



Village of
Glenwillow

Honoring the Past - Welcoming the Future

Planning Commission

July 19, 2023 – 5:30 pm.

Tim Hauptert called the Planning Commission meeting to order at 5:30 PM.

Present: Jeff Adie , Mayor Cegelka, Tim Hauptert, Scott McColl, Neil DeCarlo

Absent: None

Others Present: Law Director, Mark Marong, Building Official, Braden Thomas, Engineer, Mike Henry

Jeff Adie, seconded by Scott McColl, moved to approve the minutes of the May 17, 2023, Planning Commission meeting.

Roll call on the motion: Yeas: Adie, Cegelka, Hauptert, McColl, DeCarlo

5 Yeas, 0 Nays

Citizen comments on agenda items only.

No comments

Old Business

None.

New Business

Wellness Center Total Rehabilitation Using Standard Treatment LLC

27335 Pergl Road

Appeal of Property Maintenance Citation Order.

Mr. Marong, Law Director, stated that in the Village of Glenwillow codes, Chapter 1119 allows for an appeal of any decision of the chief building official. An order was issued on May 3, 2023 to 27335 Pergl. The property owner is Wellness Center Total Rehabilitation Using Standard Treatment LLC. There was a letter issued on May 12, 2023, on behalf of the entity. By procedure, the time period and the order is stayed. Mr. Marong put forward a memorandum to outline the procedure for the meeting. The order that the chief building official issued had three items:

- 1) Remove all refuse and items being stored outside the home.
- 2) Trim all lawns, hedges and bushes to keep them from becoming overgrown and unsightly where exposed to public view.
- 3) Maintain all surfaces to be free of broken windows, crumbling brick or stone, peeling paint or other conditions reflective of deterioration or inadequate maintenance.

The appeal was issued May 12, 2023, nine days (9) after the order so the twenty-one (21) days are stayed.

- o In Chapter 1119 of the Village of Glenwillow Codified Ordinances, Any person, firm or corporation may appeal a decision or action of the Chief Building Official or other administrative officer in the enforcement and administration of the Planning and Zoning Code to the Planning Commission within ten (10) days after the date of such decision or action by filing with the Planning Commission a written notice of such appeal.

The appeal is timely in order for the Village to have a hearing on the appeal. The hearing is being held at this meeting. Any consideration of the appeal and competent evidence may be presented by the person appealing and the commission may take any testimony or decisions of the chief building official into consideration for the deliberations.

Within its powers, the Planning Commission may reverse or affirm, wholly or in part, the decision being appealed, and to that end shall have all the powers of the officers from whom the appeal is taken.

Mr. Marong asked that the applicant speak first. Mr. Marong asked the applicant if she is authorized to speak on behalf of the Wellness Center Total Rehabilitation Using Standard Treatment LLC and clarified that she is the new statutory agent of this entity.

Rose Marie Hojdarova, 27335 Pergl Road, Glenwillow, Ohio is the statutory agent for Wellness Center Total Rehabilitation Using Standard Treatment LLC.

Mr. Marong asked Braden Thomas, Chief Building Official, to explain the process of issuing the order. Mr. Thomas stated that the notice was issued on May 3, 2023. The agent chose to appeal the notice and none of the issues have been addressed. Mr. Thomas stated that this is part of the exterior maintenance program for the Village where properties are identified and cited accordingly as issues are found.

Ms. Hojdarova stated that the defendant wishes to comply and there are three things that have made this impossible:

- 1) Fixed income, not enough from a fixed income is sufficient even to cover utilities. This individual is form in function, not cosmetic.
- 2) Theft
- 3) The weeds have been there since 1950 and they would be removed if one could get someone to come and give a quote, to come when they make an appointment and show up and that is not happening. There were thirty people contacted for painting and for tree removal over a year and a half period. Painting cannot be done until the saplings are removed.

Ms. Hojdarova asked if she could read to the committee what she has done so far. This is a summary of what was read.

She stated that the Village was established for country, rustic living with single family homes with a minimum of 1-acre parcels. The development and the citizens have the right to live where they wish. There should have been a moratorium on buildings four decades ago. Open spaces and farmland are paramount for the well-being of all. For example, one cannot remove trees, shrubs and topsoil and alter waterways, water seeks its lowest level. She stated items that have been damaged or stolen over the years.

She sited Reader's Digest that there is no peaceable use of one's sanctity of the home, no one owns property or real estate, it is borrowed as Mr. Charles Mutsa stated 58 years ago. We borrow it from God and mother nature.

Defendant was in an accident that destroyed defendant's vehicle, leaving no way to remove items that were destroyed by flooding from the development behind the property. This senior citizen goes from one room to another with a flashlight. Food is \$2.00 a day. Everything has been done to try to conserve funds for the sewers and for this project. This one is form and function, not cosmetic and feels that my health is more important than paint and weeds. The previous owner never planted a lawn. The dodge truck in the accident was never looked at by my accident reconstructionist because it was forcibly removed. To the defendant, this is interference with the lawsuit and interference with the contract; that is how this one looks at it. It is most respectful to comply with the law, but what is a person to use for funds? How does one pay if something is \$30,000 and they receive \$10,000 a year?

Mr. Hauptert asked that the applicant address the issues on the notice and explain why they have not been cleaned up. The applicant stated that some items in the home could be sold to pay contractors, but she cannot get contractors to come over for a quote.

Mr. Hauptert stated that some of the issues can be addressed with the help of friends or neighbors such as simply putting items in a garbage can. Ms. Hojdarova stated that items on the right-hand side, outside are her food items that cannot be put in the house due to flooding. On the side of the house outside towards the dwelling are her clothes. The items cannot be put in the house due to mold spores. She never had flooding until 2006 with the development in the back.

Mr. Hauptert stated that it seems as if no one should be living in the house due to the conditions described.

Ms. Hojdarova stated that the point of her being in the house is to empty it out. Everything takes her much longer than it used to due to health conditions. There are no funds for this project with fixed income.

Mr. Hauptert asked the applicant if she had ever been offered help or assistance from the Village. She stated, yes, that she had help with weed whacking, but that does not remove the roots so the weeds will continue to come back.

Ms. Hojdarova read some names of the businesses that she has contacted for help. She has no cell phone, no computer, no dangerous, invasive technology. "This one wants to be off the grid."

Mr. Hauptert asked how one is to contact her. She stated by US mail. She contacted contractors for quotes from the Twinsburg library and asked them to come by whenever they desired and to let her know by mail. One contractor wanted over \$7,000 just to paint the trim.

Mr. Thomas stated that typically when he sends out a notice, he can establish a line of communication with the property owner and in this situation that did not happen. He was not contacted, and the appeal was filed right away which is within their rights. Mr. Thomas usually meets the owners at the property to discuss the issues and produce a plan to remediate the issues. He asked Ms. Hojdarova if this is something she is willing to do.

She stated that with the previous building inspector, she came fourteen times to see him. Mr. Thomas stated that he will meet her at the property, she does not have to come to the building department. Mr. Thomas clarified that she is trying to empty out the house. The applicant stated that she has been trying to empty out the house for 10 years.

Mr. Thomas asked if she is willing to meet with him on the property to see if there is something that can be done to help her.

Ms. Hojdarova stated, yes, if it is convenient for Mr. Thomas.

Mr. Thomas stated that it is convenient for him. He asked if she currently has electricity. She said, yes. She prefers to use batteries for flashlights to save money. Mr. Thomas asked if there is gas and running water. She stated, yes, there is gas and running water, but most times she does not use the water, she gets water from other places. Mr. Thomas asked if there is a working furnace.

Ms. Hojdarova stated that she has a boiler that just started to leak last year. Mr. Thomas asked if she would have a source of heat come wintertime. She replied not unless she gets the boiler fixed. Mr. Thomas wants to address these issues as he does not want her to be freezing in the winter with no heat.

She stated that no one goes in the house due to the flooding. She is concerned that someone would get hurt and there is no insurance. Mr. Marong stated that as Mr. Thomas is working for the Village, if anything happens it is covered under worker's compensation.

Mr. Thomas stated that he is concerned that she is in the house under these conditions. She stated that she is fine. Her system fights everything. Mr. Thomas will meet the applicant at the home. She will have to contact with a day/time. He offered Thursday or Friday, days immediately following the meeting at 3:00, neither day/time works for the applicant. She will let him know the date/time when she checks her calendar.

Mr. Hauptert turned the issue over to the law director. Mr. Marong stated that the commission can ask questions they may have of the applicant.

Mr. Adie stated that he agrees that Mr. Thomas should come out and meet the applicant to assess the situation. A few years ago, members of the Oddfellows Camp did some volunteer work for her. Ms. Hojdarova stated that they did do the weed whacking, but the weeds need to be removed by hand to keep them from coming back. Mayor Cegelka stated that they were also going to paint. Ms. Hojdarova stated that she did not know about the painting.

Mayor Cegelka asked Ms. Hojdarova to explain what she means by the statement in her letter that Mr. Thomas has the right to know the disposition of the tiny brick bungalow and its future outcome. Ms. Hojdarova stated that this means she wants it cleaned out. She has a lot of items to go through as things may have been hidden by a parent who had Alzheimer's.

Mr. Hauptert is willing to recommend more time if Mr. Thomas can meet with her within 7 days, otherwise, he is willing to make a ruling this evening. Mr. Hauptert asked Ms. Hojdarova how she would communicate with Mr. Thomas to set up the time. She will go to the building department and put a letter in the mail. Mayor Cegelka stated that it is best that she gives the letter to Lori at the Village to communicate the time she is available.

Mayor Cegelka asked if Mr. Thomas would be allowed in the house. She stated that he would not be allowed in the house as there is no insurance. Mr. Thomas does not need insurance as he is covered by the Village as an employee. She also stated that could not let him in the house as she would have to move too many items due to the flooding. Mr. Thomas will discuss the flooding when he meets Ms. Hojdarova at the house.

Mr. Marong stated that the Planning Commission has time to consider a decision and bring it to the next meeting after Mr. Thomas has had time to visit the property and address the issues.

Mr. DeCarlo asked as a board member, if he went to help clean up and cut trees, is he covered under the Village's insurance. Mr. Marong stated, no, it would be under his own insurance.

Tim Hauptert, seconded by Jeff Adie, moved to table the discussion for the appeal for 27335 Pergl Road for 30 days until the next commission meeting.

Roll call on the motion: Yeas: Adie, Cegelka, Hauptert, McColl, DeCarlo
5 Yeas, 0 Nays
Motion carried.

Ms. Hojdarova requested under the Freedom of Information Act a hard copy of the hearing without cost or charges.

Mr. Marong stated that the Freedom of Information Act covers federal jurisdiction. In Ohio it is the Public Records Act. When the meeting is transcribed or have minutes, a copy can certainly be requested. Any person or entity can make a public records request in Ohio. Mayor Cegelka asked if the minutes can be sent out even if Planning Commission has not approved them. Mr. Marong stated, yes, once the draft is prepared, they can be sent out.

Miscellaneous

Mr. Thomas stated that the August 19 meeting will have three items for closing of outdoor storage conditional uses. The appeal will be on the August agenda as old business.

Adjournment

There being no further business to come before the Planning Commission, Jeff Adie, seconded by Scott McColl, moved to adjourn the July 19, 2023, Planning Commission meeting. All in favor.
The meeting was adjourned at 6:09 pm.

 8/30/23
Planning Commission Date


Lori Kovach, Planning Commission Secretary