

## COMMISSIONERS PUBLIC HEARING – MONDAY, DECEMBER 17, 2007

Sharon A. Ray called the meeting to order at 1:03 p.m. with Patricia G. Geissman and Stephen D. Hambley present. A sign up sheet is attached.

The purpose of the public hearing was to discuss the vacation of Arborcrest Drive in Hinckley Township. The Commissioners viewed the area earlier at 10:30 a.m.

Ms. Ray asked Andy Conrad, Assistant County Engineer, to provide background information on the vacation request. Mr. Conrad summarized County Engineer Mike Salay's report. He said Arborcrest is a residential street in Hinckley Township situated off of Center Road (S.R. 303) between West 130<sup>th</sup> and Stony Hill Road. It was platted as part of the Arborcrest Subdivision in 2004. As part of that subdivision, it was constructed in such a fashion that it extends north from S.R. 303 and stubs into an undeveloped parcel to the north, owned by Maria Skorichenko. On July 11, 2007, the developer for the Arborcrest Subdivision, Mark Iacona, made a request to the County Planning Commission for a revised subdivision terminating the cul-de-sac just south of the present location, making the temporary cul-de-sac a permanent cul-de-sac. The developer went through the process of obtaining the variances for the length of the street and the number of units on the street which was passed by the County Planning Commission. The preliminary plan was also approved showing the vacation that is about 15-20 feet short of the Skorichenko property. The opinion of the County Engineer was that the portion of Arborcrest Drive (shown in the Vacation Exhibit) should be vacated in order to comply with the preliminary plan. The vacation would allow the developer to proceed with his project as approved by Hinckley Township and the County Planning Commission.

Ms. Skorichenko said she was upset because she had an agreement with Mr. Iacona that Arborcrest Drive would remain open to her property because eventually she would be selling more of her property; perhaps all of it. The real estate market is down now. She would like to have more time (another six years) to have the option of the road extending to her property line. She stated Mr. Iacona said there could be more homes built, and he promised to help her and her son.

Mr. Iacona said he has a great relationship with Ms. Skorichenko and there is nothing he would ever do to harm her. He purchased the back 15 acres of the 30 acres of land that Ms. Skorichenko's owned. Initially, when he began the project, it was proposed as a cul-de-sac with no access to the adjacent property. The County Planning Commission indicated that they wanted a stub street and that is how the plan ended up. Ms. Skorichenko was unaware of the stub street until recent conversations. He approached Ms. Skorichenko to purchase more land. He was interested in other property to the north and wanted to construct a through-street and complete the project. He said Ms. Skorichenko was not interested in selling more land, and he saw that there were wetlands that would pose a problem and therefore, he ruled out the possibility of a through-street. Although possible, it would be economically impossible. If there was the possibility of a home site on the proposed Sublot No. 48, the new septic rules would most likely not permit it. Mr. Iacona said Ms. Skorichenko has access to the back of her property from Babcock Road, which would be more ideal. Hinckley Township promotes cul-de-sacs and the County Planning Department understands that.

Mr. Conrad said he attended the County Planning Commission meeting where the proposed subdivision revision was presented. Some of the discussion concerned the feasibility of a road onto Babcock Road from the frontage of the Skorichenko property because there is

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very limited site distance and it would not meet the County Engineer's site distance requirement. This would require major work to be done to Babcock Road or the need to connect with properties further to the west in order to gain access to Babcock Road. That was one of the reasons for granting the revised preliminary plan.

Mr. Conrad said there is a possibility to extend Arborcrest Drive further without taking it all the way to Babcock Road. Mr. Iacona applied for and received a variance for the cul-de-sac and any additional construction on the public street would require another variance. He is not sure whether that would be granted. If the stub is to remain in place, they would need to discern where the street could be constructed, bearing in mind its present configuration and limitation on Babcock Road. They would possibly need to "marry it" to another parcel to the west to have access to Babcock Road.

Mrs. Geissman asked if the road could be extended through the wetlands to the north. Mr. Conrad said there are rules and regulations. They could go through it and it has been done before, but there would be some costs involved. They would have to stub it to the west and perhaps one of the farmland parcels would be developed in the future pending a variance from the Planning Commission.

Mr. Conrad asked Mr. Iacona about the possibility of keeping the stub and still proceeding with his plan. It was his understanding that Mr. Iacona wanted the street vacated so he could have enough frontage for Sublot No. 48. Mr. Iacona said the frontage is too narrow now and the parcel does not meet the township's frontage requirements. By extending the frontage around the circle in the vacated area, it would give him the 75 feet of frontage needed to meet the zoning code. Mr. Conrad said he wished that a Hinckley Township representative were present at the meeting. Traditionally, Hinckley Township encourages permanent cul-de-sacs in lieu of stub streets. If there could have been an agreement to grant a variance on Sublot No. 48's frontage for right-of-way, which could have accomplished everything. He has heard, however, that Hinckley Township is holding firm on frontage requirements.

Mr. Hambley asked what the public benefit would be to vacate the right-of-way. Mr. Conrad said the public benefit would be to enable the plan, as approved, to be constructed. Mr. Hambley asked why it could not be constructed without vacating the right-of-way. Mr. Conrad said, with the revised preliminary plan before them, Sublot No. 48 would not meet township zoning requirements and probably would not become a buildable lot. He doesn't necessarily think there is a huge public benefit to vacating the right-of-way, but it would allow somebody that has gone through the planning process with an approve plan to complete that plan. Mr. Hambley asked if Sublot No. 48 would not meet the zoning code for a lot without vacation, and Mr. Conrad said that is correct.

Ms. Skorichenko expressed concern that the frontage would not give her enough room for a driveway for a rear lot onto Babcock Road because of the oil tanks. Mr. Conrad assured her that she has an existing driveway, and the tanks were not an issue for a driveway.

Mr. Hambley asked if the variance application approved by the County Planning Commission included tying in Sublot No. 48 or any of Mrs. Skorichenko's property. Mr. Conrad said it did not include tying in any property. Mr. Hambley said she could subdivide her property if she had access to that circle and develop an additional lot. Mr. Conrad said she could extend

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the street to do that (the pavement stops short of her property). She would also need to add the improvements. Ms. Skorichenko asked if she could be part of the cul-de-sac instead of extending it. Mr. Hambley asked why Ms. Skorichenko, as an adjoining property owner, would not be entitled to a portion of the redistribution of that circle. Mr. Conrad said the land that is requested to be vacated goes back to the owners of the properties to the east and west (Sublots No. 16 and 17) to be distributed as they choose.

Mr. Iacona said he did not see any opportunity for a road due to the wetlands and the setback requirements. He also did not believe the new Health Department Code for septic tanks would allow a septic for a home site in the rear of Ms. Skorichenko's property. Ms. Skorichenko said when Mr. Iacona first explained this to her when she signed the contract with him that they would work together and nothing was mentioned about the wetlands. He told her if her son wanted to develop her land that he would help him and let the cul-de-sac be used as part of it. He asked to purchase three more acres, but she confronted some problems and became ill, so she never replied (except at Christmas). Mr. Iacona said he was not aware of the wetlands until they performed the wetlands study in conjunction with the next phase of the development. He said, six years ago when they first made the deal, Ms. Skorichenko's concern was future development of her land, and he told her he would help her son. She doesn't want to sell her land – and that is fine, but in the mean time, he needs to do something with the land he is holding. This prompted him to proceed with Phase 2, split off three lots, and be done with that area.

Mr. Hambley asked what the time frame was for a decision on the vacation. Mr. Conrad said he did not think there was a time limit. Ms. Ray asked if Mr. Iacona had sold Sublot No. 48. Mr. Iacona said he had a contract on it subject to a decision on the vacation. Mr. Conrad asked Mr. Iacona if there was discussion with the township to allow a variance on the right-of-way frontage, and Mr. Iacona said no, there was no discussion. He had never done a vacation before, so nobody recognized it. Mr. Conrad said if the township was able to grant a variance on the existing frontage on Sublot No. 48 and leave the right-of-way, which might be a way to appease everybody involved. Mr. Iacona said Hinckley Township prefers permanent cul-de-sacs. Mr. Hambley pointed out that Hinckley Township has recently had a change in leadership. A property right of a potential benefactor was potentially eliminated through the planning process. He said he could see her perspective and understands why she would prefer to retain that right. Ms. Skorichenko said she was surprised because they had a verbal agreement based on trust. When Mr. Iacona approached her to purchase three more acres, she asked him to wait for a while. She would prefer that it stay as is.

Mr. Conrad asked if she had a plan to move forward with development from the back or from the front. Ms. Skorichenko said her son told her it would be very costly for a long driveway from Babcock Road. Mr. Hambley pointed out that it might be problematic to take the driveway across the ravine from the circle. Ms. Skorichenko said she made a mistake selling the best land, so she has to live with it, and she does not want to sell more land. Mr. Hambley said the two problems for Ms. Skorichenko to put a house on the cul-de-sac would be: (1) Sublot No. 48 would not have enough frontage under the current zoning, and (2) Ms. Skorichenko would have to extend that street and build a driveway to have enough frontage. Mr. Conrad said if somebody was going to build on their property and tie into Arborcrest Drive, it would be a major subdivision to extend all the utilities, the pavement, remove the wings of the existing cul-de-sac, and construct a new cul-de-sac on their property. This was done in Montville Township three years ago in the Champion Creek Subdivision. It was a considerable expense, but it had been done. Mrs. Geissman suggested that Ms. Skorichenko sit down with her son and Mr. Iacona and

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make some decisions about what she would like to do. Mr. Hambley said they also needed to work with the township.

There were no further comments.

After a short discussion, the Commissioners decided to recess the meeting instead of adjourning it so that if the parties involved came to some sort of understanding, they could take that into consideration in their decision to vacate Arborcrest Drive. Mr. Conrad said he would contact Hinckley Township to discuss the matter.

At, 1:37 p.m., Mrs. Geissman moved to postpone the meeting to a later date to be determined. Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this seventeenth day of December, 2007.

Respectfully submitted,

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Pam Vereb, Clerk

COMMISSIONERS \_\_\_\_\_  
Sharon A. Ray

OF \_\_\_\_\_  
Patricia G. Geissman

MEDINA COUNTY \_\_\_\_\_  
Stephen D. Hambley