

**THE CITY OF MAYFIELD HEIGHTS
ARCHITECTURAL BOARD OF REVIEW**

MINUTES

April 21, 2016

Mr. Miller, Chairman called the meeting to order at 5:30 p.m.

PRESENT: Mr. Philip Miller, Mr. Christopher Panichi, Mr. David Spehar
ABSENT: None

Also present was Tom Jamieson, Director of Building and Anne Weiland, Secretary.

Mr. Spehar, seconded by Mr. Panichi moved to suspend reading the minutes of the March 17, 2016 meeting and approve as written. All in favor, motion carried.

**2015-00561 Studio A Architecture
Atrium Skilled Care Nursing Facility
2108 Lander Road
New Building – Final**

Present was Vadim Kaplan, AIA, Studio A Architecture and Dawson Guyer, Atrium Centers, Inc. Mr. Kaplan presented the final material samples. He pointed out that the HVAC units have been moved off the roof to the ground. After review and discussion, Mr. Spehar, seconded by Mr. Panichi, moved to approve the final submittal with the following notations: identify the footprint of each HVAC unit and submit a landscape screening plan. All in favor, motion carried. Drawings approved as noted. A list of the colors approved must be submitted for the record.

**2016-00797 Barr Bros. Construction
6630 Hidden Woods Trail, S/L 71
New Single Family Dwelling**

Present was Dave Barr, Barr Bros. Construction. After review and discussion, Mr. Panichi, seconded by Mr. Spehar, moved to approve the drawings with the following notation: brick to grade on rear and side elevations. All in favor, motion carried. Drawings approved as noted.

Dr. Debbie Irvine, owner of 1052 SOM Center Road and the adjacent vacant lot, was present. Dr. Irvine informed the Board that she has had some drainage issues in the past from Hidden Woods. Although this property does not abut hers, she pointed out that there are deed restrictions, in the area in between, which state there are not to be any grade changes made within that area. She asked that her documents that she presented be included with the minutes in the permanent record.

As there was no further discussion or other business, the meeting was adjourned at 6:30 p.m.

APPROVED:



Philip Miller
Chairman

Respectfully submitted,



Anne Weiland
Secretary

From: "Lindell V. Riddle" <linriddle@roadrunner.com>
Subject: S/L 71 ARB
Date: April 20, 2016 1:28:39 PM EDT

I ask that these documents be made as part of the permanent record Mayfield Heights City Architectural Review Board Meeting of April 21, 2016

My name is Dr. Deborah L. Irvine - My husband and I own 1052 SOM Center Road and the property immediately to the north of our residence.

(PP#862-20-013)
(PP#862-20-014)

I understand that tonight's meeting is about the "aesthetics only" on S/L #71, however, I do wish to make a statement for the record.

I have stated in numerous Planning Commission and City Council Meetings, I was not opposed to the Phase III development, the consolidation of...

(PP#862-20-015) formerly known as 1032 SOM Road
(PP#862-20-034) known as "Block C"

however, I have expressed our concerns regarding any GRADE CHANGES due to flooding issues on our properties in the past.

In those various Mayfield Heights Meetings I provided detailed history and documents of precisely what happened - how my family suffered from being inundated with water from the Hidden Woods Phase I Development and I explained we did not want a repeat of that with the Hidden Woods Phase III Development.

We were assured that there would be no patios, and no storage buildings to prevent the natural flow of water and the drainage easement would be a conduit for water to the retention basin along SOM.

And, we were constantly reassured that we would NOT get any water incursion, and when I spoke at EACH of the Architectural Review Board Meetings regarding the building of each new home in that Hidden Woods Phase III Development...

Sublot 69 (05/15/14)
Sublot 68 (06/19/14)
Sublot 70 (03/19/15)
Sublot 67 (01/21/16)

...we were told that the FINAL GRADE would return to the elevations that were indicated on the PLAT PLANS.

[DOCUMENTS ENCLOSED]

crisis Classifieds
Autos/Vehicles
\$24 for 4 wks.
Private Party
Merchandise

The New SUN NEWS

THE SUN COMES OUT ON THURSDAY


SIGN UP
HERE TO
RECEIVE
YOUR
SUN

News | Columns | Directories | Movies | Search | Sports | Sun Info | un Info

Index

Wednesday,
April 20,
2016
Monday,
Feb. 05, 2007
Cleveland, Ohio

Advertising
An Overall Look
Classifieds
Rate Cards
Special Sections
Calendar (PDF)

Circulation
An Overall View
Customer
Services
Sun Gift Form
Want a paper
route?

Classifieds
Automotive
Boats: Sell A
Boat
Boats: Buy A
Boat
Boats: View Local
Ads
Classified Display
Ads
Classifieds
Main Menu
Help Wanted
Legal Ads
Place Classified
Ads Online
Rate Cards
Real Estate
Who Can Do It

Columns

Be Proud
Critic Corner,
Carolyn Steigman
Diggin' It, Jim
Votava
DVD Screener,
Gerry Shamray
Food, Barbara
Collier
On the Green,
Joseph Darwal
Open Mike, Mike
Seuffert

Feeling a little washed up

SOM Center Road residents deal with heavy run-off

By Mike Lesko
Staff Writer

Feb. 23, 2006

MAYFIELD HEIGHTS — Water run-off from a housing development is ruining Deborah Irvine's back yard.

"We're tired of being the sewer for this development," she said. "All the muck has been funneling into our yard."



Deborah Irvine of Mayfield Heights stands near property next to a housing development (background) where she says construction flooded land and felled trees. "It is getting worse and worse and worse," she said. Sun photo by Joseph Darwal.

The problem began last summer at the SOM Center Road home where Irvine lives with her husband, Lindell Riddle.

"This is frustrating," Irvine said, adding that their 11-year-old daughter can't play in the backyard play area. "We are innocent victims. We did not ask for this drainage to come onto us."

Matthew J. Rosner, of Jaylene Development of Beachwood, who is developing the Hidden Woods subdivision on SOM Center Road here, said the Irvine property has always had drainage problems.

"This is not a free-for-all," Rosner said. "We submit our plans and the city OKs them. We go by their standards. If there is a problem, we're going to fix it. It's as simple as that."

Don Colello, 6635 Ridgebury Blvd., lives on the property between Irvine and Hidden Woods. He said water run-off has eaten away at his dirt, exposing tree roots.

"The trees are leaning," Colello said. "With a strong wind, they could topple. It could be a safety hazard. The developer needs to get back there to divert that water."

For the rest of the story, see your local Sun newspaper.

© 2006 The Sun News
Go to The Sun News www.sunnews.com home page

HW TRAIL PARTNERS, LLC
7670 Tyler Boulevard - Mentor, Ohio 44060
p: 440.951.2977 - f: 440.951.2938

August 20, 2013

VIA U.S. & ELECTRONIC MAIL

Dr. Deborah Irvine
1052 SOM Center Road
Mayfield Heights, Ohio 44143

RE: *Hidden Woods Subdivision Phase III*

Dear Deborah:

In response to your email dated August 19, 2013 this letter will evidence the intention of HW Trail Partners, LLC to take the following actions, contingent upon your continued support of our development:

- 1) Provide advance notice of the dead underbrush chipping so you may be present to supervise the work. This chipping, which is to be completed at our expense, shall only occur on the rear half of your property (pp#862-20-014) and excludes any stump removal.
- 2) Extend the engineered mound northward on Block C to the southern property line of PP #862-20-015 to ensure that any drainage is captured by a storm water basin.
- 3) File a deed restriction on the crosshatched area in Exhibit A that will ensure the following:
 - a. The engineered mound will remain unchanged and be maintained in perpetuity.
 - b. The grade and plantings shall remain unchanged.
 - c. The "french drain" is to remain unchanged and be maintained in perpetuity.
- 4) Ensure our surveyor stakes the southern property of PP#862-20-015 boundary every 40 feet.
- 5) Plant one evergreen tree per lot along the boundary or at locations that [Riddles] reasonably see fit.

Sincerely,



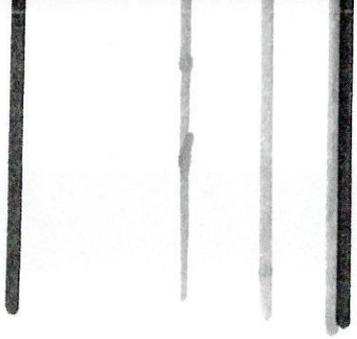
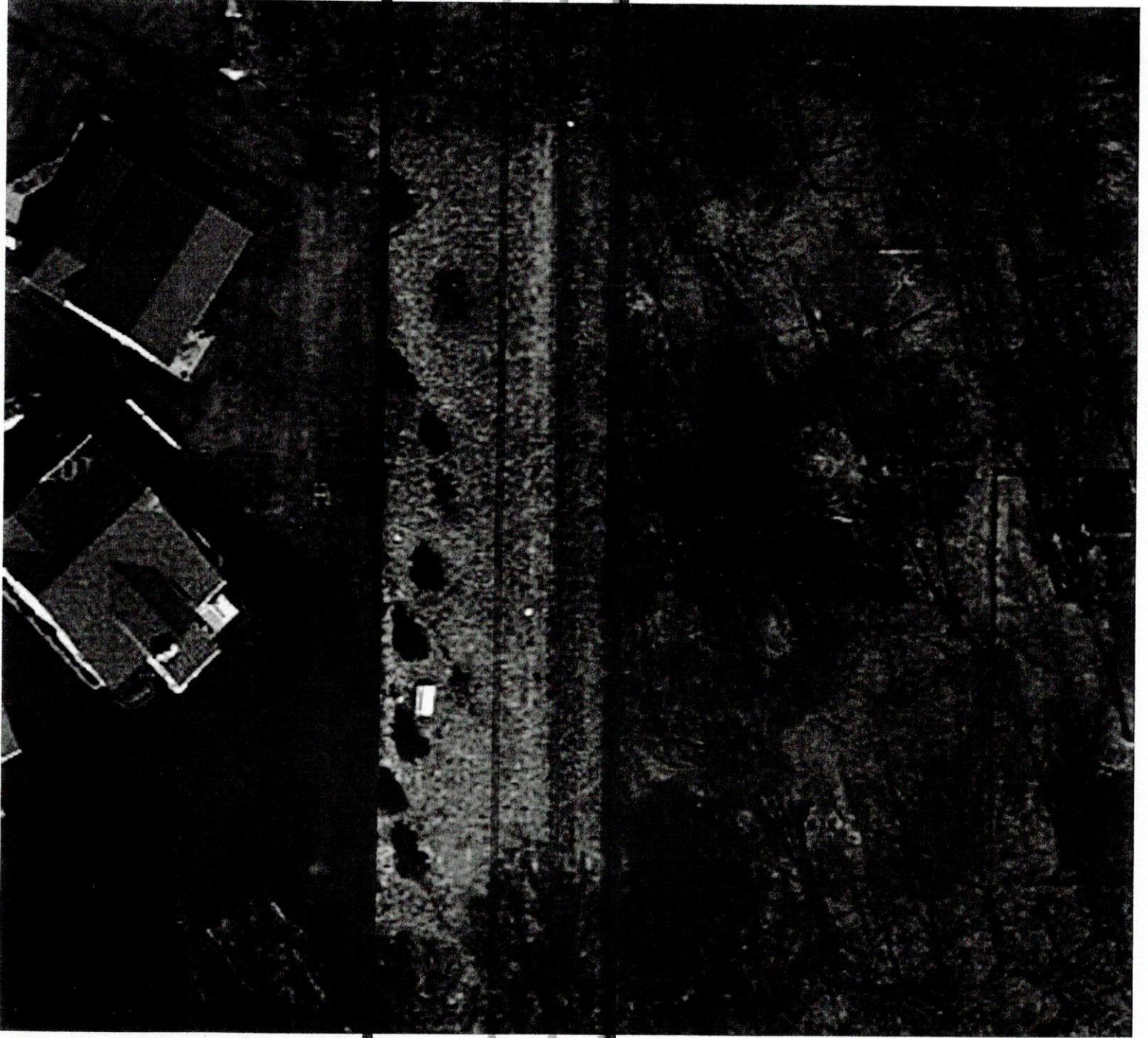
Lance Osborne
Managing Member

cc: Councilman Nino Monaco, City of Mayfield Heights
via electronic mail (ninomonaco@sbcglobal.net)

BLOCK
C

FRENCH DENIA

MOUND



From: Lindell V. Riddle <linriddle@roadrunner.com>
Subject: **Grade Changes on Block C (eMail #1)**
Date: March 24, 2014 1:53:40 PM EDT
To: lisabenedetti@mayfieldheights.org
Cc: gayleteresi@mayfieldheights.org, joemercurio@mayfieldheights.org,
robertdejohn@mayfieldheights.org, donaldmanno@mayfieldheights.org,
ninomonaco@mayfieldheights.org, susansabetta@mayfieldheights.org,
paulsciria@mayfieldheights.org

EMAIL FROM DR. DEBORAH L. IRVINE
(Note: 5 additional eMails to follow)

=====

Dear Mayfield Heights City Council Members,

I understand that on the Agenda tonight is Resolution 2014-12 ...

"A resolution approving the lot split of Permanent Parcel No. 862-20-049 (Sublot 71, 6630 Hidden Woods Trail), and consolidation into Permanent Parcels Nos. 862-20-033 (6618 Hidden Woods Trail) and 862-20-034 (6614 Hidden Woods Trail)."

...which has in the past been known as **Block C** of the Hidden Woods Subdivision.

As I have stated in numerous Planning Commission and City Council Meetings, I am not opposed to the Phase III development, however, I have expressed my concerns regarding any grade changes being made on that Block C area due flooding issues on our properties in the past.

I have informed Council Members that when Hidden Woods Development Phase I was originally being considered, it was clearly stated before both the Planning Commission and City Council, that **Block C was to remain wooded**. Block C was stripped of trees and topsoil - it became a barren wasteland! Soon afterwards my family became inundated with water. We met with former Mayor Margaret Egensperger as well as former Building Director Sheldon Socoloff regarding the flooding of our property. In fact, Mr. Socoloff documented in two eMails the problems we were having and threatened to pull the permits if things were straightened out and fast.

Then there was a change in the administration and things became worse.

In 2006, I spoke before the Mayfield Heights City Council back begging anyone on council, in the building department, and even the former mayor to help remedy the flooding our property received from the Hidden Woods Phase One development. I was constantly assured that the *"final grading and yard basins were working just fine"* even though I would show council that the yard basins were completely covered in mud and every time it rained, our backyard became flooded.

We took the drainage for over two years with no relief in sight. So, my husband and I hired an engineer, at great expense to us, who documented all the issues we were suffering.

In August of 2006 our engineer met with former City of Mayfield Heights engineer Thomas Hippley, as well as former Phase I Hidden Woods engineer, Donald Bohning. **ALL THREE ENGINEERS** agreed upon implementing a **specifically designed grade change on Sublots 20 and 21 as well as Block C** which would precisely direct the flow of water into the yard basins that were then known as "Sublot 20" (Mark Krus) and "Sublot 21" (Michael Ballistrea) and that going forward:

The Hidden Woods Homeowners Association would maintain...

1. that specifically designated grade,
2. the "landscaping",
3. the "earthen mound",
4. and the "French Drain"

...in perpetuity and would be deed restricted as part of the covenants in order to avoid future issues.

Our engineer explained to us that this balance is very delicate and any alterations would upset the flow of water. In fact, the developer had to change the yard basin size because its original size could not handle all the water generated on Sublots 20, 21, and 22. The engineers came to the conclusion wherein they **precisely calculated the manner for water retention and run-off control.**

The best way to analogize the current design would be to a walk-in shower. The drain is in the center. The floor of the shower slopes to the drain, which is the lowest point. And there is a "lip" around the edge of the shower to contain the water, otherwise the water would flood the bathroom floor.

We have been promised by Lance and Brian Osborne that the deed restrictions on these lot splits will reflect that ANY changed in grade or alterations of yard basins must be fully and strictly supervised all plans and approved by the City Engineer and this Council.

I would also like to ask that all abutting and affected properties owners be included in this process, not just apprised at the third council reading so those most affected will have an opportunity to review any proposals. And I ask, that it be made clear there is to be **NO ADVERSE DRAINAGE** to any easterly properties from the area currently known as "Block C" going forward, I do not wish to return to the days of cascading water!

With these understandings in place we have no objection to the proposed lot split.

Sincerely,

Debbie

Deborah L. Irvine

[Additional eMails to follow]

CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICER - 6
DECL 2/11/2014 4:19:31 PM
201402110536

SECOND SPECIAL AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS and RESTRICTIONS
OF
HIDDEN WOODS SUBDIVISION
MAYFIELD HEIGHTS, CUYAHOGA COUNTY, OHIO
ADDING PHASE III

PREAMBLE

A. On January 1, 2006, Hidden Woods, LLC, an Ohio limited liability company (the "**Original Developer**") submitted certain premises described therein (the "**Property**") to the document entitled "Declaration of Covenants, Conditions, Easements and Restrictions for Hidden Woods Subdivision, Mayfield Heights, Cuyahoga County, Ohio" (the "**Declaration**"), which Declaration has been recorded as Instrument No. **200601230847**, Cuyahoga County Records.

B. On May 28, 2013 the Original Developer recorded a Subsequent Amendment to the Declaration thereby submitting all "Additional Property" as originally defined in the Declaration to the Declaration, said Subsequent Amendment recorded as Instrument No. **201305280634**, Cuyahoga County Records.

C. On May 28, 2013 the Original Developer, by deed recorded as Instrument No. **201305280635**, Cuyahoga County Records, conveyed all of its interest in any portion of the Property subject to the Declaration to HW Trail, LLC, an Ohio limited liability company ("**Developer**").

D. On May 28, 2013 the Original Developer, in its capacity as Declarant under the Declaration recorded a "Designation of Successor Developer and Transfer and Acceptance of Rights" as Instrument No. **201305280636**, Cuyahoga County Records, thereby designating the Developer as the "Successor Developer" under the Declaration.

E. Section 1.3(a) of the Declaration permits the Developer to add additional property to the operation of the Declaration from time to time.

ENTERPRISE TITLE
NO. 110752E

F. Developer desires to subject the property described in **Exhibit A** attached hereto and incorporated herein (the "**Phase III Property**") to the provisions of the Declaration, which property is

2. **Restrictions Governing Buffer & Drainage Easement.** The Buffer & Drainage Easement area, as shown on the Phase III Plat, shall be subject to the following restrictions:

- (i) The grade shall not be changed by any Person without the prior written approval of the Association, the City Engineer and the City Council of the City of Mayfield Heights.
- (ii) The engineered earthen mound that is presently within such area shall be maintained by the Association in its present configuration in perpetuity.
- (iii) The landscaping within such area shall be maintained (and replaced) by the Association in its present configuration in perpetuity.
- (iv) The existing French Drain within such area shall be maintained by the Association in its present configuration and in good working order in perpetuity.

3. **Provisions Regarding Storm Sewer Easement.** While the entire Phase III Property is subject to all of the provisions of the Declaration, the Storm Sewer Easement area, as shown on the Phase III Plat, is specifically subject to the following provisions:

(i) Block A of Phase 3, as shown on the Phase III Plat, shall be a Common Area, as defined in the Declaration, and shall be maintained by the Association as provided in the Declaration, including, but not limited to, as provided in Section 6.1 thereof.

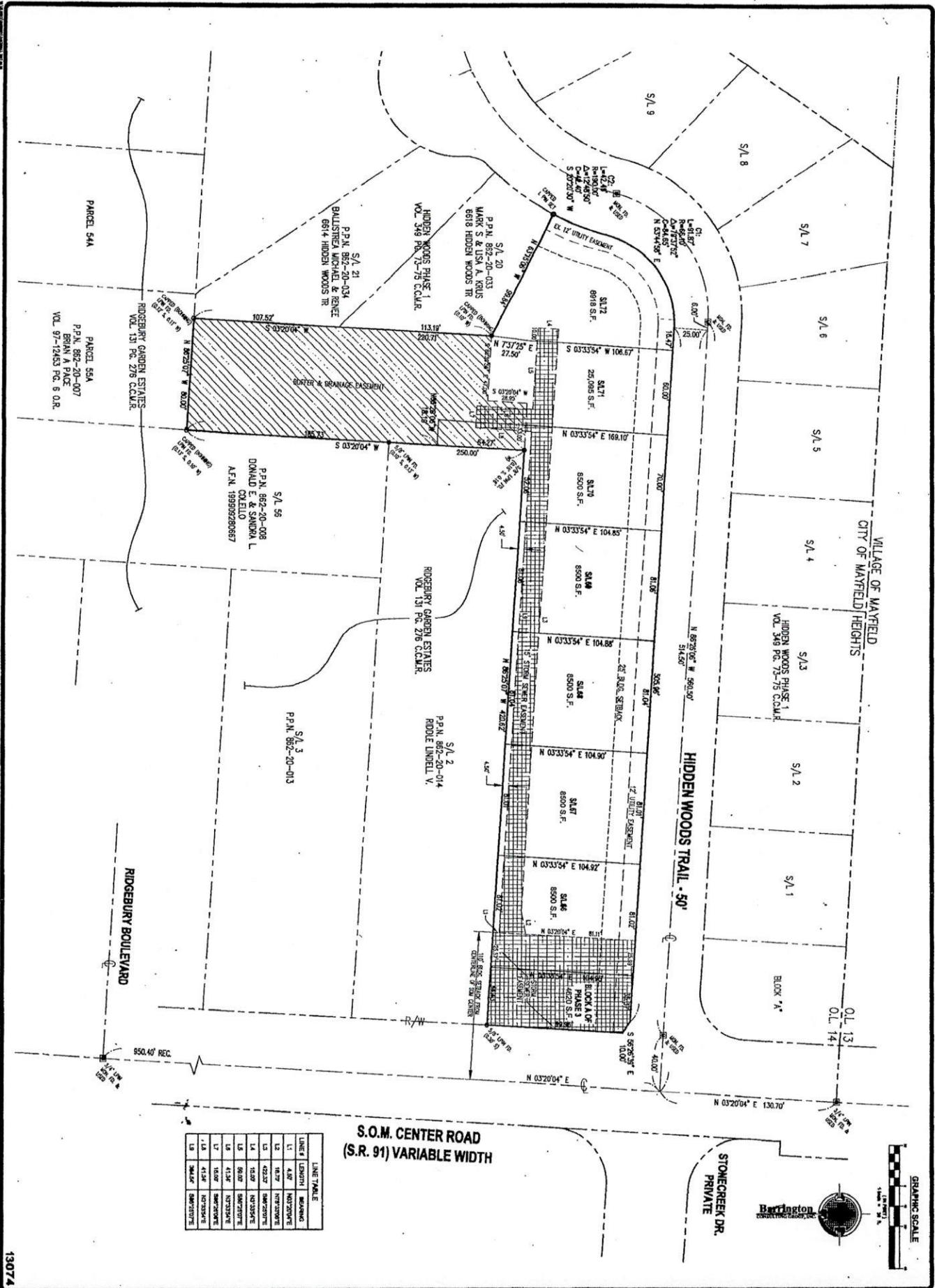
(ii) Portions of the Storm Sewer Easement area, as shown on the Phase III Plat, that are located within Phase III Sublots shall be specifically subject to the provisions of Sections 3.6, 6.1(e), and 7.15.

(iii) The City shall have the right, but not the obligation, to take all actions the Association may take under the Declaration regarding the maintenance, repair, and replacement of storm sewer improvements and facilities within the Storm Sewer Easement area, as shown on the Phase III Plat, and in no event shall the City be liable to any Owner or the Association by reason of such actions, or failure to take such actions.

(iv) The Association and its agents shall have the right to enter upon the Storm Sewer Easement area.

4. **Amendment to this Supplemental Declaration.** The provisions of this Supplemental Declaration may be amended pursuant to the provisions of Section 16.11 of the Declaration, except further that all amendments hereto shall have the written consent of the City Council of the City of Mayfield Heights ascribed thereto.

5. Except as supplemented herein, the Declaration and Code shall remain in full force and effect.



S.O.M. CENTER ROAD (S.R. 91) VARIABLE WIDTH

LINE #	LENGTH	BEARING
L1	4.00'	N73°25' E
L2	4.00'	N73°25' E
L3	4.00'	N73°25' E
L4	4.00'	N73°25' E
L5	4.00'	N73°25' E
L6	4.00'	N73°25' E
L7	4.00'	N73°25' E
L8	4.00'	N73°25' E
L9	4.00'	N73°25' E

GRAPHIC SCALE
1" = 100'

Barrington
CONSULTING GROUP, INC.

STONECREEK DR. PRIVATE

13074

212

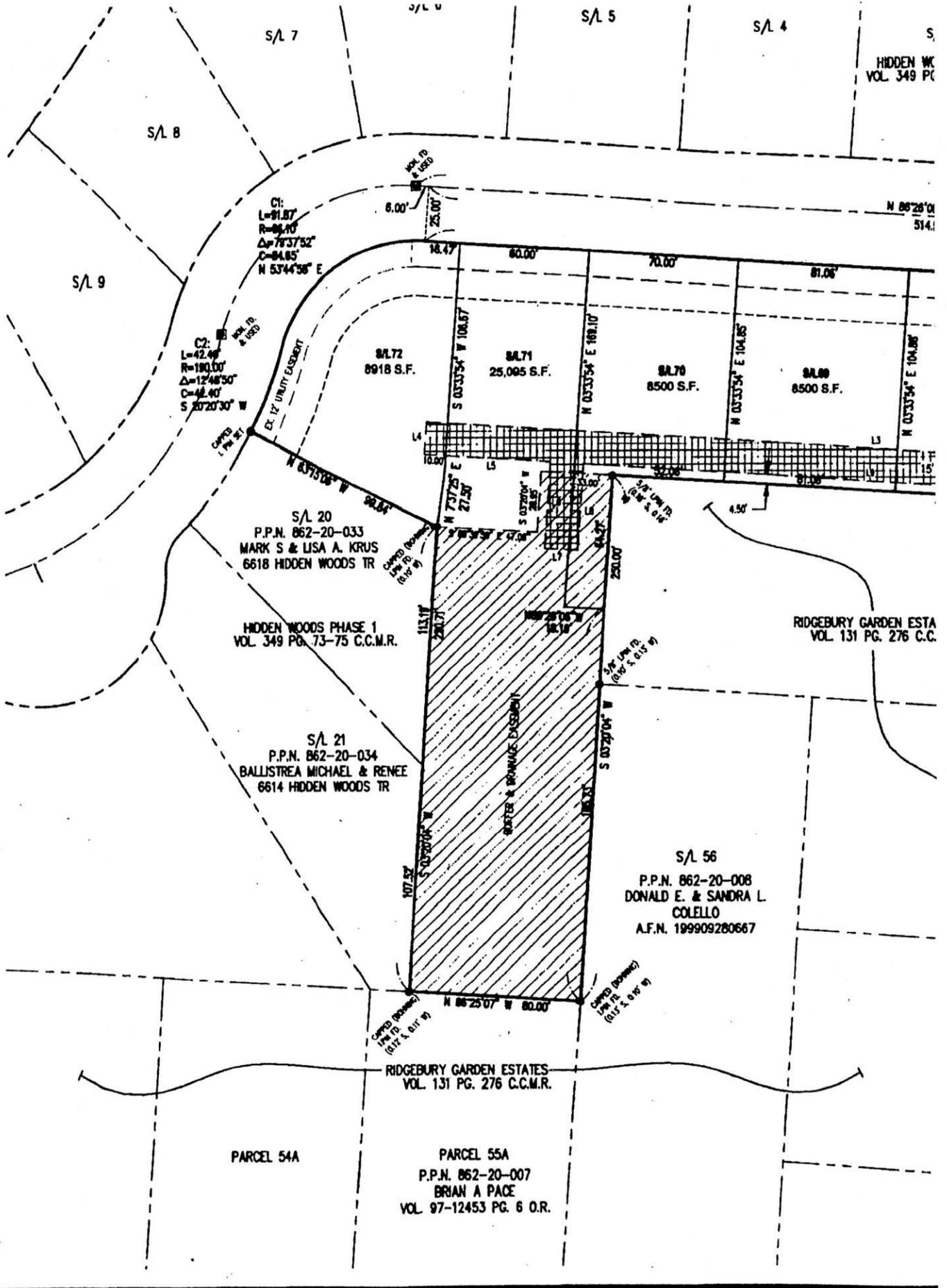
DEC 3, 2013

PLAT
HIDDEN WOODS TRAIL
CITY OF MAYFIELD HEIGHTS
HIDDEN WOODS SUBDIVISION, PHASE 3

HW TRAIL PARTNERS, LLC
LANCE F. OSBORNE
7670 TYLER BLVD.
MENTOR, OH 44060
(440) 951-2977 / FAX: (440) 951-2938

Barrington
CONSULTING GROUP, INC.
9114 TYLER BLVD., MENTOR, OHIO 44060
PHONE 440.245.1260 FAX 440.245.1262

REVISIONS	DATE	BY	DESCRIPTION



S/L 7

S/L 5

S/L 4

HIDDEN WC
VOL. 349 PG. 514.

S/L 8

S/L 9

C1:
L=81.87
R=88.10
Δ=71°37'52"
C=84.85
N 53°44'58" E

C2:
L=42.40
R=180.00
Δ=12°48'50"
C=44.40
S 20°20'30" W

84.72
8918 S.F.

84.71
25,095 S.F.

84.70
8500 S.F.

84.69
8500 S.F.

S/L 20
P.P.N. 862-20-033
MARK S & LISA A. KRUS
6618 HIDDEN WOODS TR

HIDDEN WOODS PHASE 1
VOL. 349 PG. 73-75 C.C.M.R.

S/L 21
P.P.N. 862-20-034
BALLISTREA MICHAEL & RENEE
6614 HIDDEN WOODS TR

RIDGEBURY GARDEN ESTA
VOL. 131 PG. 276 C.C.

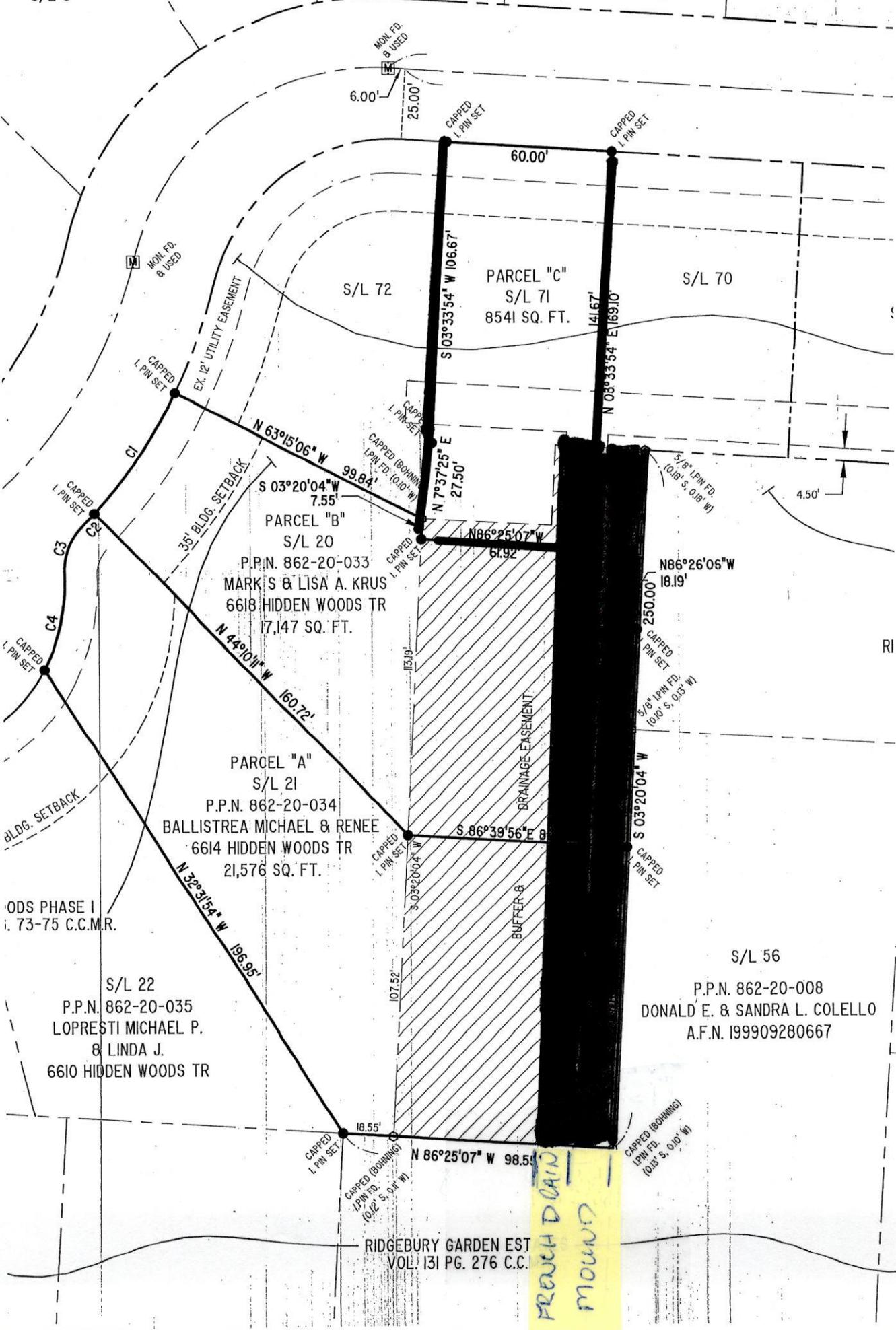
S/L 56
P.P.N. 862-20-008
DONALD E. & SANDRA L.
COLELLO
A.F.N. 199909280667

RIDGEBURY GARDEN ESTATES
VOL. 131 PG. 276 C.C.M.R.

PARCEL 54A

PARCEL 55A
P.P.N. 862-20-007
BRIAN A PACE
VOL. 97-12453 PG. 6 O.R.

S/L 8



ODS PHASE I
73-75 C.C.M.R.

S/L 22
 P.P.N. 862-20-035
 LOPRESTI MICHAEL P.
 & LINDA J.
 6610 HIDDEN WOODS TR

PARCEL "A"
 S/L 21
 P.P.N. 862-20-034
 BALLISTREA MICHAEL & RENEE
 6614 HIDDEN WOODS TR
 21,576 SQ. FT.

PARCEL "B"
 S/L 20
 P.P.N. 862-20-033
 MARK S & LISA A. KRUS
 6618 HIDDEN WOODS TR
 7,147 SQ. FT.

PARCEL "C"
 S/L 71
 8541 SQ. FT.

S/L 56
 P.P.N. 862-20-008
 DONALD E. & SANDRA L. COLELLO
 A.F.N. 199909280667

RIDGEBURY GARDEN EST
 VOL. 131 PG. 276 C.C.

TRENCH DRAIN
 MOUND