



Village of  
**Glenwillow**

Honoring the Past - Welcoming the Future

## Planning Commission

May 15, 2024 – 5:30 pm.

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

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

Absent: None

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

### APPROVAL OF MINUTES

Jeff Adie, seconded by Scott McColl, moved to approve the minutes of the April 17, 2024, Planning Commission meeting.

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

**Abstain: Hauptert**

**4 Yeas, 0 Nays, 1 abstention**

**Motion carried**

### PUBLIC COMMENTS ON AGENDA ITEM ONLY

None

### OLD BUSINESS

None

### NEW BUSINESS

- 1) Wellness Center Total Rehabilitation Using Standard Treatment LLC  
27335 Pergl Road  
Discussion on property

Mr. Hauptert turned the meeting over to Mr. Marong, Law Director. Mr. Marong gave an update on the agenda item for Wellness Center Total Rehabilitation Using Standard Treatment LLC, 27335 Pergl Road. In May 2023, the property was issued a citation for exterior maintenance violations. The citation was appealed by the entity through its agent, Ms. Hojdarova. The appeal was heard by the Planning Commission in July 2023. The Planning Commission ruled to give Ms. Hojdarova until April 2024 to address the issues. A second citation was issued as well. Mr. Marong turned the discussion over to Braden Thomas, Building Official.

Mr. Thomas stated that as of now there has been no movement on any of the items listed. A new citation was sent for the items that are being stored in the driveway. The compliance date for the citation was May 13, 2024, two days ago.

Mr. Thomas read for the record a letter from Ms. Hojdarova. To summarize the letter, Ms. Hojdarova stated that to correct the violations is too costly and she does not have a vehicle to clean out the property.

Mr. Thomas stated that the original citation gave the owner 30 days to correct the violations. The Planning Commission granted an extensive period to address the issues and none of the issues have been addressed after months. He stated as the Building Official, he can only wait so long before he must act. At this point, he needs access to the property to get inside to see the extent of damage and condition of the house to determine if the property is livable or if it needs to be condemned. Mr. Thomas has asked the agent, Ms. Hojdarova, for access to the property a couple of times to no avail.

Mr. Thomas addressed Ms. Hojdarova, stating that he needs access to the property and if she is not willing to give him access, he will have to go to the courts to get an order to gain access. The process must move forward. Mr. Thomas stated that he does not feel as if Ms. Hojdarova is physically able to take care of the violations and he as the Building Official has a responsibility to act on moving forward to see that something is done, he cannot give any more extensions at this point; he has a responsibility to uphold the Village's codified ordinances.

Mr. Hauptert asked when fines would be presented and how long before they must be paid.

Mr. Thomas stated that the law director can speak to the process regarding fines.

Rose Marie Hojdarova, 27335 Pergl Rd, Glenwillow, addressed the Planning Commission. She talked about tree issues. She said that she is aware the trim needs painting; it was done a long time ago but needs to be done again.

She stated that she wants to comply and correct the violations, but there are not enough hours in the day nor enough funds to complete these tasks. There are not enough funds to replace the roof, refasten gutters, replace the boiler, empty out the deep freeze, and repair the dryer and washer. She stated that there is chronic flooding that has occurred since they built to the rear of her property. She also stated that insurance and lawn maintenance are too costly.

Mr. Thomas asked Ms. Hojdarova why the house was not getting fixed. Much of what she discussed is not relevant to fixing the violations.

Ms. Hojdarova replied that there is no time and no funding.

Mr. Thomas reiterated that he is talking about getting a warrant to gain access to the property, to assess the condition of the property and possibly condemn the property to be torn down.

Ms. Hojdarova responded that the house does not need to be razed; it needs to be emptied out and she has no truck to use to remove the items. Such an undertaking takes time.

Mr. Thomas stated that she had years to remove items. The Village has put up with the nuisance situation for years and must act.

Ms. Hojdarova stated that the property is not a nuisance. She is doing what she can and wants to comply, but she cannot move things in two feet of snow.

Mr. Marong asked Mr. Thomas what the second citation was for. Mr. Thomas replied that the second citation was to remove the items in the driveway. Mr. Marong stated that the first citation was for painting, landscaping and weed removal. He clarified that the property is in an LLC and that Ms. Hojdarova is the statutory agent for Wellness Center Total Rehabilitation Using Standard Treatment LLC. He stated that Ms. Hojdarova had come to the Village and stated that

she does not live there and that it is her father's house to clean out. He asked Ms. Hojdarova where she lives.

Ms. Hojdarova stated that she lives all over the place. Sometimes she stays in the house on Pergl Road, other times out of Cuyahoga County and other times in another area.

Mr. Marong clarified that Ms. Hojdarova resides in different areas, sometimes it is at the house at 27335 Pergl Road.

Ms. Hojdarova replied that where she stays depends on who she is taking care of at the time and what the veteran's needs are.

Mr. Marong asked if she is in the process of removing items from 27335 Pergl and if anyone else resides in the house.

Ms. Hojdarova responded that she stays there when she is not residing elsewhere to help others. She needs to be out of the house at times to clear her lungs. With the flooding and water in the house, mold forms.

Mr. Marong asked if the boiler, washer and dryer were working. Ms. Hojdarova replied that the boiler is not working; it needs to be replaced. There is no working heat. The washer and dryer are not working as they were put out by a power surge in the last four years.

Mr. Marong asked about the chronic flooding that Ms. Hojdarova mentioned; is there water constantly in the basement? Ms. Hojdarova replied that there is water only when it rains or the snow melts.

Mr. Marong asked Ms. Hojdarova if she owns another property where she can take the items that she removes from 27335 Pergl Road. Ms. Hojdarova stated that once items she removes are sanitized, they are taken to the battered women's shelter; if they cannot be cleaned, they are taken to the dump. Mr. Marong asked again if she owns another property. Ms. Hojdarova stated that she will not answer yes or no to the question at this hearing. Her matters are private. She stated that she wants to comply, but she cannot get contractors to give her bids for the work to be done.

Mr. Marong reiterated to the board members that an exterior maintenance violation was issued for 27335 Pergl with a time to comply. Ms. Hojdarova appealed the violation notice and the Planning Commission granted more time to comply. There was a second citation issued to remove items outside in the driveway and the compliance date for this notice has passed. The code mandates that up to a \$100/day fine can be assessed when compliance is not met, and the code also authorizes the Law Director to pursue action to enforce the code. If Planning Commission gives the authorization to Mr. Marong as the Law Director, he will pursue an action in court to put the citations before the court and fines will accumulate. Mr. Marong would ask the court to grant a search warrant for Mr. Thomas to access the property, abate the nuisance being everything around it and the condition of the exterior and potentially the interior. The judge will determine reasonable, appropriate, and necessary action given our code, the neighbors, and the development. This is how the code outlines the process when a situation gets to this point. Mr. Marong asked for comments from any of the Planning Commission members.

Mayor Cegelka stated that the property has been in disrepair for at least twenty years. He is always asked by neighbors what the Village is going to do about the property. The Village has

tried to work with the resident and tried to help; the Village offered to loan a truck to remove items; offered a paint program years ago; all kinds of help has been offered, but none have ever been taken advantage of by the resident.

Ms. Hojdarova replied that this was not true, she had a truck in the yard, and she was not aware of other help being offered.

Mayor Cegelka asked why she has not used the truck. He stated that it is time for action; the court will decide if it is to be repaired or razed.

Mr. Hauptert stated that there are plenty of painting programs available. He asked what the next step is for the Planning Commission. Mr. Marong replied that the Commission needs to make a motion to instruct the Law Director to take the appropriate action to enforce the codes and the citations.

There was brief discussion regarding the fines. Mr. Adie and Mr. Hauptert agreed to leave the assessment of the fines up to Building Official, Braden Thomas.

**Motion Mr. Hauptert, seconded by Mr. Adie to confirm that 27335 Pergl Rd. is in violation of the two citations issued by the Chief Building Official, Braden Thomas, and instructing the Law Director to take appropriate action to enforce the code and the citations for 27335 Pergl Road.**

**Roll call on the motion: Yeas: Adie, Cegelka, Hauptert, McColl  
Abstain: DeCarlo  
4 Yeas, 0 Nays, 1 abstention  
Motion carried**

- 2) Ordinance No. 2024-05-15 – An ordinance amending Chapter 1166 "Prohibited uses applying to all districts" under Title III of the Glenwillow Planning and Zoning code; and declaring an emergency.

Referred to the Planning Commission by Village Council for review and recommendation.

Mr. Marong stated that in November the state of Ohio created a new chapter of the Ohio Revised Code authorizing the use of recreational cannabis for adults. Part of the chapter allows municipalities to regulate or prohibit the cultivation, growth and dispensation of cannabis. By law, everyone is allowed to grow up to 6 plants for personal use. As this is a zoning item, it is referred to Planning Commission by Village Council. This would prohibit sites from dispensing, growing, or distributing marijuana. The Village's Police Chief spoke to Village Council regarding the issue and has concerns about allowing the dispensation, growth, or distribution of cannabis. Some communities are allowing it, but most are prohibiting it. The Planning Commission needs to make a recommendation back to Village Council. At Council, there will be a public hearing and Council will make the ultimate decision on the legislation. There is a moratorium in place through June to allow other communities to take action. This would create a zoning code change as a prohibited use. Any change in the zoning code must go to Planning Commission for recommendations to Council.

Mr. McColl clarified that the state law allows people to have farms or dispensaries.

Mr. Marong responded, yes, in Ohio under state law, it is legal however, individual municipal corporations with home rule authority can prohibit within their boundaries. He clarified that individuals can still have up to six plants for personal use.

Mr. McColl asked if the Village prohibits the growth/farming of any other plants?

Mr. Marong replied that it depends on how plant is defined. There are other pharmaceuticals prohibited under federal law.

Mayor Cegelka asked if this would be temporary until some things are resolved with the state law.

Mr. Marong stated that it would not be temporary as the state has promulgated their rules. If the Village prohibits, as with any zoning code chapter, it can be changed in the future.

Mr. Hauptert, seconded by Mr. Adie, moved to recommend passage of Ordinance No. 2024-05-15 – An ordinance amending Chapter 1166 "Prohibited uses applying to all districts" under Title III of the Glenwillow Planning and Zoning code; and declaring an emergency to Village Council.

**Roll call on the motion: Yeas: Adie, Cegelka, Hauptert, DeCarlo**  
**Nays: McColl**  
**4 Yeas, 1 Nay**  
**Motion carried**

### MISCELLANEOUS

Mr. Thomas stated that there will be a couple of items on the agenda for the June meeting. There is a submittal for a new house on Richmond Road and an addition on the home at 7245 Richmond Road.

Mayor Cegelka asked Mr. Thomas to explain the issue with the new home on Pettibone. Mr. Thomas responded that he sent a soft letter to the new residents regarding landscaping requirements for new home. The landscaping is supposed to be in place 30 days after the home is built. The landscaping plan that was submitted was included with the letter.

### ADJOURNMENT

There being no further business to come before the Planning Commission, Mr. McColl, seconded by Mr. DeCarlo, moved to adjourn the May 15, 2024, Planning Commission meeting. All in favor. The meeting was adjourned at 6:10 pm.

 6/19/24  
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Planning Commission

Date

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Lori Kovach, Planning Commission Secretary