – that is not screened.

Applicant James Gowe: Do you know what business that is?

Board Member Tanski: I couldn't tell. There is snow piled up all around it.

Applicant James Gowe: I've been out there but it just didn't register with me.

Zoning Inspector, Emrick: I don't know either.

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Chairperson Albrecht: Is the Board comfortable proceeding with the stipulation that he review the dumpsters to see... to come to some kind of presentation about how those will be screened in the future... and the Board is comfortable with that?

(All board members nodded yes.)

Chairperson Albrecht: Are there any other questions from the Board for Mr. Gowe?

(No Response)

Chairperson Albrecht: Is there anyone in the audience tonight that has questions or concerns about this issue?

(No Response)

Chairperson Albrecht: Alright, if there is no one from the audience with questions and no other questions from the board then we will close the discussion and prepare a motion. Mr. Gowe, you may be seated.

Chairperson Albrecht: Mr. Gowe, how much time do you think you would need to consult with your tenants to make sure they are going to comply with the regulations for screening those dumpsters? What would be a reasonable amount of time for you to do that?

Applicant James Gowe: I could talk to them this week and see who has what there. There may be some consolidation because it sounds like there might be more dumpsters there than there are tenants. I don't know what that is about.

Chairperson Albrecht: So, what do you think... three (3) months?

Applicant James Gowe: Yes

Chairperson Albrecht: Would that be plenty of time.

Applicant James Gowe: Yes, that would be plenty of time.

Chairperson Albrecht: What do you think Judy... is that reasonable?

Zoning Inspector, Emrick: Absolutely...

Chairperson Albrecht: Yes, after all it is still winter and it is hard to get back out there and look at everything.

Zoning Inspector, Emrick: You're talking about the first of June?

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

Chairperson Albrecht: Yes

MOTION: Board Member Biehl I move that Conditional Zoning Certificate Renewal #8 be approved for Mr. James Gowe, Montville Business Center; property located 4930 Chippewa Road, Medina, Ohio 44256. Applicable Sections of the Zoning Text: Section 804; Section 805 (101, 102, 103, 104, 105, 109, 114, 119, 123, 125); Specific Conditions: Section 415.5.A (Yard Requirements); Section 415.8 (Parking & Loading); Section 506.C (Wall Sign); Section 506.E (Identification Sign), and Section 806 ~ Conditional renewal approved upon Mr. Gowe inspecting and reporting back to the Zoning Office on the condition of dumpsters with regard to the number and the screening of the dumpsters per Section 805 123, by June 1, 2010. Conditional Zoning Certificate #8 will be renewed for a term of three (3) years.

Chairperson Albrecht: Is there a second?

SECOND: Board Member Tanski

Chairperson Albrecht: Can we have a roll call please?

Zoning Secretary Halleen: Kristina Sink: Approve as written
Allen Biehl: Approve
Terry Hughes: Approve
Ron Tanski: I vote to approve Conditional #8 with a review and report to the Zoning Inspector by June 1st of the status of the trash container screening.
Chairperson Sally Albrecht: I vote to approve.

(Conditional Zoning Certificate Renewal #8 was passed by a vote of 5-0.)

Chairperson Albrecht: Congratulations Mr. Gowe you have another conditional use permit.

Applicant James Gowe: Thank you. I appreciate it.

Chairperson Albrecht: You are welcome sir. Have a great evening.

2. CONDITIONAL RENEWAL - APPLICATION #02-10-04 ~ CONDITIONAL RENEWAL #11 RIDGE TOP GOLF COURSE (MR. JACK EMRY, OWNER), 7441 TOWER, MEDINA, OHIO 44256 (CONDITIONAL #10 EXPIRES MARCH 3, 2010)

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

Chairperson Albrecht: The next item on our agenda is another conditional use permit. #11 for Ridge Top Golf Course – property owner is Jack Emry, address of applicant is 7441 Tower Road, Medina, Ohio 44256; telephone number is 330-725-5500; property location is the same address; original zoning district is R-1. The first certificate was issued January 10, 1979. Certificate #10 was issued March 5, 2007 and it is due to expire March 5, 2010. The time limit was three (3) years. It is to comply with Section 804 (General Standards); Section 805 (Specific Conditions) - 101, 102, 103, 104, 105, 109, 110, 114, 118, 119, 123, 124; and additional conditions in Section 806.

We also have a memo dated February 10, 2010 from Zoning Inspector Judith Emrick that reads:

Ridge Top Golf Course remains a good business neighbor to Montville Township. I have had no comments or complaints regarding this business in the last three (3) years.

Chairperson Albrecht: Who is the here tonight representing Ridge Top Golf Course?

Chairperson Albrecht: Would you please step forward and state your name?

Applicant Jack Emry: Jack Emry

Chairperson Albrecht: Mr. Emry, do you swear or affirm any testimony that you give tonight shall be the truth?

Applicant Jack Emry: Yes

Chairperson Albrecht: Please step forward please. Mr. Emry, do you have anything at all to add to your application?

Applicant Jack Emry: No, I don't.

Chairperson Albrecht: Does the board have any questions for Mr. Emry?

(No Response)

Chairperson Albrecht: Is there anyone in the audience tonight with questions or concerns on this topic?

(No Response)

Chairperson Albrecht: Judy, do you have anything to add?

Zoning Inspector, Emrick: No

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

Chairperson Albrecht: Very well, Mr. Emry you can sit back down. We will close our discussion and prepare a motion.

MOTION: Board Member Sink I move that Conditional Zoning Certificate Renewal #11 be issued to Mr. Jack Emry, Owner, Ridge Top Golf Course, 7441 Tower Road, Medina, Ohio 44256. Applicable Sections of the Zoning Text: 804 (A-G), 805 (101-105, 109, 110, 114, 118, 119, 123 A, 123 B, 124) and 806 (Additional Conditions) (A-C) - for a term of three (3) years.

Chairperson Albrecht: Is there a second?

SECOND: Board Member Biehl

Chairperson Albrecht: May we have a roll call please?

Zoning Secretary Halleen: Allen Biehl: Approve
Terry Hughes: Approve
Ron Tanski: I approve
Kristina Sink: Approve
Chairperson Sally Albrecht: I vote to approve.

(Conditional Zoning Certificate Renewal #11 was passed by a vote of 5-0.)

Chairperson Albrecht: Congratulations Mr. Emry you have a new conditional use permit.

Applicant Jack Emry: Thank you.

Chairperson Albrecht: You are welcome.

Zoning Inspector, Emrick: Keep up the good work.

3. VARIANCE: APPLICATION #01-10-02 ~VARIANCE A REQUEST BY MR. ANTHONY VALORE, GRAND TERRACE, LLC, 23550 CENTER RIDGE ROAD, WESTLAKE, OHIO 44145 FOR A 22 ACRE VARIANCE PARCEL #030-11B-35-013 (6133 WADSWORTH ROAD) AND PARCEL #030-11B-35-017 (6107 WADSWORTH ROAD) MEDINA, OHIO 44256 - SECTION 414.4.C (MINIMUM PROJECT AREA)

Chairperson Albrecht: The final item tonight is a variance request by a Mr. Anthony Valore. Applicant is Anthony M. Valore, address 23550 Center Ridge Road, Westlake, Ohio 44145; residence telephone is 216-789-8005; office telephone is 440-331-1900; the name of property owner is Grand Terrace, LLC, Anthony M. Valore; location of subject property is 6107 Wadsworth Road, Medina, Ohio. Nature of the variance... this is an area variance. The section of zoning code applicable to the variance request is 414.4.

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

The minimum project gross area for Controlled Density PRD in an R-3 zone is 40 acres - the proposed project contains 18 acres. Under justification of variance – #1 (Special conditions that may exist peculiar to the land or building in question) - Here the applicant has written: The proposed project has a gross area of 18 acres. The project is bordered on the west and south by lands acquired by ODOT for the widening of State Route 57 and State Route 162. The land to the east is an existing developed residential parcel, currently zoned R-1. This parcel has natural features such as steep slopes, pond and wooded areas. The land to the north is an existing residential parcel that is separated from the proposed project by natural features such as wetlands, steep terrain and natural wild life. This project does not have the ability to include additional lands without affecting sensitive natural areas and including additional curb cuts onto existing streets. #2 (A literal interpretation of the resolution may deprive the applicant of rights enjoyed by other property owners.) - Here the applicant has written: Holding the applicant to the minimum project area of 40 acres would not allow a creative PRD that proposes single family cluster homes to be developed in a manner that preserves sensitive natural areas and creates open space while promoting the efficient use of the land. #3 (The special conditions do not result from previous actions of the applicant.) - Here the applicant has written: The applicant has not initiated actions that have created the special conditions listed in item 1. #4 (The requested variance is the minimum variance that will allow a reasonable use of the land and/or building.) - Here the applicant has written: The requested variance is the minimum variance. A variance only to the required minimum project area is being requested. On the final page, in the space provided for additional comments, the applicant has written: Controlled Density PRD's are a permitted use in the R-3 districts. The object is to provide alternate housing types and preservation of open space. Buffer zones, open space and landscaping allow for compatibility with surrounding property. This proposed development desires to create 50 single family cluster lots as a housing type, which is consistent with the intent of the zoning code. There are currently approximately 800 available single family lots and only 20 cluster lots available in Montville Township. There is a need for more cluster lots in Montville Township and this proposed development will help to satisfy that need consistent with the residential objectives in Montville Township.

We have two (2) memos... the first dated February 9, 2010 from Zoning Inspector, Judith Emrick... that reads:

Mr. Valore has spoken to the Montville Township Zoning Commission regarding his proposed subdivision. When the discussion started, Mr. Valore had 23 new home sites proposed. During the discussion another plan was presented which showed 50 cluster units. The following is part of the memo I sent to the Zoning Commission prior to the meeting with Mr. Valore. (This will give you a background on this parcel.)

This parcel has had several development plans over the years. The Valore parcel originally was to be developed under Kings Gate Subdivision, a large estate development with million dollar homes. Then Drug Mart came in and wanted to re-zone this property to CB (the beginning of the JEDD movement). Savannah Trails was the next project but

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

again that would have meant re-zoning to commercial. When George Smerigan, Oxbow Engineering, representing the developer, came in for re-zoning to R-3 he indicated that this area along with Schaffer s property would be developed as a 55 and older community connecting to Windsor Park Subdivision.

When Windsor Park was developed there was talk about extending this subdivision with additional phases to the west and making the Schaffer property along with the Valore property part of additional phases. A thorough review of the Windsor Park has revealed that while there was talk about making the Schaffer and Valore properties part of Windsor Park Subdivision to the west, this was never shown on any plan nor was it approved. (Windsor Park Subdivision was approved with two (2) phases. Phase 1A is now under construction with Phase 2B and Phase 2 remaining.)

Based on the discussions over the years and the proposed intent of the re-zoning to R-3, when Mr. Valore came in to speak with me about this subdivision, I talked to him about coming in with a plan to include the Schaffer s property and connecting it to Windsor Park. Apparently this could not be done due to the many owners involved.

Mr. Valore is requesting a variance from Section 414.4.C which requires 40 acres to develop under the Controlled Density PRD. The variance needed is for 22 acres.

In Montville Township today there are 71 cluster unit sites not yet built on. (Blue Heron 34; Country Lakes, Fox Meadows 34; Country Lakes at Fox Meadows 34; the Hollows at Fox Meadows - 3)

Zoning Inspector, Emrick: I would like to also add to that... Arbor Lakes has 44. It is part of Cobblestone Park.

Board Member Tanski: Including... 44 beyond 71?

Zoning Inspector, Emrick: Correct

Chairperson Albrecht: The second memo is date February 23, 2010 from Zoning Inspector, Judith Emrick and it reads:

Attached are comments from Tony Valore and Andy Planet of Rolling and Hocoever, Inc. regarding the above project:

Chairperson Albrecht: Behind that is a letter dated February 21, 2010 from Anthony Valore to the Montville Township Board of Zoning Appeals that reads:

Board Members:

Enclosed for your information and our belief that this variance request should be granted, please consider the following:

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

1. *Map showing in bold colors the green space, building sites and the overall impact of homes on this property. Approximately 14.4 acres of the 18.6 acres will be green. That means 4.2 acres of building.
23% = structures
72% = green and open space*
2. *A letter from our engineer analyzing the available lots indicating that only three (3) cluster lots remain in Montville Township similar to our proposed Cross Creek.*
3. *Further consider that this property is surrounded by roads and ravines.*

Please add this to our previous submitted package for each board member.

Chairperson Albrecht: Behind that is a letter dated February 18, 2010 from Andrew Planet, managing partner of Rolling & Hocevar, Inc. to Mr. Anthony Valore, 23550 Center Ridge Road, Westlake, Ohio 44145 that reads as follows:

Dear Tony:

As requested we reviewed the memo that you provided from Judy Emrick of Montville Township zoning. The memo as you are aware gives the BZA a general background of all the previous land development proposals that have occurred over the years. These proposals were all based on housing and commercial markets at the time of their submittal. We feel that the BZA should consider the variance request based on the current submittal and not be based on past submittals and markets.

The Montville Township Comprehensive Plan provides explicit guidelines for the evaluation of developments proposals. The comprehensive plan adopted development goals, objectives, and policy statements. Cross Creek Subdivision as currently proposed is consistent with the Montville Township Comprehensive Plan. Listed below are some objectives and policies that are met by this proposal:

Promote development policies, which emphasis careful, creative approaches to residential development.

- *Allow for alternative lot sizing and house location based on the site s natural characteristics and topography, provided that the underlying zoning density is maintained.*
- *Review subdivision proposals in light of their potential to preserve existing areas of natural value or beauty.*
- *Ensure all new developments provide adequate landscaped buffers in order to limit adverse visual impacts on the surrounding area.*

Encourage open space development as residential activity in the Township.

In attempt to address the current number of 71 available cluster units as identified by Judy Emrick we offer you the following comments.

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

- *As provided Blue Heron currently have 34 clusters available. These are units that are Building Footprint Style lot. This style of lot is not of the same type as the lots proposed for Cross Creek Subdivision.*
- *As provided Country Lakes Fox Meadows currently have 34 clusters available. These cluster lots are part of a unique market that is based around a golf course community. A majority of the available cluster lots are located immediately adjacent to a fairway. This type of cluster lot satisfies a different market than that of the proposed Cross Creek Subdivision.*
- *As provided The Hollows Fox Meadows currently has 3 clusters available. These are units that are a Small Lot Style cluster lot. These lots are similar to the market style of the proposed Cross Creek Subdivision.*

As addressed above, there currently are only three (3) cluster lots in Montville Township that are most similar to the type of cluster lots proposed by Cross Creek Subdivision. This further reinforces the need for more cluster lots of this style in Montville Township.

If you have any further questions or comments, please feel free to contact me.

Sincerely,

Andrew Planet

Chairperson Albrecht: Behind that is a colorful map depicting the proposed development, showing the parcels and the green area and the roads. We also have a site plan. Discussion Plan E – Valore Residential Development that also depicts the property with the proposed development, there. I believe that is everything I have to read. Is Mr. Valore here tonight?

Chairperson Albrecht: Sir, do you swear or affirm any testimony you give tonight will be the truth?

Applicant Anthony Valore: Yes

Chairperson Albrecht: Do you have anything to add to your variance request, sir?

Applicant Anthony Valore: There are a couple of things. I think the clarity of what we are trying to accomplish here is a presence that won't be a typical cluster like you might have ever seen before. Our goal in this new area will be homes between \$250,000 to \$400,000.

Chairperson Albrecht: \$250,000 to \$400,000?

Applicant Anthony Valore: Yes, I think that is important to recognize. The second thing is that a... You kind of read the whole history of this property and it started back in 2001,

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

which is almost incredible to believe but it did. Valore Builders, which is who we are... have a 30 year history in Westlake, and Brecksville, and Strongsville and most recently in Bath. Our homes have always been at the, if you would, the third tier of the market... okay... the upper end of it. We did originally expect to come in here and put large lots in. In the process of doing that, when it started back in 2001, ODOT came in and decided they wanted to raise-up that intersection and when they did that we went almost 2 ½ years with ongoing discussion of trying to give ODOT what they needed and still let us push forward on what we were trying to accomplish. Finally, we settled in with ODOT, we traded some land back and forth and they took another year or so to build the street up and so now five (5) years have passed. In that time frame of waiting and hoping this would all move forward, we were approached by a company called the Dalad Group. They are the ones that submitted the commercial plan. If you recall they were asking for the Drug Mart in here. Their majority of properties... commercial use - that was part of their program. So, since we had already lost five (5) years we figured okay... we looked at Montville Township at the time and said let's give it a try. When I say we, there was another partner involved, Joe Bierne, at the time and I think you're familiar with Joe, he's been around here for a long time. He's no longer a partner in this and he hasn't been for almost two (2) years now. So, that is when I, myself, personally stepped in to try to sort out was the best use of this property and not spend any more birthdays trying to figure out what to do with it. So when we looked at the current zoning, the zoning that was ultimately obtained when they were trying to tie this into Windsor Park, Savannah Estates, the Schafer property and they went on through.....and we're talking about senior residential housing... that took ... and I'm not sure how long that took... but we sat back from Westlake, thinking this is okay, it makes sense, then you know the current market conditions... the market started coming apart, Joe couldn't stay in the project any longer... then we took it over. Then taking it over... we did go through the whole litany of reviews, again... large lots, 14 lots, I think I showed Judy all of them... large lots, 7 large lots, 14 lots and 19 lots and 23 lots... which is what the zoning would let it do. I have a map of the 23 lots, here, which I will share with you the reasons why this is more challenging than that. One is the fact there is an abundance of lots out here now. We do believe this is a very unique piece of property. We would be very excited to develop single family lots but I am not so sure the current market would warrant us to bring in more single family lots. For a number of reasons, one is saturation, other communities might be impacted by us trying to compete with them and it is a stand alone project. A stand alone project is almost forced because of the natural lay of the land. I will go over to the map and show you some of things I mean by that. At the intersection it sits in about 1140 feet. [(Mr. Valore pointed out level spots (1140 feet elevations) on the site plan.)] As you go into the property it drops down to 1100 feet. (Mr. Valore points to a ravine where the property drops down.) The arrows indicate the wetland area. (Mr. Valore points to areas of the site that drop down and states the elevations.) (Mr. Valore points out the area of wetlands on the site plan.) Its wetlands... it's beautiful. If you ever get a chance to go back there, we did cut a path through it. It would really be disappointing to not leave it the way it is. If we went to the single family lots we could certainly still leave it that way. Although, again, I don't know how many lots are on there, Judy but...

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Zoning Inspector, Emrick: Single family – we have 907

Applicant Anthony Valore: Okay, 907 lots... So to put in 23 lots even though we believe it is a wonderful piece of property, I'm not so sure that it is a prudent decision for a community or for us as a builder/developer. So we went to the next section of opportunity, if you would... What would work on here that we don't see, today and what could work out here that we do. So that is where we set a limit of homes between 200,000 and 400,000 on very nice property. The price variation is going to be where the location is and the products that we use on each one. Now, when you go across the street they are sitting on 1140 feet to 1150 feet, so it is a little bit higher than what we are doing. [(Mr. Valore pointed to an area on the site plan where the property dropped down (south side along Route 162) to 1100 feet.)] It is an unusual piece of property for sure. We went ahead with this exhibit to show you why we believe this lay out is the most creative and most beneficial to the community when you look at your overall plan of preservation and natural environment and beauty that exists. The dark area, basically, is all land that is falling down, hill sides, if you would, heavily wooded – would be left untouched. The lighter area would actually be the property lots. We talked... in our review, do we do lots out here or do we do cluster blocks. These are individual single family lots. Which means each one is a single property by itself. The dark area is the building block that is basically 50 by 60 feet. Okay, so... In a master plan we put a building block on it. They won't all be shaped like that. That is just a way to identify where they might sit. The next thing is the light color, which are the streets themselves. So when you look at the overall property... we're only... If we build in each one of these blocks, which it isn't going to be shaped that way, but let's say we build... that is 4 ½ acres of buildings. I can tell you just because of garages, and front doors and family rooms and patios that kick out, you might be building on 3 ½ acres. So, 3 ½ acres of the 18 ½ almost 19 acres would have actual buildings on them. So we don't... even though there are 50 lots, we believe that just construction by need aren't going to create an overbearing situation. If you would, I never liked to look at other people's properties... but if you were to look at other people's properties you might see that everything is clustered, collected and tight. This won't be that way at all. It is going to be more open. We do have a retention pond/lake. (Mr. Valore pointed to areas on the site plan where there would be a retention pond/lake and an access easement for the community.) It is going to be a nice area for in common or community. There is one... about ½ acre of pond that we will be taking out because it is where the street is located (where the street is going into the subdivision off State Route 57). So effectively, the only thing that we are touching from the natural climate or natural environment is that little pond area. Now our goal has always been to build within the natural lay of the land. We could have put another street in and took everything down into the hillsides and down into the ravine and made everything as tight as we could make it. But besides the economic challenges of building the streets that way, I just think the whole community won't read very well. All of us... I would probably suggest that you think about it, I think that we all live in our back yards not our front yards. So we are trying to make sure the back yards have the most appreciative property. [(Mr. Valore pointed to the west side (along Route 57) of the site plan.)] This area will be separated by hill side mounds and landscaping. So that not

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

only takes the visual away from the road it also takes the sound travel. Whenever you have home... [(Mr. Valore pointed to one of the lots on the west side (along Route 57) of the site plan.)] These are nine (9) foot ceilings on the first floor and the mound itself and with the plantings on top of it... it will be almost twelve (12) feet. So the inside of these homes, will have... virtually they will be non-existing on the road side. [(Mr. Valore pointed to the lots on the south side (along Route 162) of the site plan.)] Here there isn't anything we can do about it just because it's a ravine. From the road itself, on the road... these back properties, going all the way down to the edge of the pavement...they go anywhere from 267 feet to the edge of the pavement, to 235 feet, to 210 to 248 feet to almost 350 feet. So there is a big separation. Even though they are sitting up higher, there is a separation. The good news for the home sites will be... none of this is going to be touched. This is all natural. I don't know if you have had a chance to look at it, even in the winter time, there aren't a lot of leaves, not a lot of foliage but it still has some density to it. So we feel this plan certainly fits into what Montville is trying... the overall master plan, if you would and we feel that we could offer a community that we don't see here. Montville is beautiful but we don't see here what we are used to doing. We're just hopeful and appreciative that if you could take it seriously and hopefully you could be encouraged by what I am sharing with you and we could move forward with this.

Chairperson Albrecht: Okay Mr. Valore, thank you very much. I am... I am interested in hearing about your discussions with the adjacent neighbors... with Judy Emrick's suggestion that you come in with a plan to include the Shafer's property and connecting it to Windsor Park.

Applicant Anthony Valore: I called Kathleen Shafer probably seven (7) times. There wasn't a recorder and I never got an answer. I did talk to Joe Bierne who had the last contact with that family and he said that he didn't know what was going on. I don't know the family at the all so you will have to bear with me on that. I guess there was a death in the family so I am not sure, so no, I never made contact.

Chairperson Albrecht: With the Shafer's' or with Windsor Park?

Applicant Anthony Valore: Right, no... I did talk to Windsor Park but we would need the Shafer's property to get to Windsor Park because the Shafer property goes all the way back down through here... (Mr. Valore pointed to that area on the site plan to show where the Shafer property butts up to the Windsor Park property.) The practical side of it is that because of the ravine... even though we would submit it with the Shafer property, and let's say we were two (2) different... separate owners, even though it would be submitted together, that might put restrictions on what they might want to do, which that I don't think is fair to them and that would also put challenges to what we want to do, which might not be sensible for us. So, I did try to call but I never did make contact, so... that I am sorry for. But Windsor Park is a good distance. I never talked to the other bordering family... but again it is because of the hill side.

Chairperson Albrecht: Does the board have any questions for Mr. Valore?

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Board Member Tanski: Yes, I would like to follow up on what you just asked, Sally. You didn't say anything about the property just to the east.

Applicant Anthony Valore: Right

Board Member Tanski: Did you have contact with those people?

Applicant Anthony Valore: No, I never tried contacting them.

Board Member Tanski: You never tried to contact them?

Applicant Anthony Valore: No

Board Member Tanski: Okay

Board Member Hughes: The only question I had... just to clear up... that pond that is on the property now, is that a man-made pond?

Applicant Anthony Valore: Yes, it is man-made.

Board Member Hughes: So that isn't a natural pond?

Applicant Anthony Valore: No, not at all.

Board Member Hughes: Okay, it was only for my own clarification. I wasn't sure if it was man-made or natural.

Chairperson Albrecht: Other questions from the board for Mr. Valore?

Board Member Tanski: Questions regarding the property... You are indicating that there are difficulties to the north as well as to the east. I've been out to the property and obviously it is covered with a foot of snow and it's been like that for a month but I did get pictures off of Google. The Google pictures don't show those problems.

Applicant Anthony Valore: Well...I would take... this is a grade map that is in front of you. (Mr. Valore pointed to the grading on the site plan.)

Board Member Tanski: I understand the grade but just looking at the pictures they don't look insurmountable. (Board Member Tanski presented the pictures to Mr. Valore indicating to Mr. Valore where he thought the wetlands were and stated that they didn't look very wide on the Google map.)

(Mr. Valore viewed the Google Map showed Board Member Tanski where the actual wetlands were and noted that there was an existing house on the property.)

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Board Member Tanski: So that house is included in the property?

Applicant Anthony Valore: Yes

Board Member Hughes: The house will be gone, right?

Zoning Inspector, Emrick: Yes, that house will be taken down.

Applicant Anthony Valore: That is a house that we currently have a family living in. (Mr. Valore showed Board Member Tanski the property lines on the Google map.)

Board Member Tanski: What is the difficulty... looking at this picture... you're saying that you can't get to Windsor Park?

Chairperson Albrecht: It is separated by...

Applicant Anthony Valore: Well... Shafer's property goes deep. To get to Windsor Park you have to travel all the way through. (Mr. Valore showed Board Member Tanski the area on the site plan.)

Board Member Tanski: (Board Member Tanski pointed to an area on the east side of the site plan.) Why couldn't this property be used as a potential access?

Applicant Anthony Valore: To what, to Windsor Park?

Board Member Tanski: Yes

Applicant Anthony Valore: Because the wetlands run all the way through there.

Board Member Tanski: Okay, there are bridges... I am asking.

Applicant Anthony Valore: I know but again, we don't own this and it is economics you are always challenged with.

Board Member Tanski: But you said you never approached these people?

Applicant Anthony Valore: No, no. Now to qualify that, Joe, prior to this, whatever he might have done... I don't know.

Board Member Tanski: But that would have been what... 6-7 years ago?

Applicant Anthony Valore: I don't know. It has been awhile.

Zoning Inspector, Emrick: It's been awhile.

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Board Member Tanski: Okay

Chairperson Albrecht: Are the wetlands... on this drawing, is the development... is there enough of a buffer between development and the wetlands?

Applicant Anthony Valore: Yes

Chairperson Albrecht: According to our new...

Applicant Anthony Valore: Yes, according to your new riparian rights... I guess that is the right word?

Zoning Inspector, Emrick: Yes, riparian and wetland setbacks.

Applicant Anthony Valore: Yes, riparian and wetland setbacks – that was all considered.

Chairperson Albrecht: Other questions from the Board for Mr. Valore?

Board Member Sink: Which of the two (2) maps you gave us is the more current one?

Applicant Anthony Valore: The colored one.

Board Member Sink: The colored one?

Applicant Anthony Valore: Well, actually these are the same.

Board Member Sink: Well, I am asking the question is because there is a difference between the information listed for the open space.

Applicant Anthony Valore: Right, what we did... I asked the engineer to add the fact... the open space on the one map is relative to what the buildings aren't on. In other words...

Board Member Sink: The 6.5?

Applicant Anthony Valore: Yes

Board Member Sink: The approximate green space – one says 14 and one says 11 acres.

Applicant Anthony Valore: Right. (Mr. Valore pointed to the maps.) What the difference is ... is this one is outside the property boundaries and this one I had them put it on with the properties, understanding there are going to be yards.

Board Member Sink: When you say green space... that is the one that includes...

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Applicant Anthony Valore: The green space... the colored map the green space is the dark green and the lighter green space around the lots. That was just to clarify the actual buildings.

Board Member Tanski: Another question. You said you were looking at this particular lay out versus the one with 23 units, which is acceptable within the code? Is that what I heard you say?

Applicant Anthony Valore: Yes

Board Member Tanski: Why did you say you discounted putting the 23 units in?

Applicant Anthony Valore: There are 900 lots.

Board Member Tanski: That's the reason?

Applicant Anthony Valore: That and the fact that this property lends itself more to a village concept, if you would, or a smaller community... and it is saturation... I think if you talk to the banks, which I have to deal with, they would tell you that, the saturation out is about 110 months a year. There are 900 lots, so let's say they're wrong... that is still 5-7 years.

Zoning Inspector, Emrick: Even with 23 units they would still need a variance if they were to develop under the R-3 Controlled Density.

Board Member Tanski: The variance would be what?

Chairperson Albrecht: Because it is only 18 acres.

Zoning Inspector, Emrick: Because it is only 18 acres.

Chairperson Albrecht: ...and they are supposed to have 40.

Zoning Inspector, Emrick: and they are supposed to have 40

Applicant Anthony Valore: Oh, I didn't know that.

Board Member Tanski: Okay

Chairperson Albrecht: That is what the variance is for. That is the whole reason why we are here.

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Zoning Inspector, Emrick: Well you're here now... His project... He is showing you the lay out of the houses and the driveways and all that other stuff but what you are here to decide is to whether or not what he is requesting... he is required to have 40 acres, he only has 18... that is more than half of what he is supposed... required to have.

Chairperson Albrecht: Less than half of what he is required

Board Member Tanski: But in either case he needs 40 acres.

Zoning Inspector, Emrick: Right... but if he did it in the R-3, he could have single family detached dwellings but his minimum lot size would be 12,000 square feet. Are those lots you're showing 12, 000 square feet?

Applicant Anthony Valore: No, they are 7,200 to 10,000.

Zoning Inspector, Emrick: No, I am wrong... If he builds under the R-3, under the regular R-3, 410 Single Family Residential District, he wouldn't need a variance for the overall acreage he only would be required to have lots that maxed out or a minimum of 12,000 square feet. So I was incorrect. He would not need a variance if he came in with just the 23 sub-lots, 12,000 plus. I think in the drawing that you showed us, many of the lots were more than the minimum 12,000 square feet requirement.

Applicant Anthony Valore: Right, they went from...

Zoning Inspector, Emrick: Some of them were quite large.

Applicant Anthony Valore: One was 14, 000 and then they start at 18,000 all the way up to 30,000. They fit within that frame work but again with 800 or 900 lots on the market....

Board Member Tanski: But you're talking 800 or 900 lots on the market...

Zoning Inspector, Emrick: There are 907.

Board Member Tanski: How do those compare to having this minimum of 12,000 square feet if you went to the other design. What I am saying is.... if others were 7200 and of that 900 there were 500 of those... then your real competition is all those that are asking for 1200, in other words, you're buying more property.

Zoning Inspector, Emrick: We don't have many lots out there that are 12,000 square feet.

Board Member Tanski: Isn't it being suggested that the 900 is the total amount available against the properties as is... not necessarily in a comparison mode?

Zoning Inspector, Emrick: Right that is correct.

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Board Member Tanski: Is that right?

Applicant Anthony Valore: Yes

Board Member Tanski: So my question is, if you were to go to the other mode and not have to be concerned about asking for a large variance, what are you competing against that would make it detrimental to you?

Applicant Anthony Valore: The banks. The banks would never loan single family lots out here right now.

Board Member Tanski: So they're just not loaning them?

Applicant Anthony Valore: They're not loaning single family lots at all. You never... and I don't like to even say this... but you couldn't borrow a dime against single family lots. It has nothing to do with quality of the borrower it has to do with the banks because of that 900 number they have.

Board Member Tanski: So what is making these single family properties, other than the fact that they are clusters....?

Applicant Anthony Valore: That is it.

Board Member Tanski: Just because they're clusters the banks say okay?

Applicant Anthony Valore: Yes...yes that is the difference.

Zoning Inspector, Emrick: The thing is... is with what with he is presenting here... is if you take the 71 into the 44 that is 115 cluster units out there... lots available out there now. The cost of those houses here are \$250,000 to \$400,000 lots... I mean home sites.

Board Member Tanski: What are you trying to say Judy?

Zoning Inspector, Emrick: What I am trying to say is Arbor Lakes, with 44 lot areas available do not reach \$400,000.00 so the cost of those homes compared to this is less... in Arbor Lakes.

Board Member Tanski: So are you saying that Arbor Lakes is more attractive to buy into versus spending more money which you have to get a loan for at \$400,000?

Zoning Inspector, Emrick: I think so.

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Applicant Anthony Valore: Keep in mind the profile of the person who will buy this property. It's not necessarily the person who will buy in Arbor Lakes. The person who might buy this is someone coming out of home in Medina and they've lived there all their life and they don't want a big farm, estate, or whatever it might be and they just don't want to stay there. Where the golf course community, which we find... has time has gone by, those people are coming out of the golf course communities because of the privacy factor. We feel that the market of... the profile of the person who is going to buy here is typically going to be over 50, children are gone... and they still want a nice house. So that is why we felt comfortable even considering homes, if you would, that were a little different then what is going in Arbor Lakes and some of the other ones out here. So it is a market in itself.

Board Member Tanski: But price wise, you would be competing against... with a lot that is on a golf course?

Zoning Inspector, Emrick: I think so. That would be my opinion but I'm not a developer.

Board Member Tanski: I am saying price wise.

Applicant Anthony Valore: But a golf course... in most cases you have to join the golf course. We see a lot of people that don't want to join a golf course.

Board Member Hughes: Not any more.

Applicant Anthony Valore: How about grand children and friends and family that have children that come over? There's no yard to play in. Because... what is happening here... the back side is all private. Golf Course... the back side isn't private - it is part of the golf community. We feel that in its' self is a driving force why this would be an attractive part of a housing alternative for this community. Because everyone wants to live in the country, we're still the country here, thank God.

Chairperson Albrecht: Any more questions from the Board for Mr. Valore?

Board Member Biehl: I am really grappling with market and market trends because the only paper documentation that I received really came from your engineer that basically just says that this further reinforces the need for more cluster lots. The analysis only looks like it looked at Montville Township. I guess my question is ... aside from what has already been built and what is available... what is the market trends and where is the support that shows that this is actually desirable... that we are being asked to grant this variance?

Applicant Anthony Valore: Are you familiar with River Rock Farms and Stauffer Realty, Kelly Foldon?

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Zoning Inspector, Emrick: River Rock Farms on Poe Road?

Applicant Anthony Valore: Yes

Zoning Inspector, Emrick: Yes

Applicant Anthony Valore: That is the realtor that I consulted with out here because, if you would again, they kind of do what we do, in terms of that upper end. I have a letter from her that clearly states the belief of her, who is well qualified, seasoned, working with high end home builder, who gave me the price range that she felt this property could substantiate. Her number is \$375,000 to \$450,000.

Chairperson Albrecht: Without her being here tonight to testify, we can't entertain that letter, we cannot consider that. I am sorry.

Applicant Anthony Valore: Okay... Just to let you know.

Chairperson Albrecht: Thank you.

Applicant Anthony Valore: Okay

Chairperson Albrecht: Any other questions from the Board for Mr. Valore?

Board Member Biehl: I have one other question. Obviously, I have seen the gyrations of this area too, as far as what has been proposed and what have you. This is a whole new concept now that is being proposed from previous ones. Has any of this been submitted yet to ODOT as far as the traffic study and approval for permits and...?

Applicant Anthony Valore: We contacted ODOT on the Bedford Street entrance to make sure we were completely satisfied how we proposed it. In a cursory review, meaning we didn't submit something, but in discussion.....because of the distance and how it is set up... basically this would work. That went through our engineer, Dan Patterson at Rolling & Hocevar. But yes we did.

Chairperson Albrecht: But nothing in writing... nothing formal?

Applicant Anthony Valore: Because... we submitted a preliminary study. I am kind of new to this community, I have been doing this a long time but I can tell you the journey that this property has been on has been driven by other person's opinion of what to do with it... right or wrong it doesn't matter but the fact is before I even got here, I think Judy can tell you, that I stopped and saw her about four (4) or five (5) times.....

Zoning Inspector, Emrick: Yes you did.

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Applicant Anthony Valore: Because I didn't want take your time up and commit what it takes to even get me this far without at least knowing that we could get through the other parts, which is ODOT and which is market, which is banks.

Chairperson Albrecht: Sure. Okay, well thank you very much, if there are no other questions.....go ahead.

Board Member Tanski: I one other. It's just... It concerns all the properties around this, okay? You obviously felt it was important to look at the properties to the north and decide if that was a viable solution, am I correct?

Applicant Anthony Valore: Yes

Board Member Tanski: Okay... But you have not even given a thought to the property to the east?

Applicant Anthony Valore: No

Board Member Tanski: I guess I am sitting her thinking, why not?

Applicant Anthony Valore: Economics, once again... it is something you don't own. To go... and can't buy it. Not only, talking about bank borrowing, there is also the ability to perform. The last thing I want to do is contact someone and say "hey I would like to buy your property" and I can't perform.... just so I can put it on the board in front of you. I don't want to do that. I have come here with complete integrity and honesty. This is the current market. If I had my way I would have put the seven (7) lots in and forgot it. I loved it when I first came out here in 2001. But ODOT stepped in and intercepted the whole thing and that really.... I would have never been here if ODOT didn't show up and ODOT raised the intersection for the benefit for this community, so they say.

Board Member Tanski: Why are you saying that you wouldn't have been here if ODOT hadn't been....?

Applicant Anthony Valore: Because I would have just put the seven (7) lots in.

Board Member Tanski: You would have just put the seven (7) lots in?

Applicant Anthony Valore: We had approval for seven (7) large lots.

Zoning Inspector, Emrick: Yes, it was Kings Gate subdivision and there were seven (7) lots and they were then supposed to be million dollar plus homes. It was going to be a gated community.

Board Member Tanski: And this was already plotted?

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Applicant Anthony Valore: Oh yes

Zoning Inspector, Emrick: No, no... it wasn't plotted; you didn't have a final plat.

Applicant Anthony Valore: No, we didn't have a final plat.

Zoning Inspector, Emrick: But it was something that the board, I don't know who all was on the board at the time, maybe none of you were...

Chairperson Albrecht: I think I was.

Zoning Inspector, Emrick: Maybe... John... looked at it. It was brought in by Joe Bierne at that time.

Applicant Anthony Valore: We were excited about it and then ODOT stepped in. It was not good, I mean, I would have probably been built out of here by then. At the time we had two (2) doctors from Medina General Hospital that were ready to go on it. So it was really a... I don't know about you guys but I value my time and birthdays and I'm not looking for another four (4) or five (5) birthdays of putting... Really, I don't want to be selfish in saying that but I am sincere. We would have been out of here a long time ago.

Board Member Tanski: I asked that question, specifically because you are asking for a large variance.

Applicant Anthony Valore: I know.

Board Member Tanski: Okay, and certainly we would be remiss if we were not looking at all the bases that certainly you should have covered.

Applicant Anthony Valore: Yes

Chairperson Albrecht: Okay... is there any other questions from the board... if not?

Board Member Biehl: Sally, just one more thing for clarification. You made the comment about the market not out there for single family and that no banks are willing to loan anything because of the availability of... Is that to be construed that you have the financing in place for this?

Applicant Anthony Valore: For the street development, yes. We are private funding.

Board Member Tanski: Could you expound on that? You are saying that the street financing is covered. What isn't covered?

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Applicant Anthony Valore: Nothing. It is covered. The next step, God willing that you approve this... is then we have gone into our wetlands study... the relief... the existing pond. Then we still have to go back to planning, we still have to do all... engineering and sanitary. We know it will still be hard pressed to get this in this year.

Zoning Inspector, Emrick: You will have to go to the Zoning Commission as well. You will not be back in front of this board.

Applicant Anthony Valore: Right, so ... It is probably still... I don't like these words, but spring of 2011. My gosh, that is probably going to happen. If everything went perfect, perfect, perfect, perfect... maybe you could start putting the streets in... in September or October.

Chairperson Albrecht: Alright... Is there any other questions from the Board?

Board Member Sink: Sally, I have one (1) more. I am just trying to understand the notion of this not being single family... being clusters and the bank issue. Just because a little bit ago you were mentioning how these are sort of like single family but just small 7,000 to 10,000 acre lots. What criteria, proves to the banks, I guess, that this is cluster... I don't see a clubhouse, I don't see..... Explain that, I guess, to me. How does the bank deem this to be cluster versus just small single family?

Applicant Anthony Valore: Because of the lot size.

Board Member Sink: Just lot size?

Applicant Anthony Valore: Yes... Different communities, Strongsville, Westlake, Brecksville, Gates Mills... you know... we build all over. Each community has the word cluster defined in a couple of different ways. Some call clusters anything that is attached. Some call clusters that are just smaller lots that fit under the typical single family lots. Some call clusters that is a common community and the only thing you own is the foot print of the building. So, I am using the word cluster in this just to identify smaller properties with larger space around them.

Board Member Sink: The reason I am asking is because you are basing your desire to do this plan versus the 23 lots based on bank financing and I am trying to understand... is that actually what the banks are telling... I guess... because to me this just looks like small single family and not... I don't know if I am making sense... but I am just trying to understand what's the difference.

Board Member Biehl: I keep having a struggle with the same thing.

Board Member Sink: Am I making sense? I sort of feel like I am just rambling.

Chairperson Albrecht: No, it makes sense.

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Board Member Hughes: Can I ask just one (1) question? When you were considering the single families... with the type of house that you would put on that, would they be similar houses and property size that would be down here off of Mulberry... what do they call it? Mulberry Row... off of 162.

Zoning Inspector, Emrick: No those are regular size lots. Those are not small lots.

Board Member Hughes: No, no, no.... That is what I am saying. If they were going to go with the 23 lots... that's considered single family? Those aren't selling very well done there, are they?

Zoning Inspector, Emrick: No, they have one (1) house and that's been approved for ... probably four (4) years maybe. It's been awhile.

Board Member Hughes: People aren't buying the single family homes.

Zoning Inspector, Emrick: No, they aren't. I did share with.... I think John Vujevich would like to speak... because he is the Chairman... and Alan Piatak is here, who is the Vice Chairman of the Montville Zoning Commission... I did share with John today, that in 2009 we had... we built actually 97 new homes. Now, that being said, we actually did 54. What we did was when they did the Trails of Montville up here on Route 3, each one of those units... or each building had three (3) to five (5) units in them and we counted those as single family residential buildings, so it upped our... sort of a false positive... actually we built 54 new homes last year and 6 clusters. In 2008 we did 67 new homes with 6 clusters. In 2007 we did 135 new homes with 8 clusters. The highest home... new home starts that we had was in 2002, that was 233 but at that time we didn't take out clusters. We didn't include... we didn't separate them out. I came here November 1996 and that year we did 77 new overall home starts and from there we went up. Now we're on the decline side again.

Chairperson Albrecht: Okay

Board Member Tanski: Can I follow up with a question to Judy on that? When it comes to clusters, how many clusters were built last year?

Zoning Inspector, Emrick: Six (6)

Board Member Tanski: And you're asking to put 50 more in?

Applicant Anthony Valore: Okay... Can I qualify all these statements?

Chairperson Albrecht: Go ahead sir.

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Applicant Anthony Valore: Starting with Kristina... The land cost and the development cost of 23 lots is roughly a million two (2). The land cost and the development cost of 50+ lots is roughly a million six (6). Were making, what we believe is a substantial commitment to the community, in terms of economics. I can tell you that our comfort level is not just to put something in that we don't believe we can market. The banks, when you asked "how come the banks... how can they value that?" If you divide 50 into a million six (6) that is 30,000... now 23 into a million one (1) is about 50,000 in terms of actual cost. The way banks evaluate property is that 35% has to be in their asking price that... the actual cost. Then they throw in saturation... how many do you think you can sell over a... like a three (3) year time frame? So what happens is... when you look at the way banks analyze it... because you don't want them to approve something that you can't put in either... whether it is 23 lots or 50 lots. That wouldn't be in good steward for the community. So when you say how many clusters have sold in this community I would also have to ask you: What was the price range of what sold? Because the way we recognize this... if you came to Westlake I could show you exactly what I am talking about... where I live in myself... where we have 19 acres and 25 homes in Westlake. Okay. So what happens, even though they're cluster lots because of how you interpret it, they're going to read as single family homes on open space... green space. So it's not going to read like a cluster when you say six (6) clusters have sold... wherever they are selling. So I can tell you that the whole desire is to make... when we walk out of here we want everyone to say "why haven't we shown up". I could tell you that the approach that we have taken, from the beginning, was that intent when you go back to the seven (7) large lots. We have been building homes between a million and seven (7) million for years. We were coming out here with guns a blazing, hoping we could do it here again and ODOT intercepted. I wouldn't be here if it wasn't for ODOT. So what I am asking you for in the consciousness of what is good for the community and also what might be within the framework of what you do... what is okay for the land development, which is us in this case, considering what we are doing here. I am not here to hurt this community I am here to help it and in the process of helping it, hopefully we can build homes and move on.

Chairperson Albrecht: Okay...

(Board Member Tanski indicated he had another question.)

Chairperson Albrecht: One (1) more question and then we will open to the audience.

Board Member Tanski: You are suggesting that you would have trouble getting bank financing... as I heard you, so therefore you're the bank?

Applicant Anthony Valore: On the 23 lots because of that 800 number.

Board Member Tanski: But this would be no problem getting bank financing... is that what you are saying?

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Chairperson Albrecht: It is privately funded.

Board Member Tanski: The streets are privately funded. The homes aren't built and that is where I am going. Are the banks going to give financing for \$400,000 clusters?

Applicant Anthony Valore: Yes. Now it is all qualifying the buyer. What we are seeing today on the market place...the buyer... they take away all their debt... it used to be 41% then it went to 39%... now its 36% and in some cases its 30%. So if a guy makes \$50.00 they will loan him \$15.00 based on the 30%, where they used to loan him \$20.00 at 40%. So, the criteria of borrowing is backed up substantially. Which means that's also going to keep the product where it's should to be... in other words, we're not interested in putting lots in and building houses... just to get in and get out. We are interested in building homes. Here is what you have to know as a builder. The pace of a subdivision is set by the homes that start. The success of it is defined by the homes that finish. So the early homes might start out at \$250,000/\$275,000 but the later homes are going to be beyond that.

Chairperson Albrecht: Okay

Board Member Sink: Sally, I have a one more point that is different then what we have talked about.

Chairperson Albrecht: Okay

Board Member Sink: I am looking at this from the environmental perspective for this question is... there's a lot of wetlands there and I have been absent the last two (2) months because of having a baby, but I know you guys just instituted the riparian setbacks, which I actually worked with, extensively in Bath Township, so I am familiar with it, even though I have been gone. What my concern is... is the impact of 50 units on this open space and run off and non point source pollutants and all that junk... compared to just 23 units. I'm thinking that it is going to be a greater environmental impact on a more pristine wetlands area... more density, basically... more impact cause people... that's just what we do when we live in homes... so I guess, what do you have as far as... and maybe the Zoning Commission can help me too with this, when you guys speak... about protecting...and Judy, I don't know...

Chairperson Albrecht: Let's go to the Zoning...

Chairperson Albrecht: I would like to recognize the...

Board Member Sink: ...the environmental stuff about this project and what the implications are.

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Applicant Anthony Valore: If I could just... I don't mean too... but just to cover that. If we... I'm not trying too and I don't think we can. If we tied into other properties we can still put this up here... right? In other words, if we tied into one (1) of these other properties and had the 40 acres this would be approvable.

Chairperson Albrecht: You wouldn't need a variance.

Applicant Anthony Valore: No that is what I mean. This is where I am going with this. The run off and drainage and protection of the environment is driven by the engineering design that is put into place... when you submit it... when we submit it to engineers in Montville Township, so... if you imagine a hill and it running down, there are going to be some drains and collecting points before it gets to the wetlands. In other words, you can't... ironically you can't drain out wetlands... okay... but you can run into them. I don't mean intentionally... I mean if it rains or there's an overflow or something happens... there isn't anything you can do about it. What was it, two (2) years ago in July, we had that rain storm that I don't care where you lived you were going to flood out. So, when you're under construction you place rows and fences for any debris that might fall into it. Your drainage and collection points are going to be off the properties themselves. (Mr. Valore pointed to the collection points on the site plan.) You are going to be trying to stay away from it... so you are going to try to leave it as natural as possible.

Board Member Sink: I guess my concern is too... the way this property runs... You've got pretty steep slopes that are happening here, so the natural gravity is going to flow this way. (Board Member Sink demonstrated the direction on the site plan.) I don't see a retention or detention collection point. Is there...? Am I missing...?

Applicant Anthony Valore: (Mr. Valore pointed out the retention/detention pond on the site plan.) We are going to be building a pond/dam. That normally comes in on engineering.

Zoning Inspector Emrick: Should they be granted the variance... and should they desire to move forward... the Zoning Commission will look at all that when they bring it into the Zoning Commission.

Board Member Sink: Yeah, I guess that I was trying to figure that out. Where are they at...have you gotten... is this definitely where these lots are going to be?

Zoning Inspector, Emrick: No, I would think not. I would think there is some tweaking that they might want to do. Am I correct?

Applicant Anthony Valore: We're probably 98% where we want to lay them out. We kind of did... again... a cursory look at engineering because... again, 30 years at this... I never want the engineer to tell me... this is what we're going to submit and we can't do it. We've already gone that route... we haven't done the actual calculations... we've

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

done calculations and impact and what we need but we haven't done actual design...but we feel 1,000% confident that this will perform great and it will be preserved as your looking at it.

Chairperson Albrecht: Then you will move forward if you get your variance?

Applicant Anthony Valore: Oh yes.

Chairperson Albrecht: I would like to move to the audience right now and ask if there is anyone here tonight who has questions or concerns and if so please stand and state your name.

John Vujevich, 7571 Hidden Acres Drive, Medina, Ohio

Chairperson Albrecht: Do you swear or affirm any testimony you give tonight shall be the truth?

John Vujevich: Yes

Chairperson Albrecht: Come forward please.

John Vujevich: What I wanted to talk about today in relation to this project is just to reiterate a couple of things. Chapter 414 states minimum acreage for a PRD in an R-2 to be 40 acres and what we are looking at here is 8.6 acres which is 46% of minimum acreage required. The purpose behind the 40 acres; or in conjunction with the 40 acres, the resolution also states that there shall be 35% open space. That is 14 acres. The open space that is listed here is just 7.5 acres which is the dark green areas. The purpose that we had for the 35% open space requirement within the 40 acres was to help to maintain the rural atmosphere of the community, which as we did the Comprehensive Plan and even prior to the start of the last revision to the last Comprehensive Plan... when we had some of the meetings with... with the folks of... what did they call that Judy?

Zoning Inspector, Emrick: Soil and Water?

John Vujevich: No. When we had those community input sessions.

Zoning Inspector, Emrick: Oh, over at the school?

John Vujevich: Yes

Zoning Inspector, Emrick: Community Input Sessions

John Vujevich: We had Community Input Sessions which one of the biggest things they wanted was to maintain the rural atmosphere of the Township. When I asked them "what do you mean by that?" Nobody really knew... so I said "do you want a cow in every

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

yard or what is that"? Mainly what it was... was open space, greenery, trees and stuff like that. So, this proposal here in front of you, or this request for a variance is going to result in a shortfall of the minimum requirement by 21.4 acres... that's 54%. To me that doesn't take much logic to figure out that this area variance request is way larger in comparison than what is required. It can have an impact upon the rural look of the community. It has been discussed so far... yes there is additional land to the north and there is also additional land to the east. Whether that can be acquired or not that doesn't faze me right know. In the past we've had... like an example would be Mulberry Row where they did a PRD there as well. Initially when the developer came in... they didn't have the 40 acre minimum. They came in front of the Zoning Commission, we talked and communicated to them that they had to come in a lot better than what they had. It was quite a bit less. I think it was about 13 acres less. Eventually they came back with the additional acreage and they didn't have to come in front of you for a variance. Another thing that I wanted to point out is... and I noticed that none of you have this white book in front of you.

Chairperson Albrecht: Mine is blue.

John Vujevich: That is the resolution. This is the Comprehensive Plan. In the Comprehensive Plan, Chapter II, Inventory and Analysis of Existing Trends and within that section under characteristics of the population and housing which is on page 8. It addresses inventory levels of open lots and there has been some discussion on that already. Where the inventory level we have right now is about 900+ homes. It doesn't say 900+ clusters or single family or detached clusters or attached clusters, or anything like that. It just says 900 some homes. On page 8 within the section that I mentioned to you... let me just read to you what it says: *It s a general business rule of developers that residential developments be completed (built out) in a maximum of five (5) years. This means that of all lots platted homes will be built on them within in five (5) years. Based on information from the Zoning Office and assuming an ongoing absorption rate of 220 units per year it appears that Montville Township has a six (6) year inventory of open lots.* Well... Judy just told you in the last two (2) years it's been less than 100 lots, so, with the down turn in the housing market and the economy, if this 220 that was referenced... and that we experienced at one time, has steadily dropped to approximately less than 100 units per year. The results of inventory of unavailable platted lots that... this results in an inventory of approximately nine (9) years... that are out there... or even greater, if you go to the lesser number. What we tried to do with the Comprehensive Plan which was approved by the Trustees and also was presented to the community... was... and Ron worked on the committee, along with myself and with a number of individuals from the community... but the intent of the Township was to... not to add additional lots to the inventory until the building lots dipped below a three (3) year inventory. That is not happening here. It is going to take a long time before those get down. The purpose of trying to prevent this inventory build up and to let it flow out is to prevent overbuilding and a potential decrease in existing home values to help preserve the rural character of the Township. A lot of the things that we do along with... that are in here... relates to maintaining the rural atmosphere of the Township. Some examples of high

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

inventory and platted lots... Maplewood Run Subdivision... which is... you can see it off Route 3 or you can see it off of Chippewa and you can get into it as well. But if you look at the sign that is out there now, there is a white piece of sign that is over the original price of the lots... which the lots started at \$59,000 and now they are down to \$39,000... which supports my statement of property values dropping down. In Cobblestone, originally there was supposed to be 385 homes, it was a two (2) phase development and Ryan Homes has elected not to open Phase II. That is because of the market and because of the over inventory. Also, in Cobblestone... Judy referred to the Arbors, which was supposed to be a nice little cluster type subdivision. That is basically at a stand still. There are 44... out of the 55 lots that are there, there are 45 that are available and nothing built on them. Home prices in the Cross Creek Subdivision are projected to range between \$250,000 to... well I had \$350,000... but I guess it is \$400,000 now. Mr. Valore classifies them as clusters but if you look at the Comprehensive Plan, the Comprehensive Plan makes no mention of the types of homes... and this argument about this market here... and this market there...and what have you. To me a home is a home... and if I look at that... that looks like eventually there is going to be a house there. A cluster... well... a cluster to me means it's the city and everything is close together. Now, we put PRD's into... as a district in order to entice the developer to come up with constructive, ecologically friendly, as well as unusual designs to develop areas. To a certain extent I have to congratulate Mr. Valore and the fact... with the methods he is trying protect the wetlands and some of the riparian ways that are there. But on the other sense, we get into this argument... or this discussion, over clusters, single family, attached, detached... to me that doesn't mean anything because a home is a home to me and that price range is... the lower end of that price range is what most of the price ranges are of the available lots that are already platted and in the inventory that are available but unused. That is the intent of what... that price range for most of those is maybe \$250,000 to maybe \$350,000. So, what happens to the community other than to add more... allow us not to get rid of what we already have and get it down to a manageable level so that when something... when the economy turns up and things progress ahead there is the availability to develop further. I guess that is... all I have to say.

Chairperson Albrecht. Alright... thank you. Does anyone have any questions for Mr. Vujevich?

Board Member Tanski: Yes, I would like to ask you a question John. One, on the open space... you mentioned that with this the open space is much less then what would be required for the amount of land compared to the whole. I heard you say that at the beginning.

John Vujevich: Yes. Based on the minimum 40 acres the open space for controlled density for an R-3 is supposed to be 35%... of that minimum acreage. So that would be 14 acres if that was set up on minimum basis.

Board Member Tansk: So you're saying this should be seven (7) acres then?

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

John Vujevich: No, I'm saying...

Board Member Tanski: Because this is roughly half.

John Vujevich: Yes that is half.

Board Member Tanski: If you're looking at it that way.

John Vujevich: Yes... but the intent of... what I was trying to say...what I am saying is that were basically looking at... we set it at a minimum of 40 acres to allow 14 acres of open space... alright... and now we're cutting that in half and by cutting that... more so then what it is... your taking away being able to maintain that rural atmosphere.

Board Member Tanski: The 35 acres is a goal versus requirement?

Board Member Biehl: 35%

Board Member Tanski: Oh, 35%, I'm sorry.

John Vujevich: 35% is a requirement with a 40 acre minimum lot or minimum project.

Board Member Sink: That was my thinking. I was just scratching away with percentages. I thought okay we did say theoretically that if he got the variance my feeling is you should still give the 14 acres of open space to compensate for the fact that you are getting more density. That is just sort of... I was just playing with some numbers here.

Board Member Tanski: I'm not sure that is possible. I guess where I am going with that... is... Doesn't that mean you need other variances besides?

Zoning Inspector, Emrick: Possibly...

Board Member Sink: In terms of open space?

Zoning Inspector, Emrick: It could be in terms of open space, however, that will come at a later time once the Zoning Commission takes a look at it. Again, like I said, tonight you are only here to determine whether or not you would grant the variance to allow him less than the required 40 acres.

Board Member Sink: We can't go anywhere else?

Zoning Inspector, Emrick: No

Board Member Tanski: We can't say that it must include so much open space if we did that?

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Zoning Inspector, Emrick: No

Board Member Sink: Not yet.

Zoning Inspector, Emrick: It's not the time.

John Vujevich: All that is in front of you right now is the variance for the 40 acre minimum. In the resolution there is also a requirement to have... on the density... the number of homes per acre... alright... that is not addressed at all... that the Zoning Commission would have to address when it is presented and then they may determine that they might have to come in front of you again for a variance.

Chairperson Albrecht: Correct. Okay... thank you. Mr. Valore do you have a statement? Go ahead sir.

Applicant Anthony Valore: If we had 40 acres, we could put 112 cluster homes on. If we had 40 acres and we had to use 35% we do need 14..... We're not putting 112 homes on we're putting 50 homes... and actually were putting 56 based on that 35% ratio. So, why I share with you this board of light green and dark green, not even expecting that question... God works in strange ways I believe... all the green space is 14.4 acres... on 18.83 acres... 18.6 acres. All the green space is 14.88 acres on 18.6 acres... but if we... just to clarify... and for interpretation of that 35%... The 40 acres we could also put 112 units on. We could put 56 if you cut that in half and if you cut it down to 18.6 acres into 50... but that is also driven by another part of your code that says you need two entry points at 51 lots or more.

Zoning Inspector, Emrick: That is a Medina County Planning Department regulation. They require... when you get over 50 units they require two (2) ingresses and egresses.

Applicant Anthony Valore: Okay... so we stayed away from that.

Chairperson Albrecht: Let's stay focused on what our task is tonight and that is to approve... we are entertaining a variance of 21.4 acres.

Applicant Anthony Valore: Could I share one (1) more thought with you?

Chairperson Albrecht: Go ahead.

Applicant Anthony Valore: Location, location, location... is always driving the rest of the dice.... The worst thing to do is to put a subdivision of 200 lots in when no when is selling 20 lots a year. That is what is happening out here. So if I ever shared with you anything that I know from 30 some years in this business... if guy comes in with 200 lots, he better come when it freezes. 25, 25, 25... cause if that happen you wouldn't have all these lots sitting here now... but that didn't happen cause everybody thought there was never going to be an end to it. Second of all, we have a minimum square footage of

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

home here... 2500... square foot... so it's not going to be that same cluster home that is topping out at \$250,000 or whatever it is over there. We are starting and going up from there and it is going to be driven by building materials, square footage... The last thing... what I would like to say... and this is a federal law... we have a right to develop property... so when you say there is five (5) years of inventory here... what do you do to the guy that has this inventory? I mean... was anybody projecting this crazy world to turn upside down. I don't think so. So I mean... so the guy that's... and a lot of them have lost it and I feel bad for a lot of people in this business... it's not good... but we feel that what we're asking you to look at here is something that is separate and apart from what is out there today. Now, I want to share with you my theory on that. If you get some action going on in the town... again... this action is going to bring more action. In other words, somebody comes out of Brunswick or comes of Westlake or comes out of Bath or wherever he comes from... you know... and he can't buy here because it's \$250,000 to \$450,000 but he could go up the street at \$150,000 to \$180,000 we're going to draw people to go over there that we're not even going to build for. So I can share with you in all my marketing life... that it is a good thing when there is something new is there. When there's something new out there... there's some activity. Right now... the worst thing to do... There is a little thing that...if you imagine yourself going up a hill and you stop going up the hill... what happens?

Chairperson Albrecht: You go backwards.

Applicant Anthony Valore: Yes. So, you have to keep going some how. You have to figure out how to get over the top of the hill. So... an again... we're not in the suicide business. I'm not interested in trying to get this in just to get it approved. I'm interested in trying to move through this, build some houses and hopefully the community could benefit by it... by more action. A guy comes in here and Kelly can't sell him a \$275,000 or \$345,000 house because there are four (4) spots up the street that he can buy for \$180,000. Who knows what it could bring. I pray for everyone's success.

Chairperson Albrecht: Okay, is that all?

Applicant Anthony Valore: The last thing is... This one I've turned this upside down 150 different ways and I feel very confident that this would work for the community and certainly for the property and Valore Builders and I just hope you consider that.

Chairperson Albrecht: Thank you Mr. Valore. If the Board doesn't have any more questions and there is no one else in the audience with...okay stand and state your name please.

Karen Poliak

Chairperson Albrecht: Do you swear or affirm any testimony you give tonight shall be the truth?

MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010

Karen Poliak: Yes.

Chairperson Albrecht: Come forward please.

Karen Poliak: I am just talking as a lay person driving by this area on a daily basis at least one (1) or two (2) times a day, the way I look at this diagram, to me, I'm going to be driving by one (1) big cement block. That is what it looks like to me. I don't see any green space off of 162. There is no green space at all... to block all this... I want to be able to go through this intersection and see the rural atmosphere that I see now. The way this looks, to me, it's called cluster homes but they're big homes on small lots. That is all I see, when I look at it, so tell me if I am wrong.

Chairperson Albrecht: Well... we appreciate your perspective Mrs. Poliak. Is there anything else?

Karen Poliak: No, that is really it... I would just like to know, there's no green space at all? On 162? The lots butt right up to the road? What's going to be to protect that?

Chairperson Albrecht: Go ahead Mr. Valore

Applicant Anthony Valore: No. [(Mr. Valore pointed to the site plan and demonstrated the areas on the site plan – south side, along Route 162.) (There is anywhere from 40-60 feet that is owned by ODOT here. The back of this house... I want to share with you... that was a thought that we all had... the back of this house... see the back of this house? This is 297 feet to here. So, there is no impact on any cars coming up this road waiting for this red light here. So, I hear what you are saying but I think... I would ask you to recognize the fact that we pulled this street this way to make sure there was... for a number of reasons... one is that... the view for cars and the other is that... the opportunity to sell... because you know, the closer you get to the road, the tougher that lot becomes... but what separates here from here is the ravine again... okay... The ravine itself is going to be a natural separator from it. But again, we pulled it back because the engineers... you know engineers sometimes have the desire to maximize everything. I have always gone in with... let's go with what works not just maximize it. So we pulled it back... so... I don't want to mark up this pretty map... but here's the red light... way over here... I think it will be okay, I really do.)]

Karen Poliak: I just don't want to see concrete. You remove the trees and just take the whole intersection and it is destroyed, as far as I'm concerned.

Board Member Hughes: I think you're going to see the back of houses no matter what they do.

Karen Poliak: But the way this is... 50 houses on that small area and they're small lots... is a lot different then seeing a house on an acre property or or 2/3 of an acre property.

***MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010***

Chairperson Albrecht: Okay thank you mam.

Board Member Biehl: Quick question... When you're talking about the green space here again, just to confirm your statements, are you including the land that is owned by ODOT as well?

Applicant Anthony Valore: [(Mr. Valore pointed to the area to the south (along Route 162) on the site plan.)] When I said anywhere from 40 to 50 feet, that is from the edge of the pavement to the back of the property line. So in other words, this is 40 to 50 feet from the edge of the pavement to the back of property line. The back of here is almost 240 feet. So, no I'm not counting that... but it's a natural separation.

Board Member Biehl: No... but the ravine that you are referring to, is that partially on ODOT land?

Applicant Anthony Valore: Yes. Actually the ravine is all on ODOT land.

Board Member Biehl: So you're making a commitment that you can't make because that is controlled by the State. If they wanted to widen the road and have turn lanes or something that green space goes away... theoretically.

Chairperson Albrecht: It could.

Applicant Anthony Valore: It could... but I mean they've already spent... I don't know how much building this intersection... I don't know... I don't know...

Board Member Biehl: Just for the sake of the rest of the Board... just to understand... that is green space today... it could be gone tomorrow and the developer has no control over that. That is something that the State has control over.

Chairperson Albrecht: Okay

Applicant Anthony Valore: If this was built 30 years ago I would agree with you... but this was just built.

Chairperson Albrecht: Okay... so, it probably won't be for a while.

Zoning Inspector, Emrick: It's green space but it's not owned by the developer, so, Allen is right... anything could be there.

Board Member Biehl: If ODOT brings in a permit for utilities, you could have utilities there... and so whatever is out there, trees and what have you... could all be cut down. So, again... I just wanted to, again, for the record...

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

Board Member Sink: That is what they have... Don't they have something like that at River Styx and 162? What is it they were replacing this past year, some kind of electrical transformers or something? It is in that funny little easement that they have. They were working on that last year. So yes, technically, something like that could pop up whenever they own land.

Chairperson Albrecht: Any other questions or discussion from either the Board of the audience?

No Response

Chairperson Albrecht: If not, I would like to prepare a motion and examine the Duncan Factors since this is an area variance.

The Board reviewed the Duncan Factors:

Duncan Factors:

1. **Will the property yield a reasonable return or is there a beneficial use of the property without the variance? Yes** (Board Member Sink – yes.) (Chairperson Albrecht: I believe the answer is yes.)
2. **Is the variance substantial? Yes** (All Board Members stated: “Yes”)
3. **Would the essential character of the neighborhood be substantially altered or adjoining properties suffer a substantial detriment as a result of the variance? Yes** (Board Member Tanski: If you look at that the area, it is supposed to be built on 40 acres and it's not going to be built on 40 acres... so I would say the answer has to be yes.) (Chairperson Albrecht: A subdivision is supposed to be on 40 acres. I would agree with that.)
4. **Will the variance adversely affect the delivery of governmental services? No** (Board Member Tanski: I don't think so.)
5. **Did the property owner purchase the property with the knowledge of the Zoning Resolution? No** (Chairperson Albrecht: Apparently... You wouldn't be here if you didn't know you needed a variance.)
6. **Can the property owner's predicament be solved by some other means rather than granting the variance? Yes**
7. **Will the variance preserve the spirit and intent of the zoning requirement and will substantial justice be done by granting the variance? No** (Chairperson Albrecht: I would say “no” in this case.) (Board Member Tanski: I would say no too.)

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

MOTION: Board Member Tanski I move that Mr. Anthony Valore of 23550 Center Ridge Road, Westlake, Ohio 44145 be granted a 21.4 acre variance with regards to Section 414.4 (PRD Minimum Project Area) for property located at 6107 Wadsworth Road (Parcel #030-11B-35-017) and 6133 Wadsworth Road (Parcel #030-11B-35-013).

Chairperson Albrecht: Is there a second?

SECOND: Board Member Sink

Chairperson Albrecht: Could we have a roll call please.

Zoning Secretary Halleen: Terry Hughes: I do not approve.

Ron Tanski: I do not approve after reviewing the Duncan Factors.

Kristina Sink: I vote to disapprove the motion based on the size of the variance requested and there are other options available in order for the project to move forward.

Allen Biehl: I vote not to approve and the fact that I believe the applicant did not really present any data or any kind of documentable market data that showed this type of housing would be any different or any more saleable than any other housing. The housing market as whole is bad, so what documentation do we have that shows us this proposal is more desirable?

Chairperson Albrecht: I too vote against this variance after review of the Duncan Factors. I personally feel that Montville Township has a large number of residential properties and we do not need a new subdivision at this time.

Variance was denied by a vote of 5-0

Chairperson Albrecht: I am sorry Mr. Valore, your variance request has been denied. You do have the right to appeal our decision with the Court of Common Pleas, Medina County.

Applicant Anthony Valore: I wish I would have been told about the Duncan Factors prior to coming here. I have to tell you something, it is disappointing but I understand.

Chairperson Albrecht: I am sorry. We don't like to turn people down for variances but we do have guidelines that we have to follow.

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

Applicant Anthony Valore: No, I know... I know... but if I brought in a plan with the 40 acres I could submit the same plan.

Chairperson Albrecht. That is correct.

Applicant Anthony Valore: Well, thank you for time.

Chairperson Albrecht: You are welcome sir. Have a great evening.

4. DISCUSSION BLUE HERON DEED RESTRICTIONS

Chairperson Albrecht: So, we have one (1) other item, a discussion for Blue Heron deed restrictions.

Zoning Inspector, Emrick: I am asking you to table this. I haven't had a chance to really look at this. Again, I think I said before, when we first brought the letter up from Gary Hoffman, I don't think that it will solve the problem of someone coming in for a variance, as Greg Thomas did for his house over on Blue Heron Drive but I would like to have an opportunity to look at it. Like I said, I have not had the time to do that. I am asking you to table this matter until March 22, 2010. At that meeting, it is a special meeting and Summa will be in for a variance and Bill Thorne will be here that night also.

Chairperson Albrecht: Can I have a motion then... to table this until March 22, 2010 at 7:00 p.m.?

Zoning Inspector, Albrecht: Correct

MOTION: Board Member Biehl - I moved to table the discussion of Blue Heron deed restrictions until the March 22, 2010 at 7:00 p.m.

Chairperson Albrecht: And a second, please...

SECOND: Board Member Tanski

Chairperson Albrecht: And a roll call...

Zoning Secretary Halleen: Ron Tanski: Approve
 Kristina Sink: Approve
 Allen Biehl: Approve
 Terry Hughes: Approve
 Chairperson Sally Albrecht: I approve.

Chairperson Albrecht: Is there any other business to discuss?

**MONTVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 1, 2010**

Zoning Inspector, Emrick: No, I have nothing.

Chairperson Albrecht asked for a motion for adjournment:

MOTION: Board Member Hughes made a motion to adjourn the meeting.

Chairperson Albrecht: Is there a second?

SECOND: Board Member Biehl

Chairperson Albrecht: All those in favor say "Aye"

All Board Members stated: "Aye"

Chairperson Albrecht: All those opposed say "Nay"

No Response

Meeting adjourned at 9:02 p.m.

Respectfully Submitted,

Robin Halleen
Zoning Secretary

Approved:

Chairperson, Sally Albrecht

Date