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BOARD OF ZONING APPEALS MEETING

MONDAY MARCH 7, 2016

7:00 P.M.

- - - - -

Transcript of proceedings held at  
the Russell Fire-Rescue Station, 14810  
Chillicothe Road, Novelty, Ohio, 44072.

KIMBERLY K. GIEL, RPR

(440) 655-2066

1 MR. GOKORSCH: Okay. Roll call  
2 please.

3 MS. DORKA: Mr. Boucek?

4 MR. BOUCHEK: Here.

5 MS. DORKA: Mr. Grassi?

6 MR. GRASSI: Here.

7 MS. DORKA: Mr. Downing?

8 MR. DOWNING: Here.

9 MS. DORKA: Ms. Moore?

10 MS. MOORE: Here.

11 MS. DORKA: Mr. Gokorsch?

12 MR. GOKORSCH: Here.

13 Any announcements relative to this  
14 meeting?

15 MS. STEFFEN: Yes, I just wanted to  
16 say the legal notice for both hearings tonight was  
17 in the Chagrin Valley Times on the 25th of  
18 February, and it was sent to the appellant and to  
19 the neighbors directly next door and across the  
20 street on February 22nd.

21 MR. GOKORSCH: Okay. Thank you.

22 Anything else?

23 MS. STEFFEN: No.

24 MR. GOKORSCH: I want to thank for  
25 the record Bill here for coming back from

1 vacation, flying back for this meeting. He was  
2 actually in Naples having a good time and he had  
3 to spend time and expense to come here. So the  
4 record should reflect our thanks and gratitude for  
5 him putting himself out for us.

6 MR. DOWNING: It's not covered in the  
7 expense account either.

8 MR. GOKORSCH: Or our salaries, by  
9 the way, of which there's zero.

10 Tonight's meeting is going to be held  
11 a little differently. Most of our variances are  
12 area variances. This, however, there's two  
13 appeals, 491 and 492. They're alleged errors  
14 relative to the findings of the zoning inspector.  
15 So I'm going to handle it a little differently  
16 this evening because much like a court of law I  
17 want to make sure that everyone gets to speak, no  
18 one speaks over anyone else, that you identify  
19 yourself, and that you're all sworn in. So in  
20 lieu of -- usually we swear everyone at once. I'm  
21 going to swear you in individually before you give  
22 testimony. Okay. With that --

23 MR. BOUCHEK: Mr. Chairman, I move to  
24 open the public hearing for appeal number 491 for  
25 the property at 8230 Fairmount Road.

1 MS. MOORE: I'll second.

2 MR. GOKORSCH: All in favor?

3 MS. MOORE: Aye.

4 MR. DOWNING: Aye.

5 MR. GOKORSCH: Aye.

6 MR. GRASSI: Aye.

7 MR. BOUCHEK: Aye.

8 MR. GOKORSCH: Okay. With that who  
9 is leading off here?

10 MR. EVENCHIK: Good evening.

11 MR. GOKORSCH: Could you raise your  
12 right hand please.

13 AARON EVENCHIK, of lawful age, called  
14 for examination, being first duly affirmed, as  
15 hereinafter certified, testified as follows:

16 MR. GOKORSCH: Please identify  
17 yourself.

18 MR. EVENCHIK: My name is Aaron  
19 Evenchik. I serve as counsel for Peter and Eileen  
20 Rogers, and I'm going to address both of these  
21 issues initially together because I think it will  
22 be helpful.

23 MR. GOKORSCH: Well, Aaron, point of  
24 order, we only are looking at the first issue  
25 today right now, right now. We can go to both

1 issues very easily, but if you want to open both  
2 appeals at the same time I would close this and  
3 open them both together.

4 MS. MOORE: For a point of order,  
5 you've not made a motion to consolidate the two,  
6 and so I guess the question would be is there a  
7 desire to consolidate both appeals? Before you  
8 would do something like I'd want us to have an  
9 opportunity to go into executive session and speak  
10 with counsel to receive guidance relative to the  
11 appropriateness of consolidating the appeals.

12 MR. EVENCHIK: I think that both  
13 appeals boil down to the same fundamental issue.  
14 The zoning inspector found I think similar  
15 violations or alleged similar violations on both  
16 pieces of property, and I think that the Rogers  
17 have been operating both pieces of property in a  
18 similar manner. So I would think it would be  
19 helpful for us to hit -- although there will be  
20 individual differences between the two properties,  
21 I think it would be helpful to address them  
22 potentially together. But I will defer to you.  
23 If you want to do them separate, I'm happy to do  
24 that as well.

25 MR. GOKORSCH: I'd like to do them

1 sequentially. That's the way they were brought  
2 in, 491 and 492. We're talking about 491 right  
3 now. 8230 Fairmount.

4 MR. EVENCHIK: Okay. So some of what  
5 I am going to say here, I'm going to be discussing  
6 some of the other properties, although the  
7 arguments apply to this property.

8 The Rogers have been homeowners here,  
9 as many of you know, for a long time. They were  
10 involved both on some of the zoning boards in this  
11 township. His father was involved in things here.  
12 And what we're looking at here, the fundamental  
13 dispute as I understand it involves a number of  
14 issues. Issue number one is how they're using the  
15 property, right? Are they using this property as  
16 a multi-family property, there's a number of  
17 different units, or alternatively is there a group  
18 who is renting this as a home and using various  
19 parts, one economic unit, which is permitted under  
20 your code.

21 The second issue is have some  
22 improvements been made to the property and if  
23 those improvements have been made and there's not  
24 permits, how do we get permits in place to enable  
25 the township and the county to be comfortable that

1 those improvements were put in properly and  
2 everything is up to code. So that's the second  
3 issue.

4           The third issue relates specifically  
5 to this property, the one we're talking about on  
6 Fairmount Road, which has both a home and it has a  
7 barn which also -- we'll call it the barn but also  
8 serves as a home. Those two units were  
9 constructed a one lot. At a time they were  
10 initially constructed, the zoning board that  
11 preceded you or the zoning commission said they  
12 could have people living in the home. And so now  
13 you have a situation where you have two units, two  
14 physical structures on one property that the  
15 allegation is that that violates township zoning  
16 because you have two primary structures on one  
17 property. But, again, that's easily solved and I  
18 think that even that process started a number of  
19 years ago and stopped for whatever reason.

20           So what we want to be able to do,  
21 what the Rogers want to be able to do is work with  
22 both the zoning inspector and the board of zoning  
23 appeals as necessary and the prosecutor to find a  
24 way to resolve these concerns.

25           So working backwards, right, the two

1 properties on one unit, what we can do there is an  
2 easy lot split. Would it require us to come  
3 before you? Potentially if there's a side setback  
4 that's required to be a certain distance and those  
5 two units are --

6 MR. DOWNING: Mr. Chairman, I need to  
7 ask a question of our legal counsel. The  
8 testimony alluded to the fact that a prior zoning  
9 board provided the authority to have multiple and  
10 that's not true. The zoning resolution allows --  
11 I just don't want that testimony in the record  
12 without being challenged, that's all.

13 MS. MOORE: I would ask my fellow  
14 board member if we desire to seek legal counsel  
15 that we break into executive session in order to  
16 receive counsel as asking for counsel in public  
17 could compromise our privilege, and I wouldn't  
18 want to do anything to compromise that. With that  
19 said, Bill, would you move to go into executive  
20 session for the limited purpose of discussing with  
21 counsel a concern relative to pending litigation  
22 that's before us?

23 MR. DOWNING: If that's the way we  
24 need to do it, that's fine.

25 MR. EVENCHIK: Can I address that?



1 So we're not in pending litigation yet. We're  
2 here on an appeal. You folks haven't made a  
3 decision and we haven't appealed that further into  
4 litigation. I believe I can address and  
5 demonstrate to you, I know you said you had your  
6 doubt on the 1970 --

7 MS. MOORE: Are you suggesting we  
8 can't break into executive session.

9 MR. EVENCHIK: I think there actually  
10 are limitations under Ohio Sunshine Law about what  
11 your ability to adjudicate on a matter like this  
12 is. I think it has to be done in front of the  
13 public body so they can hear and understand that  
14 process under Ohio's Open Meetings Act, but the  
15 1970 -- and I bring it up, it's not necessarily  
16 relevant to the argument today, but just looking  
17 at -- this is a history, I believe, prepared by  
18 someone in your zoning department at one point  
19 which said in 1978 that people were permitted --  
20 at the time it was servants' quarters, that  
21 section 2.17 of your code at that time and I'll  
22 acknowledge I don't have that section of your  
23 code, permitted domestic servants to be housed on  
24 the premises. So my only point I was trying to  
25 make was when that barn was built in 1978 -- and I

1 can maybe find that memo to the zoning commission  
2 in here -- it did permit two houses to be built on  
3 there and/or two units to be built, two buildings  
4 and people living in both.

5 MR. GOKORSCH: Let me be clear. I  
6 believe that memo said that in 1978 domestic  
7 servants who worked in the home were allowed to  
8 live in the other structure. Let's let the  
9 wording exactly for the court reporter, shall we?  
10 If you could read it please?

11 MR. EVENCHIK: Well, the wording on  
12 this, I don't have the section 2.7 at the time  
13 permitted domestic servants housed on the  
14 premises. Yes, I acknowledge it said that.

15 MS. MOORE: What are you referring  
16 to?

17 MR. EVENCHIK: I am referring to a  
18 memorandum that we received from a public records  
19 request, at the top titled History of 8230  
20 Fairmount Road as shown in zoning file. At the  
21 bottom there's a footer that says 8230 Fairmount  
22 history 0710.

23 MS. MOORE: May I see that document?

24 MR. EVENCHIK: You may, absolutely.

25 MR. GOKORSCH: I would like to make

1 sure we have that exact wording of that zoning  
2 resolution. Do we have that? Can we put that in  
3 the record?

4 MS. STEFFEN: Yes, 2.17 -- my name is  
5 Diana Steffen, I'm the zoning inspector. 2.17 is  
6 a definition of family. It says, One or more  
7 persons occupying a single dwelling unit provided  
8 that all members are related by blood or marriage.  
9 No such family shall contain over five persons,  
10 but further provided that domestic servants  
11 employed on the premises may be housed on the  
12 premises without being counted as a family or  
13 families.

14 And that was actually in the zoning  
15 resolution from 1978 to 1992.

16 MR. GOKORSCH: There's one other  
17 definition I want to make sure is in the record,  
18 the definition of premises. Do we have that also  
19 with the zoning resolution?

20 MS. STEFFEN: No.

21 MR. GOKORSCH: Thank you.

22 MS. MOORE: Mr. Evenchik, where did  
23 you receive this document?

24 MR. EVENCHIK: I received that, we  
25 made a Public Records Act request to the city

1 zoning department, and I believe I received that  
2 from the zoning inspector.

3 MS. STEFFEN: Can I --

4 MS. MOORE: I'd just ask for purposes  
5 of the record that the zoning inspector review the  
6 document, make sure it's one of the documents that  
7 was provided in the public records request and  
8 that it be marked as an exhibit for our purposes.

9 MR. EVENCHIK: I apologize, I didn't  
10 bring copies.

11 MS. MOORE: If you're okay with  
12 submitting it as is?

13 MR. EVENCHIK: I would like to keep a  
14 copy for my records, but maybe after the hearing  
15 we can make copies. That way the record is  
16 complete.

17 MS. STEFFEN: Actually I do have  
18 another copy here we can use as an exhibit. I  
19 believe that's the same. If you want to look, but  
20 I think it's the same.

21 MR. GOKORSCH: Do you want to verify?

22 MR. EVENCHIK: It looks the same from  
23 here.

24 MR. GOKORSCH: You're saying it's  
25 true?

1 MR. EVENCHIK: It looks the same.

2 Yes. I'm confirming for the record that it's the  
3 same document.

4 MR. GOKORSCH: Let's mark it as such  
5 and make sure it gets in the record here.

6 A MALE: Is it permitted so we don't  
7 have background noise to close this?

8 MR. GOKORSCH: Sure.

9 MR. BUTTERS: Actually, Chairman, the  
10 trustees say that that door has to stay open per  
11 law. They've said that at several meetings.

12 MS. MOORE: Mr. Butters is correct,  
13 the door should be a little bit ajar.

14 MR. GOKORSCH: Sorry for the noise.

15 MR. EVENCHIK: Okay. So the point I  
16 was trying to make was relative to those two units  
17 at 8320 Fairmount -- 8230, I apologize, Fairmount,  
18 that we have 12 acres on that parcel that we can  
19 work -- the Rogers can work together with the  
20 township to start that lot split process so we can  
21 break that up so that one of their concerns can be  
22 addressed -- one of the zoning inspector's  
23 concerns can be addressed and effectively  
24 eliminated. And then you won't have to worry  
25 about two premises, however you want to call that

1 in the zoning code being on the same lot.

2           And, again, I want to be clear, one  
3 of the things we're here to do tonight on behalf  
4 of the Rogers, I as the representative, is to find  
5 a way to work through these issues with the  
6 township and resolve the township's concerns. If  
7 necessary, we're prepared to take the appeal and  
8 keep moving forward, but I -- some people say I  
9 look young and I always take it as a compliment,  
10 but I've done enough of these to know that when we  
11 can find a way to address your concerns and  
12 address their concerns and find a win-win, that's  
13 generally beneficial for everybody. So that is my  
14 underlying goal. So that is -- that's the two  
15 units.

16           The second issue I believe I  
17 referenced was the permitting issue. To the  
18 extent alterations have been done, I believe  
19 Mr. Rogers has already started the process of  
20 applying for some of those permits so that he can  
21 have those inspections done, make whatever repairs  
22 are necessary to bring those things up to code.  
23 So that's something, again, that process as you  
24 all know takes some time, but we're willing to  
25 work with the board in order to get that done.

1                   And then the third issue obviously  
2 relates, I think the fundamental issue and the  
3 issue that looks like it's been repeating itself  
4 over the last at this point 16 to 18 years is who  
5 is living in these homes, whether it's the one  
6 we're looking at this first appeal at 8320  
7 Fairmount or the second appeal at 8380 Kinsman.  
8 So your zoning code, as you know, the definition  
9 section under family includes the definition that  
10 the number -- I'm reading verbatim from the  
11 definition of family. One or more persons related  
12 by blood, adoption, guardianship, or marriage,  
13 living together exclusive of lived in hired  
14 employees. Next sentence, A number of persons,  
15 but not exceeding five, living as a single  
16 economic unit and cooking together as a single  
17 householding unit though not related by blood,  
18 adoption, guardianship, or marriage, shall be  
19 deemed and constitute a family exclusive of lived  
20 in hired employees.

21                   So that's what we maintain is going  
22 on here, that essentially what you have is one  
23 economic unit living both in the home at 8320  
24 and -- living in the home at 8320 Fairmount and  
25 living in the home at 8230 Fairmount, and living

1 in the home at 8380 Kinsman. What's interesting  
2 in doing the review, it looks like this issue has  
3 been reviewed by the township before, and, in  
4 fact, the zoning inspector then provided some  
5 initial guidance. I'm passing out to you -- I'm  
6 going to do it in sets -- these are letters -- I  
7 guess let me pass them out. I'll give a set to  
8 the court reporter as well.

9 MS. JACOB: What exactly are you  
10 referring to?

11 MR. EVENCHIK: I'm passing out from  
12 2000 and 2002. Here's a set. Do you need a set  
13 as well?

14 MS. STEFFEN: Do you have another  
15 that I can have?

16 MR. EVENCHIK: So what I have handed  
17 you, that was the reason I mentioned perhaps  
18 consolidating some of this up front, is a memo  
19 written by the zoning inspector in 2011, a letter  
20 that was sent in 2000 to Mr. and Mrs. Stephen  
21 Cholewa -- I hope I didn't say that incorrectly --  
22 and as well in 2002 to Charles Butters, who  
23 perhaps I heard your name here this evening,  
24 complaining about similar allegations occurring at  
25 the property. This was acknowledged this was at



1 the property 8380 Kinsman Road. And these letters  
2 provided that the use was permitted under your  
3 code and in these letters your prior zoning  
4 inspector, William Mason, indicated that it wasn't  
5 a duplex or multi-family look at some of these  
6 things.

7 MR. GOKORSCH: What date was that?

8 MR. EVENCHIK: This was in 2000.

9 MR. GOKORSCH: And the home is in  
10 exactly the same condition today.

11 MR. EVENCHIK: I understand that the  
12 home -- and we have Mr. Rogers here to confirm --

13 MR. GOKORSCH: Just a question.  
14 There's been no modifications made to the house  
15 from 2000 to today?

16 MR. EVENCHIK: There's been no  
17 modifications made to the house that affect the  
18 criteria listed in this letter.

19 MR. DOWNING: That's not what he  
20 asked.

21 MR. GOKORSCH: There's been no  
22 modifications made to the house so -- such that  
23 there's still one kitchen as there was in 2000,  
24 right? There's one entrance as there was in 2000.  
25 There was no modifications substantively made to

1 the house since 2000; is that correct?

2 MR. EVENCHIK: I don't know if that's  
3 correct or incorrect. We can ask Mr. Rogers. Let  
4 me respond back to you.

5 MS. MOORE: I would suggest we allow  
6 Mr. Evenchik to put on his full case and his  
7 evidence to support his propositions.

8 MR. EVENCHIK: I want to address that  
9 notion though. I understand one of your  
10 concerns -- I think you're the chairman, correct?  
11 Is that if he added a kitchen that some way,  
12 somehow that changes things. So I will tell you  
13 if you come to my house, right, I have three  
14 kitchens in my house; one for meat, one for dairy,  
15 and one for Passover, right? And in my  
16 neighborhood that's what people do. That's what  
17 any Jewish neighbors do.

18 MR. GOKORSCH: I think the vice chair  
19 is correct, we probably need to defer this. I  
20 don't think we're talking about a kosher kitchen  
21 here. I understand your need, religiously right?  
22 I was talking about this house. I will defer this  
23 question until you finish your case. Thank you.

24 MR. EVENCHIK: But I want to address  
25 it because I understand the point you're making.

1 What I am saying is I don't think that having  
2 multiple kitchens or adding bathrooms or making a  
3 change, if you essentially have these people in  
4 here in one economic unit, is going to materially  
5 change the analysis here. Right? If there's  
6 additional amenities added to a home that all  
7 these folks are able to use, then you still have  
8 them as one economic unit. The differentiator,  
9 right, would be is if giant walls went up so  
10 nobody could access anything else. To the extent  
11 walls have been put up or have been put up  
12 temporarily, we can pull those walls down so we're  
13 back within the confines of these letters.

14 What I think the Rogers will confirm  
15 for you, I'll call him up in a minute, Mr. Rogers,  
16 and ask him to confirm for you, is when he got  
17 this letter in 2000 and this other letter in 2002,  
18 this is what he took as guidance. To the extent  
19 your zoning code permits people to live as an  
20 economic unit, this is where he gets his guidance.  
21 When that group living there requests from him --  
22 and I know you've been through you've been through  
23 this with him because I've see some of the  
24 documents that were submitted or provided to me as  
25 part of the public records request -- when one of

1 the tenants asked for something, a bathroom to be  
2 redone or a security door to be put up because  
3 there's domestic issues, that he has responded and  
4 done those things.

5 MR. GOKORSCH: Did you say just now  
6 when one of the tenants asks?

7 MR. EVENCHIK: Yeah, one of the  
8 people living in the home, the tenant. You can --  
9 the economic unit consists of all the people --  
10 what word would you like me to use? Let's be  
11 clear, I don't believe there's separate  
12 apartments. To me, a separate apartment has its  
13 own meter, its own doors, lack of access. What  
14 you have out here, for a lack of better term, is a  
15 communal living arrangement, right? There's some  
16 respect where somebody is going to be up here in  
17 this bedroom, somebody is going to be over here in  
18 this area, someone's going to be down in that  
19 area, but it's a communal living arrangement.  
20 That's what he offers. It's living in the  
21 country, it's not living in Shaker Heights. It's,  
22 you know, I see complaints about people having to  
23 put the garbage in their car and schlep it  
24 somewhere else or get a P.O. box. There's one  
25 meter for electric and gas, it's part of the rent

1 that the people in the home pay. He pays those  
2 charges. So what we have essentially is one  
3 economic unit living there consistent with the  
4 letters that he was provided in 2000 and 2002.

5           And what I would ask of the board  
6 tonight, because this is my request, I know you're  
7 going to have people speak, I know my clients are  
8 going to speak, I imagine some of the other  
9 audience members will want to speak and perhaps  
10 you all have questions, is let's work together.  
11 Let's take the time necessary to enable him -- we  
12 talked about those first two issues, the lot split  
13 issues and the permitting issues, let's work  
14 through those issues. To the extent the BZA or  
15 the zoning inspector is concerned about certain  
16 improvements he made that might affect what they  
17 believe the definition of one economic unit is in  
18 these homes, let's address those concerns and  
19 satisfy those concerns both to the township as  
20 well as those living in the homes and for the  
21 Rogers so that we have a situation where everyone  
22 is satisfied including the township and the people  
23 living there rather than a battle, because a  
24 battle isn't going to get anybody very far. A  
25 battle can go either way and a battle, frankly, is

1 a drain on a lot of people's resources. Are we  
2 willing to battle? Sure, that's what I get paid  
3 to do, but I think my better value for my clients  
4 and frankly for the township is finding a way that  
5 we can put a process together to work together to  
6 try to resolve this. So I'm going to ask  
7 Mr. Rogers just to come up.

8 MS. MOORE: Before you put your case  
9 on I want to make sure that we understand what  
10 your case is. So in the notice of appeal that  
11 Mr. Rogers filed, if I can find it here,  
12 Mr. Rogers identified in response to Section L, no  
13 change in use. As I understand your argument, you  
14 are not challenging resolution 5.2.A.1, rather you  
15 are claiming that the tenants at 8230 Fairmount  
16 Road qualify as a single economic unit pursuant to  
17 the definition of family in section 2; is that  
18 correct?

19 MR. EVENCHIK: That is correct.

20 MS. MOORE: That is your appeal?

21 MR. EVENCHIK: Correct.

22 MS. MOORE: So we will be hearing  
23 testimony from Mr. Rogers on how the tenants at  
24 8230 Fairmount Road qualify as a single economic  
25 unit?

1 MR. EVENCHIK: Yeah, I'm going to  
2 call him up next. But again I would just advise  
3 that additional guidance was provided in the form  
4 of these two letters, the 2000 letter and the 2002  
5 letter, and that's what he's been following. And  
6 on some level, again, I want to get this resolved  
7 with the board, I want to get this resolved with  
8 the township, but the continued assertion of this  
9 at some point does arise to the level of  
10 harassment for him to have to explain himself over  
11 and over every decade and a half. But, again, we  
12 want to avoid that. We want to find a way to work  
13 with you, so I'm going to ask Mr. Rogers to come  
14 up and get sworn in.

15 PETER ROGERS, of lawful age, called  
16 for examination, being first duly sworn, as  
17 hereinafter certified, testified as follows:

18 MR. EVENCHIK: Mr. Rogers, can you  
19 briefly describe, and I guess we should do first  
20 because the board is only at this point really  
21 concerned about the property at on Fairmount Road.  
22 Can you just describe the general living  
23 arrangements of the folks living there and how  
24 they interact with each other as a single economic  
25 unit?

1 MR. ROGERS: Yes, there's a man and a  
2 woman that live there, and they've lived there for  
3 about 12 years.

4 MR. GOKORSCH: Would you give us  
5 their name please?

6 MR. ROGERS: I have responsibilities  
7 as a property owner and landlord to keep the  
8 confidences.

9 MR. EVENCHIK: Why don't you give  
10 their first name.

11 MS. MOORE: If I may, if you are  
12 claiming that these individuals are a single  
13 economic unit, I'm not aware of anything within  
14 the law that allows for one to not disclose that  
15 information to us. These are individuals who are  
16 residing there, and if your claim is they're a  
17 single economic unit we certainly have the right  
18 to know who they are and their information, their  
19 contact information, and so on and so forth. So  
20 I'm kind of taken aback that you would not  
21 disclose their full names and information.

22 MR. EVENCHIK: I don't have a problem  
23 in giving it.

24 MR. ROGERS: Okay. I understand.

25 MR. DOWNING: I have a question. Is



1 this living in the house?

2 MR. ROGERS: Are those two people --

3 MR. DOWNING: Which structure?

4 THE WITNESS: 8230 Fairmount.

5 MR. EVENCHIK: So let me -- point of  
6 clarification. My understanding is the home's  
7 address is 8230 and the barn I believe would be  
8 8200.

9 MS. STEFFEN: Can I say something?  
10 Do I need to be sworn in?

11 DIANA STEFFEN, of lawful age, called  
12 for examination, being first duly sworn, as  
13 hereinafter certified, testified as follows:

14 MR. GOKORSCH: State your name.

15 MS. STEFFEN: Diana Steffen. As far  
16 as the address there, that address for the barn of  
17 8200 is not a legal address. The Geauga County  
18 does not recognize that as an address. They only  
19 use 8230, which is the reason that I have used  
20 8230 throughout. 8200 I believe -- I don't know  
21 if Mr. Rogers uses that just to be able to  
22 differentiate, but it's not a legal address.

23 MR. GOKORSCH: Thank you.

24 MR. ROGERS: What the zoning  
25 inspector says is true, and it's difficult to

1 distinguish between two buildings unless there's  
2 some nomenclature. So I did put that nomenclature  
3 together there, not to fool anything or anybody or  
4 hide anything. It's just that's how I refer to  
5 the buildings.

6 MR. EVENCHIK: Let me focus the  
7 questions here for the board if that's okay. And  
8 we can refer to the house and you can refer to the  
9 barn, I think that will be easier for the board so  
10 they know what you're talking about.

11 Can you describe how the people who  
12 live in the house live as one economic unit?

13 MR. GOKORSCH: This question is  
14 outstanding first, their names please.

15 MR. ROGERS: Rick and Laura, Laura's  
16 last name is Marcheggiani and don't ask them to  
17 spell that, it's an Italian name. I speak Spanish  
18 and not Italian, but I still couldn't spell it.  
19 And Rick's last name is Snyder.

20 What was your other question?

21 MS. MOORE: Is there anyone else  
22 living in the house?

23 MR. ROGERS: No.

24 MS. MOORE: Is there anyone else  
25 living on the property?

1 MR. ROGERS: Yes. In the other  
2 building there's a woman named Polly Meil, I  
3 believe it's M E I L. I think she has a family  
4 member that's here in this audience.

5 MS. MOORE: So there are only three  
6 individuals living at 8230 Fairmount currently and  
7 they are Rick Snyder, Laura Marcheggiani and Polly  
8 Meil.

9 MR. ROGERS: Polly Meil lives in the  
10 barn.

11 MS. MOORE: So that's a yes?

12 MR. EVENCHIK: Does she have any  
13 children living with her?

14 MR. ROGERS: She has two children,  
15 yeah.

16 MS. MOORE: Are they minors?

17 MR. ROGERS: One I believe is twelve  
18 or thirteen and the other one is perhaps six --  
19 four, five.

20 MR. GRUBER: Five. It's my daughter.

21 MR. ROGERS: They love to play with  
22 any granddaughter, although she's been absent  
23 late.

24 MR. BOUCHEK: Do they all have  
25 separate rental agreements?

1 MR. ROGERS: You mean like leases?

2 MR. BOUCHEK: Yes.

3 MR. ROGERS: No.

4 MR. GOKORSCH: So you receive one  
5 check from Polly and Rick and Laura?

6 MR. ROGERS: You mean they give me a  
7 check with all their names?

8 MR. GOKORSCH: That was the question.  
9 How do they pay you for their residence?

10 MR. ROGERS: They give me checks,  
11 individual.

12 MR. EVENCHIK: Each person pays a  
13 portion of the total rent.

14 MR. ROGERS: They pay a portion of  
15 the total rent.

16 MR. EVENCHIK: Just like roommates  
17 would.

18 MR. ROGERS: It's very much like  
19 roommates.

20 MR. EVENCHIK: Okay. Are there  
21 currently any doors blocking off access in either  
22 the home or the barn -- let's take it one at a  
23 time. Are there currently any doors in the home  
24 that block access to any part of the homes.

25 MR. ROGERS: There are doors that

1 that can be closed in a situation such as  
2 construction or service repair, but they are not  
3 doors that prevent the people living together from  
4 walking back and forth through the building.

5 MR. EVENCHIK: Same question for the  
6 barn. Is the barn structure, people able to get  
7 around the barn structure?

8 MR. ROGERS: They are.

9 MR. EVENCHIK: Okay. And the barn  
10 structure, does the barn structure and the home  
11 have -- let me ask you a different question. The  
12 home, does it have separate metering for gas and  
13 electric?

14 MR. ROGERS: The home has an  
15 independent gas line that comes up from the street  
16 directly to the home with a single gas meter. The  
17 home has an electric meter that's on a pole  
18 because it's so far back, it's 580 feet from the  
19 street.

20 MR. EVENCHIK: Is there a single  
21 meter serving everyone or is it broken down so  
22 that, for example, if you have two people living  
23 there you can figure out how much electricity one  
24 part of the house is using versus how much  
25 electricity the other part is using? Is it sub

1 metered in any way?

2 MR. ROGERS: No.

3 MR. EVENCHIK: Is the electric and  
4 gas and utilities part of the rent that they pay  
5 you?

6 MR. ROGERS: Yes.

7 MR. EVENCHIK: Okay.

8 MR. ROGERS: I'm open for questions.

9 MR. GOKORSCH: Just for the record  
10 here, the house at 8230, how many square feet is  
11 that?

12 MR. ROGERS: You'd think I know that.  
13 It's in the vicinity of 4,000 square feet.

14 MR. GOKORSCH: So it's a 4,000 square  
15 foot house, and what you're saying is there's free  
16 access through all this house for anybody that's  
17 in the house. So if I were to go there and walk  
18 into the living room, I could walk in the kitchen,  
19 go upstairs, go down the basement, it's an open  
20 home, just another house.

21 MR. ROGERS: The zoning inspectors  
22 have done so, the ones that --

23 MR. GOKORSCH: I'm sorry?

24 MR. ROGERS: Previous zoning  
25 inspectors have walked through.

1 MS. MOORE: If I may?

2 MR. ROGERS: In previous decades.

3 MS. MOORE: So Rick Snyder's been  
4 living there how long?

5 MR. ROGERS: You'd think I'd know  
6 that. He's been living on that premises since his  
7 divorce, which was in the '90s. He originally  
8 lived in the barn, and then he came into a period  
9 of illness and then he moved over into the house.  
10 Now I can't remember what part of the decade that  
11 was, but he's been -- are you asking me how long  
12 he's been in the house?

13 MS. MOORE: You've already answered  
14 that. How long has Laura lived on the property?

15 MR. ROGERS: Nine or ten years.

16 MS. MOORE: Is Laura related at all  
17 to Rick?

18 MR. ROGERS: You mean by blood?

19 MS. MOORE: Blood, family in any way,  
20 shape, or form. Actually I can go through it, by  
21 blood, adoption, guardianship, or marriage.

22 MR. ROGERS: No. They're close  
23 friends.

24 MS. MOORE: How long has Polly lived  
25 there?

1 MR. ROGERS: Eight or nine months.

2 MS. MOORE: Is Polly related by  
3 blood, adoption, guardianship, or marriage to Rick  
4 or Laura?

5 MR. ROGERS: I don't believe so.

6 MS. MOORE: Are the children Polly's  
7 children?

8 MR. ROGERS: They are said to be.

9 MS. MOORE: And to your knowledge are  
10 the children related by blood, adoption,  
11 guardianship, or marriage to Rick or Laura?

12 MR. ROGERS: I don't have that  
13 information.

14 MS. MOORE: Did you advertise the  
15 property for rent at any point in time within the  
16 past year?

17 MR. ROGERS: Yes, I did.

18 MS. MOORE: Okay. Did Polly respond  
19 to one of those advertisements?

20 MR. ROGERS: Yes.

21 MS. MOORE: Where did you place that  
22 advertisement or those advertisements?

23 MR. ROGERS: I use various Internet  
24 sources.

25 MS. MOORE: Can you name what you've



1 used?

2 MR. ROGERS: I've used Craigslist.

3 MS. MOORE: Do you have an example of  
4 the advertisement that you placed in Craigslist  
5 with you today?

6 MR. ROGERS: I do not.

7 MS. MOORE: Okay. Did you pay for  
8 that advertisement?

9 MR. ROGERS: No.

10 MS. MOORE: Did you cause that  
11 advertisement to be listed?

12 MR. ROGERS: Yes.

13 MS. MOORE: Did Rick or Laura cause  
14 that advertisement to be listed?

15 MR. ROGERS: Rick or Laura, they  
16 don't live in the same building as Polly.

17 MS. MOORE: I understand. Did they  
18 put that advertisement out for the property to be  
19 rented?

20 MR. ROGERS: No.

21 MS. MOORE: Now, you already  
22 responded to Mr. Boucek that there's no lease in  
23 place with any of these individuals, correct?

24 MR. ROGERS: That is correct.  
25 There's handshakes.

1 MS. MOORE: Let's talk about the  
2 handshake with Rick. Can you share with us what  
3 that handshake agreement is?

4 MR. EVENCHIK: Let me ask a different  
5 question.

6 MS. MOORE: My question is pending  
7 with all due respect.

8 MR. EVENCHIK: You can answer, that's  
9 fine.

10 MR. ROGERS: Could you say that  
11 again?

12 MS. MOORE: Can you read back my  
13 question?

14 (Record read.)

15 MR. ROGERS: Well, it would be what  
16 we did when he first moved in, and it was -- Rick  
17 was already a tenant in my office building which  
18 is down the street and around the corner, and he  
19 said to me one day he was going into a divorce,  
20 did I have a place he could live. And I shook his  
21 hand and said, yes, you can live at the -- in the  
22 barn.

23 MS. MOORE: Did you agree upon a  
24 monthly rental amount at that time?

25 MR. ROGERS: I'm sure I did, but I

1 don't remember what it was. It was hundreds of  
2 dollars, whatever it was.

3 MS. MOORE: Did that monthly amount  
4 include utilities?

5 MR. ROGERS: It was the same  
6 arrangement I had with everyone right now. They  
7 pay for being there and I pay for the utilities.

8 MS. MOORE: When you had that  
9 handshake agreement was it only with Rick,  
10 regarding Rick being able to live at 8230  
11 Fairmount?

12 MR. ROGERS: Well, now, remember  
13 we're talking about initially the barn, which I  
14 call 8200, so --

15 MS. MOORE: Let me phrase it a  
16 different way. When you had the handshake  
17 agreement with Rick, it was just so Rick could  
18 live there, correct?

19 MR. ROGERS: Yes.

20 MS. MOORE: Now, with Laura did you  
21 have a handshake agreement with Laura?

22 MR. ROGERS: Yes, I did.

23 MS. MOORE: Can you share with us  
24 what that agreement was?

25 MR. ROGERS: That she could live

1 there with Rick.

2 MS. MOORE: Did you agree upon a  
3 certain monthly rental amount?

4 MR. ROGERS: Yes.

5 MS. MOORE: Did that include  
6 utilities?

7 MR. ROGERS: It's the exact same  
8 relationship. They pay me for being there and I  
9 pay for the utilities.

10 MS. MOORE: And when you had that  
11 agreement with Laura, it was a handshake agreement  
12 with Laura for Laura to live on the property,  
13 correct?

14 MR. ROGERS: Yes, and she knew that  
15 Rick was there.

16 MS. MOORE: Okay, but Rick was in the  
17 barn?

18 MR. ROGERS: You know, I really have  
19 to put my thinking cap on about which year she  
20 came and when he moved over from the barn. I  
21 can't say that right off the top of my head.

22 MS. MOORE: With Polly, that's more  
23 recent, did you take her to the property or meet  
24 her at the property?

25 MR. ROGERS: Yes.

1 MS. MOORE: When you did that, what  
2 did you show her?

3 MR. ROGERS: I showed her the barn.

4 MS. MOORE: Did you show her inside  
5 the house?

6 MR. ROGERS: No.

7 MS. MOORE: Not at all?

8 MR. ROGERS: No.

9 MS. MOORE: Where did you show her  
10 inside the barn?

11 MR. ROGERS: There was really no one  
12 occupying the barn. And you're asking when I did  
13 that -- repeat your question, I'm sorry.

14 MS. MOORE: Sure, I'm not familiar  
15 with the barn. Is it one story or two stories?

16 MR. ROGERS: It's 4,000 square feet  
17 made out of reinforced concrete, brick, tooled  
18 stone, and cedar siding. And it has three levels,  
19 two levels are at the grade as you come up the  
20 driveway, but the topography flows downhill in two  
21 directions. So there's a full basement level, but  
22 it's really exposed on two sides, and so there are  
23 four garages there with reinforced concrete floor  
24 like you have in a parking garage downtown in  
25 Cleveland. And the cars park up in the air. If

1 you're down in the basement, there's a car above  
2 you. I don't want to go on and on, but I'm trying  
3 to give you --

4 MS. MOORE: Is there living space on  
5 all three levels?

6 MR. ROGERS: There's three giant wood  
7 burning masonry fireplaces, and there's one on  
8 each level. Does that constitute that there's a  
9 living space on each level? I'm not sure.

10 MS. MOORE: Did you show her all  
11 three levels or one level or two levels or --

12 MR. ROGERS: I showed her the  
13 upstairs.

14 MS. MOORE: Is that the second or  
15 third level?

16 MR. ROGERS: Starting from the ground  
17 floor, that's the third level.

18 MS. MOORE: Did you show her the  
19 second level or first level at all?

20 MR. ROGERS: I walked her through it  
21 so she would understand what the rest of the  
22 building looked like.

23 MS. MOORE: Okay. When you had the  
24 handshake agreement, was it for her to be on the  
25 third level?

1 MR. ROGERS: She was very, very  
2 interested in that section for her and the  
3 children, and she really was not interested in  
4 anything else.

5 MS. MOORE: So the agreement with her  
6 with the handshake from her perspective then was  
7 for that third level?

8 MR. ROGERS: That's correct.

9 MR. EVENCHIK: But does she have  
10 access to the other levels from the third level?

11 MR. ROGERS: Yes.

12 MR. GOKORSCH: How many kitchens are  
13 there installed in the barn today?

14 MR. ROGERS: There's two.

15 MR. GOKORSCH: Two sinks in the barn,  
16 two sinks, two kitchens?

17 MR. ROGERS: Right.

18 MR. GOKORSCH: How many kitchens were  
19 in the barn in 19 -- ten years ago, 2000?

20 MR. ROGERS: There was only one.

21 MS. MOORE: The kitchens that are in  
22 the barn, what levels are they on?

23 MR. ROGERS: Two and three.

24 MS. MOORE: One on two and one on  
25 three?

1 MR. ROGERS: Correct.

2 MR. GOKORSCH: Is there any food  
3 preparation area on the bottom level, hot plate?

4 MR. ROGERS: There's laundry  
5 facilities down there where there's a sink, but,  
6 you know. I was a boyscout leader, I can make  
7 food just about anywhere, but it's not, you know,  
8 there's not a kitchen down there.

9 MR. GOKORSCH: No refrigerator?

10 MR. ROGERS: There's actually a  
11 derelict refrigerator sitting down there in the  
12 storage. We're talking thousands of square feet  
13 here.

14 MS. MOORE: With respect to the  
15 second floor, is there any doors on the second  
16 floor that you need a key to get into?

17 MR. ROGERS: There is a door there  
18 that you need a key to get into if she locks it  
19 from the inside. And I was requested to put that  
20 door there by the Russell Township Zoning  
21 Inspector, the Russell zoning -- Russell Township  
22 Fire Captain, and the Geauga County Building  
23 Inspector, and that door has been there for about  
24 two months.

25 MS. MOORE: Is there a door that has



1 a lock that's on the third floor?

2 MR. ROGERS: That is the third floor.

3 MS. MOORE: Okay. Is there a door  
4 that has a key lock on the second floor?

5 MR. ROGERS: There is, and that lock  
6 is there because the door that was originally in  
7 that space was a laminate door and because of  
8 humidity and time came apart, and I put a  
9 different door in there and it's not compatible  
10 with the lock latch set. So it can be locked so  
11 it doesn't come open with wind or something like  
12 that. But that's not the purpose of the lock.

13 MS. MOORE: So the locked door on the  
14 second floor, do you need to get through that  
15 locked door to get to the kitchen?

16 MR. ROGERS: Yes. Well, to get to  
17 the whole section. Again, we're talking about  
18 4,000 square feet in that building. The barn is  
19 4,000 square feet.

20 MR. GOKORSCH: How many exterior  
21 doors in the barn?

22 MR. ROGERS: To the outside?

23 MR. GOKORSCH: Correct.

24 MR. ROGERS: You don't want to count  
25 the garage doors?

1 MR. GOKORSCH: I want to count any  
2 doors that people would use for ingress or egress  
3 to that structure.

4 MR. ROGERS: There's a door on the  
5 second level, which is the ground level when you  
6 drive up the driveway, and there's a door on the  
7 lowest level which is a garage door, and you could  
8 drive in there if you can get to it, but you would  
9 need a Humvee or something to drive through the  
10 woods to get there. Does that answer your  
11 question?

12 MR. GOKORSCH: I'm not sure. I  
13 counted two exterior doors.

14 MR. ROGERS: If you count that garage  
15 door, that's correct. There's five garage doors  
16 in that building.

17 MR. GOKORSCH: I'm interested in man  
18 doors. How many man doors go into the building  
19 from the outside?

20 MR. ROGERS: There is a man door that  
21 I put in front of the basement garage door so I  
22 didn't have to run the garage door up and down for  
23 service personnel to come to. So there's two.

24 MS. MOORE: At the house how many man  
25 doors to the house?

1 MR. ROGERS: That's a good question.  
2 There's one in the basement, there's one in the  
3 garage, and there's one in back. So there's  
4 three.

5 MR. GOKORSCH: And are these keyed  
6 identically?

7 MR. ROGERS: Yes.

8 MR. GOKORSCH: So one key opens any  
9 door?

10 MR. ROGERS: Yeah.

11 MS. MOORE: How many kitchens in the  
12 house?

13 MR. ROGERS: It's the Pink Panther  
14 key.

15 MS. MOORE: How many kitchens in the  
16 house?

17 MR. ROGERS: In the house? There's  
18 three food preps areas. You can call it a kitchen  
19 if you want.

20 MS. MOORE: You're making a  
21 distinction there between food prep areas and  
22 kitchen. I don't understand it.

23 MR. ROGERS: Well, I mean, there's a  
24 kitchen there that's about the size of this room.  
25 There's a food prep area that's smaller than that

1 table. And there is a food prep area that's, I  
2 don't know, probably the size of that including  
3 the table.

4 MR. GOKORSCH: Do all three food  
5 preparation areas have provisions for a  
6 refrigerator, a stove and a sink?

7 MR. ROGERS: There's cooking  
8 capability there, yes.

9 MS. MOORE: There's electrical  
10 hookups?

11 MR. ROGERS: To the kitchens?

12 MS. MOORE: Yes.

13 MR. ROGERS: Yes.

14 MS. MOORE: Are there gas hookups?

15 MR. ROGERS: No, I don't believe in  
16 gas cooking appliances.

17 MS. MOORE: You said there's water  
18 hookup to sinks?

19 MR. ROGERS: Yeah. It's kind of like  
20 it's -- like it's similar to ex-trustee Christina  
21 Livers' home where she has a full kitchen on the  
22 second floor and main kitchen on the first floor.

23 MS. JACOB: Do you have anything  
24 documenting that?

25 MR. ROGERS: I've been there many

1 times. I didn't know the last time.

2 MS. MOORE: So to your knowledge  
3 these three areas you've described are used or  
4 could be used as kitchens?

5 MR. ROGERS: Sure.

6 MS. MOORE: Now, the keys to the man  
7 doors on the house you indicated are all identical  
8 for all three man doors. Are the keys to the  
9 doors that you described in the garage keyed to  
10 the same keys that are on the house?

11 MR. ROGERS: The garage or the house?  
12 Are we still on the house?

13 MS. MOORE: I misspoke. Let me ask  
14 it a different way. The keys that you described  
15 for the barn to the second and third floor, are  
16 those keys keyed to the same key, the Pink Panther  
17 key, as to the house?

18 MR. ROGERS: No, they're different  
19 buildings.

20 MS. MOORE: Completely different  
21 keys?

22 MR. ROGERS: Yes.

23 MS. MOORE: Rick and Laura have the  
24 keys to the house or the keys to the barn?

25 MR. ROGERS: They have keys to the

1 house. They don't have keys to the barn.

2 MS. MOORE: Does Polly have keys to  
3 the house or to the barn?

4 MR. ROGERS: She has keys to the  
5 barn. Now Rick used to live in the barn, but I  
6 changed everything when he moved over.

7 MS. MOORE: Now, when Rick lived in  
8 the barn, were there other people living in the  
9 house?

10 MR. ROGERS: My mother passed away in  
11 1997 or 8. Rick was in the office, used the  
12 office starting in '92 or 3. Was he in the barn  
13 when my mother was alive? I believe he was for a  
14 while, but I'm not absolutely sure. I have to go  
15 back and look at some records or something.

16 MS. MOORE: Your mother lived in the  
17 house then at some point?

18 MR. ROGERS: Yeah. I lived there  
19 too.

20 MS. MOORE: After your mom passed and  
21 you weren't living there, were there other people  
22 who lived there before Rick moved in there?

23 MR. ROGERS: Yes.

24 MS. MOORE: So at the time that you  
25 received the letters in 2000 and 2002 there were

1 different people living on that property than  
2 there are today, correct?

3 MR. ROGERS: Yes.

4 MS. MOORE: Now, with respect to the  
5 house, since your mom died, just for a reference  
6 point, have you made any physical modifications to  
7 the interior walls of the home?

8 MR. ROGERS: I took out a couple of  
9 closets.

10 MS. MOORE: Did you add any walls?

11 MR. ROGERS: No.

12 MS. MOORE: Did you add any doors?

13 MR. ROGERS: Yes.

14 MS. MOORE: Where did you add doors?

15 MR. ROGERS: I put a door to the  
16 outside for egress which was not required by code  
17 when that property was built, and it's on the east  
18 side. Goes off into the woods.

19 MR. GOKORSCH: Just for my knowledge,  
20 what drove you to put a new door in on the outside  
21 of the house? Your parents and you lived there  
22 for quite a while, right?

23 MR. ROGERS: I lived in that house  
24 from 1960 until I got married in 1966, and I lived  
25 in the east end and my mother and father lived in

1 the east end. And they greatly expanded the house  
2 in the '70s, but I did not live there then. My  
3 interest in the east section is my wife and I  
4 aren't getting any younger, and I thought we might  
5 move into the east end at some point in time.

6 MR. GOKORSCH: Is that the reason you  
7 -- just trying to get to why you put a door in.

8 MR. ROGERS: That's the reason I put  
9 it in.

10 MR. GOKORSCH: So in preparation for  
11 moving in?

12 MR. ROGERS: Yeah. I'm not ready to  
13 move in yet, but it's always good to have an  
14 egress door. The codes have changed. I'm not  
15 saying that I brought the house all the way up to  
16 code, but it's just a good thing to do.

17 MS. MOORE: Were there any other  
18 doors that you have added other than that one to  
19 the house?

20 MR. ROGERS: No. There's a door into  
21 the basement, but that's been there for --

22 MR. GOKORSCH: You earlier mentioned  
23 a man door you put -- one of the garage doors.  
24 Was that originally there?

25 MR. ROGERS: That was originally



1 there.

2 MR. GOKORSCH: So that wasn't a new  
3 door?

4 MR. ROGERS: No. I used to park my  
5 Model A Ford hotrod out there by that man door.

6 MS. MOORE: Have you made any  
7 modifications to the barn since your mother  
8 passed?

9 MR. ROGERS: I must have done  
10 something. I put a great big fan in the attic.  
11 Rick helped me with that.

12 MS. MOORE: Have you added any walls?

13 MR. ROGERS: There are two walls that  
14 I put up there that are not bearing walls.

15 MS. MOORE: On the second floor or  
16 third floor on or both.

17 MR. ROGERS: That was on the third  
18 floor.

19 MS. MOORE: Why did you put the walls  
20 in?

21 MR. ROGERS: My father built that  
22 third floor -- can I have a conference here for a  
23 minute?

24 MS. MOORE: Sure.

25 (Discussion off record.)

1 MR. ROGERS: My father built that  
2 room up there, which is about four times the size  
3 of this room, and it has a fireplace about this  
4 big, when he was chairman of the zoning  
5 commission. They would have zoning commission  
6 public meetings, and then they would all retire  
7 over there and have a second meeting. So it was a  
8 meeting room for all those decades. And then my  
9 father passed away in 1988. My mother passed away  
10 in 1979 or so. And I mean, what are you going to  
11 do? I suppose I could buy the Goodrich blimp and  
12 have it deflated and have it be a showroom for it.  
13 And I'm not trying to make fun of anything here.  
14 It's just -- it looks much better with a couple of  
15 walls.

16 MS. MOORE: I have a couple other  
17 questions right now. You don't live on that  
18 property, correct?

19 MR. ROGERS: No, not since 1966.

20 MS. MOORE: How often would you say  
21 that you visit the property?

22 MR. ROGERS: Sometimes I go there  
23 three times a day. And it has a lot of family  
24 heirlooms in the lower levels and I won't bore you  
25 with my family history because you would slap me,

1 and my boss over here would slap me. So there's  
2 just a lot of valuable things. I get calls from  
3 the Cleveland Museum of Art every year or so  
4 wanting donations and the Great Lakes Historical  
5 Society.

6 MS. MOORE: When you go to the  
7 property those three times a day, are you  
8 generally going into the basement area of the  
9 house and/or the --

10 MR. ROGERS: I do, yes. All the  
11 utilities are down there in each of the buildings.  
12 I go down there and I check them, I look at the  
13 furnace at this time of year. In the summertime I  
14 check what the air conditioning is doing.

15 MS. MOORE: Are you going on a  
16 regular basis into Rick and Laura's space?

17 MR. ROGERS: I don't go there unless  
18 they give me permission to go there.

19 MS. MOORE: Do you go on a regular  
20 basis into Polly's space?

21 MR. ROGERS: Same answer.

22 MS. MOORE: So you would not have any  
23 information or testimony regarding where they eat  
24 their meals, correct?

25 MR. ROGERS: Well, that's not true

1 because I've been there at their invitation at  
2 different times, and I know that they often eat  
3 together. They get together outside. They have a  
4 meal outside. They go to each other's space. I  
5 don't keep tabs on that. One of the things I do  
6 when I go there is I take the trash out because  
7 there's no trash collection there. It's not an  
8 apartment building. I have places where I dispose  
9 of the trash at the office building and other  
10 places. So I have duties there.

11 MS. MOORE: How many times have you  
12 seen them eat together?

13 MR. ROGERS: Dozens and dozens.

14 MS. MOORE: And who is eating  
15 together?

16 MR. ROGERS: I'm sorry?

17 MS. MOORE: Who is eating together  
18 that you have seen?

19 MR. ROGERS: Polly and Laura, Rick  
20 and Polly, Rick and Laura. I mean, this is a real  
21 lifestyle and people are much more together in the  
22 summertime outdoors. I mean, we're talking about  
23 15 acres here with trees that are 100 and some  
24 feet tall. Your own private Metropark.

25 MS. MOORE: Do they eat all their

1 meals together?

2 MR. ROGERS: No.

3 MS. MOORE: You're sure of that?

4 MR. ROGERS: Well, I don't have video  
5 cameras or anything. I suppose I'm not sure of  
6 that.

7 MS. MOORE: Okay. But to the best of  
8 your knowledge, they're not eating all their meals  
9 together?

10 MR. ROGERS: Probably not. I don't  
11 eat all my meals with my wife either.

12 MS. MOORE: Are you advertising that  
13 property as we sit here today?

14 MR. ROGERS: No.

15 MS. MOORE: When is the last you  
16 advertised that property for tenants?

17 MR. ROGERS: Months ago.

18 MS. MOORE: Out of curiosity, what do  
19 you put in your advertisement?

20 MR. ROGERS: Yeah, what do I put in  
21 the advertisement. It's difficult for me to  
22 describe what it is, not because I'm afraid of  
23 anybody being upset with the way I describe it,  
24 but, I mean, how do you describe something like  
25 that? It's a space, it's like a carriage house or

1 something like that. I don't describe it as a  
2 home because it's not a traditional home with a  
3 wife and a husband and two and a half children.  
4 The people that have been most harmonious there  
5 are people that are single and in the middle of  
6 their life and had master's degrees. I've had a  
7 person that had a Ph.D. They're upper middle  
8 class people that want to afford to live in  
9 Russell Township, but they can't. Many of the  
10 people that have responded to my advertisements  
11 work at the Cleveland Clinic, some of them are  
12 MDs.

13 MS. MOORE: Going back to Polly, she  
14 responded to your advertisement. You said that  
15 you walked her through the barn. You had the  
16 handshake agreement. Did you do anything else  
17 before she came in to move into the house -- or to  
18 move into the barn, excuse me.

19 MR. ROGERS: You mean in preparation  
20 for her to see it? Of course we cleaned it up and  
21 everything.

22 MS. MOORE: Just you were there when  
23 she saw it?

24 MR. ROGERS: Yeah.

25 MS. MOORE: Who made the decision to

1 rent it to her?

2 MR. ROGERS: Me.

3 MS. MOORE: Anyone else?

4 MR. ROGERS: Well, I talk to Eileen  
5 very regularly. We have a close personal and  
6 business relationship, but she doesn't interview  
7 everybody. Sometimes she comes along, sometimes  
8 she doesn't. Sometimes she goes on her own. She  
9 used to be director of art education for the  
10 Kenston Board of Education. I mean, we're equal  
11 partners. So, you know, we're careful who we make  
12 commitments to because of our liability, the value  
13 of the properties, and the value we have on the  
14 friendships of the people that are there living  
15 together. There's people that aren't compatible  
16 that we would never want to have there, and I'm  
17 sure if you're involved in the legal profession  
18 you know you have to be careful how you turn  
19 people down and make sure that, you know, you know  
20 what you're doing.

21 MR. GOKORSCH: Is there an ad  
22 currently today running for the property.

23 MR. ROGERS: I'm sorry?

24 MR. GOKORSCH: Is there an ad in  
25 place today?

1 MR. ROGERS: No.

2 MR. GOKORSCH: When was the last ad  
3 placed, date?

4 MS. MOORE: I believe he indicated a  
5 month and a half ago.

6 MR. ROGERS: I'd have to go back and  
7 look that up. I mean, I have multiple properties  
8 and I have an office building, although I'm  
9 getting rid of the office building. My wife and I  
10 are winding our real estate business down. And in  
11 the last three years we've given away an enormous  
12 amount of value to the international banking  
13 community involuntarily through foreclosures. So  
14 we're not in business the way we used to be.

15 MR. GOKORSCH: Were there any new  
16 skylights built on the house?

17 MR. ROGERS: Yes.

18 MR. GOKORSCH: How many?

19 MR. ROGERS: Two.

20 MR. GOKORSCH: And where were those  
21 placed?

22 MR. ROGERS: They were on the east  
23 side of the house.

24 MR. GOKORSCH: And why were they put  
25 in?



1 MR. ROGERS: Well, I like skylights  
2 myself. If someone were to live there besides  
3 myself and my wife, it could be for them.  
4 Skylights are simpler than most people think and  
5 they're not really structural if you use the kind  
6 of skylight that goes between the rafters.

7 MR. GOKORSCH: Okay. Any other  
8 questions from the board?

9 MS. MOORE: Not of Mr. Rogers.

10 MR. ROGERS: Okay. Could I ask a  
11 question?

12 MS. JACOB: I had some kind of  
13 follow-up questions.

14 MR. GOKORSCH: I'm not sure if  
15 you're the official if you should be sworn in or  
16 not.

17 KATHERINE JACOB, of lawful age, called  
18 for examination, being first duly sworn, as  
19 hereinafter certified, testified as follows:

20 MS. JACOB: I just wanted to  
21 backtrack a little bit. You spoke about Rick  
22 living first in the barn and then in the house and  
23 then you spoke of Laura also in the house. Just  
24 to reiterate, how long has she lived in that -- on  
25 that property?

1 MR. ROGERS: Laura?

2 MS. JACOB: Yes.

3 MR. ROGERS: Somewhere around 12  
4 years.

5 MS. JACOB: You said she was there  
6 with Rick; is that correct?

7 MR. ROGERS: Yes.

8 MS. JACOB: So she lives with Rick.

9 MR. ROGERS: Rick used to live in the  
10 barn, but then he moved over into the house.

11 MS. JACOB: When did he move over?

12 MR. ROGERS: It was at least eight or  
13 nine years ago.

14 MS. JACOB: Since he moved over, have  
15 they lived together?

16 MR. ROGERS: They live together in  
17 that unit, yes.

18 MS. JACOB: You say that unit,  
19 they're in the same unit?

20 MR. ROGERS: Well, they're in the  
21 house. The house is an open unit.

22 MS. JACOB: Okay. And that would be  
23 since he moved over, you said. Has he lived with  
24 anyone else in the house?

25 MR. ROGERS: No.

1 MS. JACOB: Are you familiar with a  
2 past tenant named Susan?

3 MR. ROGERS: I won't deny it.

4 MS. JACOB: To your knowledge has  
5 Rick ever lived with Susan in that house?

6 MR. ROGERS: Not to my knowledge, but  
7 Rick's a single guy. He has a daughter. His  
8 daughter comes from time to time. She went  
9 through Case and she went to graduate school and  
10 now she's overseas.

11 MS. JACOB: So to your knowledge Rick  
12 has never cohabitated with a lady named Susan on  
13 that property?

14 MR. ROGERS: Not to my personal  
15 knowledge.

16 MS. JACOB: I'm just asking. It  
17 conflicts with something you told the prior zoning  
18 inspector in 2010. At that point you said that  
19 Rick was living with a lady named Susan and they  
20 were cohabitating. That's why I'm asking, because  
21 the time line doesn't quite match.

22 MR. ROGERS: He could have gotten the  
23 names wrong.

24 MS. JACOB: That was the name that  
25 you gave.

1 MR. ROGERS: I don't remember giving  
2 that. I mean --

3 MS. JACOB: Do you have any follow-up  
4 questions?

5 MR. ROGERS: These folks have been  
6 there. There's only so many square feet and --

7 MS. JACOB: That's why I asked, it  
8 seemed odd that there would have been two women  
9 with different names both cohabitating with Rick  
10 during the same time period, slightly different.  
11 Okay. I have a couple of other questions. Have  
12 you ever put an ad in a newspaper?

13 MR. ROGERS: Decades ago.

14 MS. JACOB: But not recently?

15 MR. ROGERS: No.

16 MS. JACOB: You mentioned that you  
17 take away -- you're the one who physically removes  
18 the garbage from your tenants; is that correct?

19 MR. ROGERS: Yeah.

20 MS. JACOB: How does this work in  
21 terms of the mail, are all of them using that as  
22 their mailing address? I know you mentioned a  
23 nonofficial address as well, but are they all  
24 using that for their mail?

25 MR. ROGERS: There are no mailboxes

1 there, either at the buildings or at the street.  
2 And I know Rick has a P.O. box. I'm not sure  
3 whether Laura does or not. I assume she does.  
4 She has a mailbox on the ground that she puts my  
5 check in, but that's not a real U.S. Mail box. I  
6 mean, it's a mailbox that if you put it down on  
7 the post by the street would be, but it's just,  
8 you know, it's --

9 MS. JACOB: Okay. And you mentioned  
10 interviewing Polly when she responded to the ad?

11 MR. ROGERS: Yes.

12 MS. JACOB: That was just you?

13 MR. ROGERS: Yeah, that was just me.

14 MS. JACOB: None of the tenants were  
15 there for the interview?

16 MR. ROGERS: There was nobody in the  
17 barn to talk to her.

18 MS. JACOB: Okay. I have no further  
19 questions.

20 MR. GOKORSCH: So there's no  
21 mailboxes on the property?

22 MR. ROGERS: No.

23 MR. BOUCHEK: If I may, on page 1 of  
24 7 on the exhibit of the photographs that we have,  
25 could you identify this upper top left photograph

1 and where that is located?

2 MR. ROGERS: That's the east end of  
3 the house.

4 MR. BOUCHEK: In the house. Okay.  
5 Was there a wall removed at that location?

6 MR. ROGERS: Yes. There were closets  
7 that were removed.

8 MR. BOUCHEK: Okay. The head piece  
9 that is shown in that photo, is there a beam in  
10 that head piece?

11 MR. ROGERS: Yes.

12 MR. BOUCHEK: Okay. Was that beam  
13 there before the wall was taken out?

14 MR. ROGERS: No. But the walls were  
15 not supporting.

16 MR. BOUCHEK: So you -- are you  
17 saying that you put a beam there instead of the  
18 wall?

19 MR. ROGERS: Yes.

20 MR. BOUCHEK: Okay. Thank you.

21 MS. MOORE: Before he hands that  
22 back, could you show that to your attorney and  
23 make sure he's seen that prior to today. So you  
24 had an opportunity to review it.

25 MR. EVENCHIK: I've not seen this,

1 but we'd appreciate getting a copy afterwards.

2 MS. STEFFEN: That was in the public  
3 records request.

4 MS. JACOB: I believe it might have  
5 been I want to say the third email where it had  
6 that whole document and the bottom, it was one of  
7 the last of a long series.

8 MR. EVENCHIK: I will say having gone  
9 through it perhaps I missed one, but I didn't  
10 see -- certain photos I don't think I saw on here,  
11 but maybe they just didn't all print on my end.

12 MS. MOORE: Just for the purposes of  
13 the record, Mr. Evenchik had made a public records  
14 request which we understand that was fulfilled by  
15 the zoning inspector with the prosecutor's  
16 assistance.

17 MS. JACOB: I didn't assist. I was  
18 just CC'd. I don't want to take any credit from  
19 Diana. It was all Diana. I did review, I went  
20 through each document to make sure it was all  
21 there and printed out copies for myself so I had  
22 the full copy Mr. Evenchik had as well.

23 MS. MOORE: So we understand, the  
24 zoning inspector provided all of the records that  
25 were requested in that public records request to

1 Mr. Evenchik; is that correct?

2 MS. STEFFEN: Yes.

3 MS. MOORE: And all of the documents  
4 that you provided to Mr. Evenchik were also  
5 provided to this board prior to today's meeting,  
6 correct?

7 MS. STEFFEN: No, because the public  
8 records request was much more comprehensive  
9 than -- in fact, it was all of these files that I  
10 have here basically.

11 MS. MOORE: So he got more than we  
12 did?

13 MS. STEFFEN: Yes, he did. He asked  
14 for the entire files on the two properties and  
15 there's a lot in those which may not have been  
16 relevant.

17 MR. GOKORSCH: A lot of history here.

18 MS. JACOB: This document, just to  
19 clarify, I think it was her second email on the  
20 3rd. It was the last of those attached documents.  
21 Second email.

22 MR. EVENCHIK: I think I saw most of  
23 the pictures. The ones of the interior of the L  
24 of the garage just flashes new to me, but okay.

25 MS. MOORE: I'd ask that we mark that



1 as Exhibit 1. Just for purposes of the record we  
2 know what document passed between you guys.

3 MR. EVENCHIK: That's fine. I think  
4 we're up to about the fourth exhibit in terms of  
5 numbers.

6 MS. MOORE: Yours are A's.

7 MR. GOKORSCH: We've already got one  
8 for the applicant. There is one for the township.  
9 A for the township.

10 Okay. On that same packet there was,  
11 on sheet 6 of 7, there appears to be a mailbox at  
12 the end of the walkway there.

13 MR. ROGERS: That's the one I was  
14 just talking about there.

15 MR. GOKORSCH: That is for what  
16 purpose?

17 MR. ROGERS: That's for Laura to  
18 leave notes for her adult children. She leaves my  
19 check in there. She leaves notes for me about  
20 what I need to attend to.

21 MR. GOKORSCH: Okay. Any other  
22 questions from the board at this time? Okay. Any  
23 other comments?

24 MR. EVENCHIK: Well, let me ask. Are  
25 you going to open it to additional comments?

1 MR. GOKORSCH: Absolutely. We're  
2 going to --

3 MR. EVENCHIK: I would like to  
4 reserve and make a few comments after everyone's  
5 spoken.

6 MR. GOKORSCH: Surely. Okay. With  
7 that, I'll remind the audience if you do want to  
8 testify I'll be asking you to be sworn in.  
9 Anybody at this time who wants to put testimony  
10 into the record, please step forward.

11 MARY SULLIVAN, of lawful age, called  
12 for examination, being first duly sworn, as  
13 hereinafter certified, testified as follows:

14 MR. GOKORSCH: Could you please state  
15 your name?

16 MS. SULLIVAN: Mary Sullivan.

17 MR. GOKORSCH: Hi, Mary. Relax.

18 MS. DORKA: Can I have your address  
19 please?

20 MS. SULLIVAN: 1307 Haverston, H A V  
21 E R S T O N, Lyndhurst, Ohio, 44124.

22 MR. GOKORSCH: What information can  
23 you shed on this, Mary?

24 MS. SULLIVAN: Well, those pictures  
25 are from the apartment that I rented from the

1 Rogers. In May last year I responded to an ad  
2 that was on Craigslist for an apartment over on  
3 87, and the apartment wasn't conducive to -- well,  
4 they didn't want me living there because I had two  
5 dogs and some guy that lives there is allergic to  
6 dogs. So they offered that they had a couple of  
7 other places I could look at, and one of them was  
8 over at 8230 Fairmount and which wasn't prepared  
9 yet as an apartment but they would -- they were  
10 willing to work with me and make some changes.  
11 And then if that wasn't what I was interested in  
12 that there was another place over on 306 that  
13 might be of interest, and that was a basement unit  
14 that they were converting in a house.

15 MS. MOORE: When did you say this  
16 was?

17 MS. SULLIVAN: May.

18 MS. MOORE: Of last year.

19 MS. SULLIVAN: Um-hmm, 2015.

20 MS. MOORE: Do you recall what the ad  
21 said?

22 MS. SULLIVAN: Not really.

23 MS. MOORE: When you were taken to  
24 the property at 8230 Fairmount, where were you  
25 taken?

1 MS. SULLIVAN: I was taken to the  
2 house.

3 MS. MOORE: Were you taken to the  
4 barn at all?

5 MS. SULLIVAN: I was shown the barn,  
6 yes.

7 MR. GOKORSCH: To be clear, when you  
8 said you were taken to the house, you were going  
9 to rent the entire 4,000 square foot house, right?

10 MS. SULLIVAN: No, there was a  
11 section of the house that had not yet been  
12 renovated and they showed me that and said that,  
13 you know, it could be turned into an apartment.  
14 They could add a kitchen, you know, they could add  
15 a sink.

16 MS. MOORE: Let's back up a little  
17 bit. You said they. Who was with you at the  
18 time?

19 MS. SULLIVAN: Peter and Eileen.

20 MS. MOORE: So you walked into the  
21 house and you were -- what door did you walk  
22 through.

23 MS. SULLIVAN: Through the front  
24 entrance door.

25 MS. MOORE: Was that the area you

1 were shown or were you taken through that area to  
2 another area?

3 MS. SULLIVAN: There was no access to  
4 other areas, it was just that one section of the  
5 house.

6 MS. MOORE: So as you walked into the  
7 front door what were you shown?

8 MS. SULLIVAN: I was shown -- well,  
9 there was a large entryway and then to the right  
10 there was a wood paneled den kind of area, then a  
11 hallway down to three bedrooms.

12 MR. GOKORSCH: And no kitchen.

13 MS. SULLIVAN: Not at that point, no.

14 MR. GOKORSCH: No bath?

15 MS. SULLIVAN: Yeah, there was a  
16 bath.

17 MS. MOORE: Did they say anything  
18 with respect to the kitchen?

19 MS. SULLIVAN: Yes, that they would  
20 put in a kitchen. No work had been done yet at  
21 that point. So when they showed it to me they --  
22 we talked about renovations and ideas and knocking  
23 out walls and how we would want it to be laid out,  
24 and it sounded fun and exciting to me to, you  
25 know, work on a project like that. I've always

1 been in the building trades. I sell building  
2 materials, so --

3 MS. MOORE: Did you have an  
4 understanding as to whether there were parts of  
5 the house that you would not have access to?

6 MS. SULLIVAN: Yes.

7 MS. MOORE: What was your  
8 understanding?

9 MS. SULLIVAN: That there were two  
10 other apartments in the house and that there was  
11 no access to either of those apartments.

12 MR. GOKORSCH: Were you shown those  
13 apartments?

14 MS. SULLIVAN: No.

15 MR. GOKORSCH: So you didn't get a  
16 chance to rent those?

17 MS. SULLIVAN: Correct.

18 MR. GOKORSCH: Did you know if they  
19 were occupied?

20 MS. SULLIVAN: Yes?

21 MR. GOKORSCH: Both?

22 MS. SULLIVAN: Yes.

23 MS. MOORE: Did you meet those  
24 tenants.

25 MS. SULLIVAN: Will no.

1 MR. GOKORSCH: How do you know they  
2 were occupied?

3 MS. SULLIVAN: Because I was told  
4 that they were.

5 MS. MOORE: This is within the house,  
6 not the barn?

7 MS. SULLIVAN: Correct.

8 MS. JACOB: Who told you about the  
9 tenants?

10 MS. SULLIVAN: Peter.

11 MR. GOKORSCH: Did you happen to know  
12 if they were male, female?

13 MS. SULLIVAN: Yes, he described who  
14 the tenants were.

15 MR. GOKORSCH: What were those  
16 descriptions?

17 MS. SULLIVAN: Single guy on the  
18 first floor and a woman who lived in the back, I  
19 think she has a two-story apartment.

20 MR. GOKORSCH: Do you have their  
21 names?

22 MS. SULLIVAN: Same names that Peter  
23 gave you. I didn't live there all that long so I  
24 didn't really get to know them.

25 MS. MOORE: With respect to single

1       guy on the first floor, did you --

2                   MS. SULLIVAN: Rick.

3                   MS. MOORE: -- did you have an  
4       impression that that area was accessible by the  
5       area that the woman in the back was renting or  
6       that they were separate?

7                   MS. SULLIVAN: I understood that they  
8       were separate.

9                   MS. MOORE: Do you know how each of  
10      those areas is accessed from the outside of the  
11      house?

12                   MS. SULLIVAN: Rick came in through  
13      the garage door. And I can't remember her name,  
14      she goes in through the back way.

15                   MS. MOORE: When you say the back  
16      way, what does that mean.

17                   MS. SULLIVAN: On the back of the  
18      house there's an entrance door.

19                   MR. GOKORSCH: We have a picture in  
20      our kit here of entranceways here. Would you  
21      please, if you could, take a look at this and tell  
22      me if that is the picture of the rear entrance or  
23      if any of those, I mean --

24                   MS. SULLIVAN: The door here, this  
25      door, was the door that was added off of the



1 living room, what turned into the living room.

2 MR. BOUCHEK: Can you please identify  
3 the page and location of the photo?

4 MS. SULLIVAN: 4 of 7, upper  
5 right-hand corner, that was a door that was added,  
6 the stairways were added because I was  
7 uncomfortable with just having one exit at the  
8 front door. And on the lower right of the page is  
9 the front entrance door and that only goes to my  
10 apartment. You can't get into Rick's apartment or  
11 the other woman's apartment from there.

12 MR. GOKORSCH: Lower right photograph  
13 sheet 4 of 7.

14 MS. SULLIVAN: Yeah, correct. And  
15 then upper left, this doorway is an entrance that  
16 only goes to the basement that we were not allowed  
17 access to.

18 MS. MOORE: As you walk through the  
19 apartment that you were shown through that front  
20 entrance, could you access the first floor that  
21 the single guy was renting from that area at all  
22 through the internal parts of that?

23 MS. SULLIVAN: No.

24 MS. MOORE: Could you access the back  
25 unit that the woman was renting at all through the

1 area that you were shown of the house that you  
2 would be renting?

3 MS. SULLIVAN: No.

4 MR. GOKORSCH: I hate to do this to  
5 you, but is there -- on that same packet, you said  
6 the woman entered through a rear door. Is there a  
7 photograph of that door on that?

8 MS. SULLIVAN: Not on this page.

9 MR. GOKORSCH: Could you take a look  
10 see and find the third entrance?

11 MS. SULLIVAN: No, there's not a  
12 photo of the entrance into her apartment.

13 MS. STEFFEN: Can I just point out a  
14 photo and see if perhaps that's the one that Mary  
15 might look on.

16 MR. GOKORSCH: Sure.

17 MS. STEFFEN: On 6 of 7, the lower  
18 left.

19 MS. SULLIVAN: Oh, sorry, yeah, I  
20 guess that is her place. Yeah, that is her  
21 apartment.

22 MR. GOKORSCH: Sheet 6 of 7, lower  
23 left picture.

24 MS. SULLIVAN: Yeah, sorry about  
25 that.

1 MR. GOKORSCH: Thank you.

2 MS. MOORE: Did you end up renting?

3 MS. SULLIVAN: Yes.

4 MS. MOORE: When did you begin  
5 renting?

6 MS. SULLIVAN: Well, I think it was  
7 about June 10th or mid June Peter and I had  
8 discussed -- had an agreement that was, he did put  
9 it in writing, that I would be renting the  
10 apartment. And we had agreed to a 12-month lease  
11 and I told him that I would pay up front for my  
12 apartment -- for the apartment. So I gave him  
13 half of a year's rent up front expecting that I  
14 was going to be moving in within 30 days. And I  
15 got in September 28th after all the work was done  
16 on the apartment.

17 MR. GOKORSCH: So you got in late; is  
18 that what you're saying?

19 MS. SULLIVAN: (Nodding head.)

20 MR. GOKORSCH: Do you have a copy of  
21 the lease?

22 MS. SULLIVAN: Well, so then Peter  
23 presented me with a copy of the lease and he had  
24 indicated a two-year lease and the dollar amount  
25 was twice what I expected it to be because he

1 wrote it up as a two-year lease. So I refused to  
2 sign it, of course, and kept asking for a new  
3 lease and didn't get it.

4 MR. GOKORSCH: You do not have a copy  
5 of the lease then, correct?

6 MS. SULLIVAN: No.

7 MS. MOORE: How much did you pay in  
8 rent?

9 MS. SULLIVAN: \$1,000 a month.

10 MS. MOORE: Did that include  
11 utilities?

12 MS. SULLIVAN: No, I was told that  
13 utilities would be divided up as the bills come in  
14 and that everybody should pay a third. And so we  
15 had a conversation about that because my apartment  
16 was much smaller he said than the other ones. So  
17 I never got a bill from him indicating what the  
18 utilities bill amount would be.

19 MR. GOKORSCH: So utilities were not  
20 included?

21 MS. SULLIVAN: I was told they were  
22 not.

23 MS. MOORE: How long did you live  
24 there for?

25 MS. SULLIVAN: I moved in September

1 28th and I moved out November 28th.

2 MR. GOKORSCH: Were other people  
3 shown the house while you were still there? Were  
4 other tenants shown to come at the end of your  
5 staying there.

6 MS. SULLIVAN: Not that I know of.  
7 So the reason that I couldn't stand living there  
8 is because when the guy came to put in the cable  
9 he had to get to the basement. Peter took him to  
10 the basement and I followed. And Peter told me I  
11 couldn't come into the basement, but I insisted.  
12 And every square inch of that basement was jammed  
13 with stuff. And so I had a brother who died in a  
14 house fire, and so when the house was being  
15 designed I insisted on the additional egress door.  
16 I insisted on a window in my son's bedroom to be  
17 of egress size. And so when I went to get  
18 renter's insurance I couldn't get renter's  
19 insurance because it wasn't zoned properly and it  
20 was unsafe for me to live in that house because  
21 the hoarding situation was terrifying.

22 MR. GOKORSCH: You said that there  
23 was a window added at your insistence. Is there a  
24 picture of that window in the packet in front of  
25 you?

1 MS. SULLIVAN: Yes, it's on page 5 on  
2 the both lower levels, both lower pictures, left  
3 and right.

4 MR. GOKORSCH: Thank you.

5 MS. MOORE: You mentioned a son?

6 MS. SULLIVAN: Yes, I have a son who  
7 goes to Ohio State.

8 MS. MOORE: Was he living with you?

9 MS. SULLIVAN: When he was home from  
10 school. He and I never shared my meals with the  
11 two other tenants.

12 MS. MOORE: You read my mind. Did  
13 you ever prepare meals with the other tenants in  
14 one kitchen?

15 MS. SULLIVAN: Sorry, no. I have  
16 not -- I've never -- I had never seen the other  
17 apartments except for the garage apartment that  
18 Polly lived in. But I didn't see the other  
19 woman's apartment who also lived in the garage.

20 MR. GOKORSCH: Would you consider the  
21 other residents in here your roommates?

22 MS. SULLIVAN: No, I never saw them.

23 MS. MOORE: Did you consider that you  
24 were living as a single economic unit.

25 MS. SULLIVAN: Yes -- no, I mean, I

1 was separate from them. I was a separate economic  
2 unit.

3 MS. MOORE: Let me ask it a different  
4 way. That wasn't clear. Did you believe that you  
5 were living with the other tenants from the other  
6 units, whether they were in the house and/or barn  
7 as a single economic unit?

8 MS. SULLIVAN: I did not.

9 MS. MOORE: Did you believe that you  
10 were living with the other individuals who were  
11 living within different units at the house as a  
12 single economic unit.

13 MS. SULLIVAN: Not at all.

14 MR. GOKORSCH: Did you share a  
15 laundry facility?

16 MS. SULLIVAN: I had no access to  
17 laundry facilities.

18 MR. GOKORSCH: Your entire apartment  
19 had no laundry service?

20 MS. SULLIVAN: Not in my apartment.  
21 The other people might have had laundry  
22 facilities, but I had no access to them.

23 MS. MOORE: Were there any  
24 arrangements with respect to trash removal?

25 MS. SULLIVAN: I was told that trash

1 was to be taken from my car, thrown in the back of  
2 my car on a regular basis to take it down to a  
3 dumpster that's on another property that the  
4 Rogers own.

5 MS. MOORE: Was your trash ever  
6 picked up by Mr. Rogers and removed from the  
7 property?

8 MS. SULLIVAN: No, because when I  
9 moved in there I said that's ridiculous, I'm not  
10 doing that, and I hired a trash service. I got a  
11 garbage can from them and I took my garbage down  
12 to the corner of the driveway.

13 MR. GOKORSCH: Did the other tenants  
14 share in that garbage service?

15 MS. SULLIVAN: Not that I know of.

16 MR. GOKORSCH: You mean not that you  
17 knew they put it in your dumpster?

18 MS. SULLIVAN: As long as you get it  
19 out of there and there's no rats running around.

20 MS. MOORE: You are the Mary Sullivan  
21 who filed the complaint with the Russell Township  
22 Zoning Inspector on or about October 23rd, 2015.

23 MS. SULLIVAN: Yes, I am.

24 MR. GOKORSCH: Any other questions  
25 from the board?



1 MR. GRASSI: Yes. Were you  
2 reimbursed with the six months rent that you had  
3 paid ahead? Were you -- you only lived there two  
4 months. You didn't have a lease.

5 MS. SULLIVAN: Right.

6 MR. GRASSI: But you paid six months  
7 in advance?

8 MS. SULLIVAN: Correct.

9 MR. GRASSI: So what part of that six  
10 months rent -- did you receive any of that back?

11 MS. SULLIVAN: None. I have received  
12 nothing back.

13 MR. GOKORSCH: So you paid them  
14 \$6,000 but you paid --

15 MS. SULLIVAN: I paid six months up  
16 front.

17 MR. GRASSI: Which was 6,000?

18 MS. SULLIVAN: \$6,000. Then I paid  
19 \$2,000 when I moved in for --

20 MR. GRASSI: So that's \$8,000 total  
21 and you were there two months without a lease?

22 MS. SULLIVAN: Yes.

23 MR. GOKORSCH: I'm sorry, I didn't  
24 understand. I need clarity. You paid him \$6,000  
25 for the six months and then you said 2,000 when

1 you moved in?

2 MS. SULLIVAN: Right. Because the  
3 6,000 was my deposit because I told him I would  
4 pay a year in advance.

5 MR. GOKORSCH: The 2,000 was one  
6 month's rent and the next month.

7 MS. SULLIVAN: September, October or  
8 October, November.

9 MR. GRASSI: I'm a little confused by  
10 that now. You paid them 6,000.

11 MS. SULLIVAN: Right.

12 MR. GRASSI: For the first --

13 MS. SULLIVAN: I actually told him I  
14 would pay him \$12,000, but as the apartment was  
15 not getting completed I said I'll pay you half of  
16 it down now and then when I moved in I paid \$2,000  
17 to pay for the next couple months.

18 MR. GRASSI: So that's 8,000 total.

19 MS. SULLIVAN: That's correct.

20 MR. GOKORSCH: Do you have receipts  
21 for that or checks for that?

22 MS. SULLIVAN: Yes, I do. I don't  
23 have it with me, but I do have that.

24 MR. GOKORSCH: We don't have the  
25 documents here, but those might be valuable

1 documents. Can you tell this board that you can  
2 find those documents if they're necessary?

3 MS. SULLIVAN: Yes, sure.

4 MR. GOKORSCH: Okay.

5 MR. GRASSI: Had you asked for any of  
6 that money back?

7 MS. SULLIVAN: Yes, and when I asked  
8 I was told that it cost 12,000 some dollars in  
9 order to fix up the apartment and that I wasn't  
10 going to get my money back. I said I didn't buy  
11 the apartment. I was renting.

12 MS. MOORE: Is there any other  
13 information you want to share with us?

14 MS. SULLIVAN: I don't think so.

15 MS. JACOB: Do you mind if I ask a  
16 couple questions?

17 MS. MOORE: Before you do, before I  
18 forget, Steve, was that Exhibit A or is that a new  
19 exhibit?

20 MR. GOKORSCH: It's the existing  
21 Exhibit A.

22 MS. JACOB: Hi. May I ask what you  
23 do for a living or have done?

24 MS. SULLIVAN: I work for a window  
25 manufacturer.

1 MS. JACOB: Building supplies?

2 MS. SULLIVAN: Yes.

3 MS. JACOB: When you lived in the  
4 Rogers property, did you work for Mr. Rogers or  
5 his family?

6 MS. SULLIVAN: No.

7 MS. JACOB: Have you at any time  
8 worked for him or his family?

9 MS. SULLIVAN: No.

10 MS. JACOB: So did he pay you to do  
11 anything on the property?

12 MS. SULLIVAN: Not at all. And I did  
13 give him a skylight that I had.

14 MS. JACOB: You gave it to him?

15 MS. SULLIVAN: But I gave it to him.

16 MS. JACOB: But he didn't give you  
17 anything for any service you performed?

18 MS. SULLIVAN: No.

19 MS. JACOB: Did you use a P.O. box  
20 when you lived there.

21 MS. SULLIVAN: No, I never got a P.O.  
22 box.

23 MS. JACOB: How did you get your  
24 mail?

25 MS. SULLIVAN: I went and picked it

1 up at the post office.

2 MS. JACOB: Did you ever ask  
3 Mr. Rogers about that?

4 MS. SULLIVAN: Yeah, I said I wanted  
5 a mailbox and he wouldn't put a mailbox up.

6 MS. JACOB: Did he say why?

7 MS. SULLIVAN: No. I think I had a  
8 pretty good idea.

9 MS. JACOB: Thank you very much.

10 MR. GOKORSCH: You gave a skylight.  
11 Was that skylight installed in the apartment?

12 MS. SULLIVAN: Yes, it was.

13 MR. GOKORSCH: Okay. I hate to do  
14 this to you again, but evidence is evidence.  
15 Would you please identify if you can --

16 MS. SULLIVAN: Oh, yes.

17 MR. GRASSI: Page 5 of 7, is it?

18 MS. SULLIVAN: There were two  
19 skylights installed and I think the photographs  
20 just show the second skylight. The one that I  
21 gave him was two foot by two foot. This one is I  
22 think two foot by three foot maybe or two foot by  
23 four foot, the one that's in the photograph.

24 MR. DOWNING: It shows two, one on  
25 page top of page 2.

1 MS. SULLIVAN: I think they're the  
2 same window though.

3 MS. STEFFEN: I don't think so. I  
4 think they were the two separate ones.

5 MS. SULLIVAN: Page 2, is that it,  
6 that the picture?

7 MR. GOKORSCH: Page 5.

8 MS. STEFFEN: That doesn't show it  
9 very well.

10 MR. GOKORSCH: Page 5 of 7, upper  
11 right-hand corner, what is that?

12 MS. SULLIVAN: Right. I think that's  
13 the second one because the one I gave Peter is  
14 what's called a standing seam skylight so it lays  
15 flush to the roof line.

16 MS. JACOB: Can you check the next  
17 page.

18 MS. SULLIVAN: On 6?

19 MS. STEFFEN: Page 6 on the right.

20 MS. SULLIVAN: It's the garage, yeah.

21 MR. GOKORSCH: Okay. So you can't  
22 identify it with the exhibits?

23 MS. SULLIVAN: On the opposite side  
24 of the roof where this skylight is, it's on the  
25 opposite side.

1 MR. GOKORSCH: Thank you. Anything  
2 else?

3 MS. SULLIVAN: No. Thank you for  
4 your --

5 MR. EVENCHIK: I have an opportunity  
6 to ask a couple questions. So when did you say  
7 you moved out Ms. Sullivan?

8 MS. SULLIVAN: November 24th, 28th,  
9 somewhere around there.

10 MR. EVENCHIK: And the reason you  
11 moved out?

12 MS. SULLIVAN: Because the water was  
13 disgusting. I couldn't get insurance. I couldn't  
14 get renter's insurance because it wasn't zoned  
15 properly, so I couldn't get renter's insurance. I  
16 was denied. And I didn't -- I couldn't stand the  
17 hard water, couldn't drink it, couldn't bathe in  
18 it, couldn't wash my hair in it.

19 MR. EVENCHIK: Did the Rogers tell  
20 you you had to leave?

21 MS. SULLIVAN: No.

22 MR. EVENCHIK: So you could have  
23 stayed. It was your choice to leave?

24 MS. SULLIVAN: Yes.

25 MR. EVENCHIK: Did you escrow your

1 rent at all in any of the courts?

2 MS. SULLIVAN: I don't know what that  
3 means.

4 MR. SMITH: She paid it.

5 MR. EVENCHIK: I'm happy to ask you  
6 questions also.

7 MS. SULLIVAN: I don't know what that  
8 means.

9 MR. EVENCHIK: Did you send them a  
10 notice demanding they fix certain things?

11 MS. SULLIVAN: Yeah, a couple times.

12 MR. EVENCHIK: Did you apply to the  
13 court or notify the court of any problems?

14 MS. SULLIVAN: No.

15 MR. EVENCHIK: You mentioned before  
16 you had dogs?

17 MS. SULLIVAN: Yes.

18 MR. EVENCHIK: How many dogs did you  
19 have?

20 MS. SULLIVAN: Two.

21 MR. EVENCHIK: Did your dogs ever get  
22 into altercations with any other pets that were on  
23 site?

24 MS. SULLIVAN: No.

25 MR. EVENCHIK: No?



1 MS. SULLIVAN: I was accused of that,  
2 but they didn't.

3 MR. EVENCHIK: You were accused of  
4 that. What was the accusation?

5 MS. SULLIVAN: The accusation was  
6 that my dog went after a guinea pig that was on  
7 the property.

8 MR. EVENCHIK: Whose guinea pig  
9 allegedly was it?

10 MS. SULLIVAN: I don't know.

11 MR. EVENCHIK: How did you find out  
12 about the hearing tonight?

13 MS. SULLIVAN: From a friend of mine.

14 MR. EVENCHIK: You've got to give a  
15 name.

16 MS. SULLIVAN: Well, she's not here.

17 MR. EVENCHIK: So who told you?

18 MS. MOORE: He's asking a question  
19 and it's fair for him --

20 MS. SULLIVAN: I heard from my  
21 attorney.

22 MR. EVENCHIK: Who is your attorney?

23 MS. SULLIVAN: Bill -- William Smith.

24 MR. EVENCHIK: Okay. And why did you  
25 come tonight?

1 MR. SMITH: So that I could hear what  
2 was going on.

3 MR. EVENCHIK: Did you talk to any  
4 member of the board of zoning appeals prior to  
5 coming here tonight?

6 MR. SMITH: No.

7 MR. EVENCHIK: Did you talk to the  
8 zoning inspector prior to coming here tonight?

9 MS. SULLIVAN: Only when I went over  
10 there to submit my complaint.

11 MR. EVENCHIK: Well, when did you  
12 submit your complaint?

13 MS. SULLIVAN: I don't know, I think  
14 October it's dated.

15 MR. EVENCHIK: So prior to coming  
16 here this evening, your attorney was the one who  
17 told you that this was going on. Somehow he knew,  
18 so you decided to come?

19 MS. SULLIVAN: Correct.

20 MR. EVENCHIK: I have no additional  
21 questions for her.

22 MR. GOKORSCH: If there are no other  
23 questions, I thank you for your testimony. We'd  
24 like to take a five-minute biology break here.

25 (Recess had.)

1 MR. GOKORSCH: Okay. At this time is  
2 there anyone else who wants to testify?

3 CHRISTOPHER GRUBER, of lawful age, called  
4 for examination, being first duly sworn, as  
5 hereinafter certified, testified as follows:

6 MR. GOKORSCH: State your name  
7 please.

8 MR. GRUBER: Christopher M. Gruber, G  
9 R U B E R, 2161 Waynoka, W A Y N O K A, Road, in  
10 Euclid, Ohio. My wife is Polly Meil, she resides  
11 at 8200 Fairmount, which I understand isn't a true  
12 address. A little background and a couple  
13 comments if I may indulge the board. First of  
14 all, I didn't know my children were being raised  
15 in a barn so now I can tell them that you were  
16 raised in a barn. But I was a city councilman in  
17 Euclid for over ten years and just retired from  
18 the Civil Service Commission in the City of  
19 Euclid. My wife works for Geauga County. We're  
20 looking at purchasing a house out here. My  
21 children go to St. Anselm's. It was easy for her  
22 to rent this property until we made the  
23 transition, so that's how we ended up here. When  
24 she first -- she saw the ad on Craigslist, she  
25 went to the property, she did meet Mr. Rogers, who

1 I have the highest respect for the Rogers and what  
2 he's trying to do there. She lives in the barn,  
3 as I said. The basement at one time I guess did  
4 have living quarters down there. There's a stove,  
5 there's a bathroom down there. No one currently  
6 occupies that. This is the basement. The first  
7 floor, the garage level --

8 MR. GOKORSCH: I get confused. Is  
9 this the basement of the garage or the basement of  
10 the barn?

11 MR. GRUBER: The barn is the garage.

12 MR. GOKORSCH: Is this the basement  
13 of 8230, the house?

14 MR. GRUBER: No, 8200.

15 MR. GOKORSCH: This is the basement  
16 of the barn.

17 MR. GRUBER: The barn. The basement,  
18 like I said, was occupied at some point, but it  
19 wasn't. I have some pictures of the current  
20 condition of the basement that the Cleveland  
21 Museum of Art is calling for that stuff. So the  
22 first floor, which is the garage floor --

23 MS. MOORE: This is the barn?

24 MR. GRUBER: This is the barn.

25 MR. GOKORSCH: When were these taken?

1 MR. GRUBER: Month ago, less than a  
2 month ago.

3 MS. MOORE: Who took them.

4 MR. GRUBER: I did. I have them on  
5 my phone. The date would be in there. On the  
6 first floor where the garage is located, there's  
7 two parking spaces on the north side of the  
8 property, and there's two parking spaces on the  
9 east side of the barn. The property or the garage  
10 on the east side of the barn is a workshop.  
11 That's where the contractors come that are doing  
12 work at the property. There's tools set up in  
13 there, there's all kinds of equipment, you know,  
14 drills, saws, everything you can imagine.

15 Also on that first floor there was an  
16 apartment, a young woman named Donna lived there.  
17 Donna moved because she didn't like the  
18 conditions. I know that there was mention that  
19 they often ate together and got together. They  
20 had three cookouts -- this is the whole compound  
21 there -- they had three cookouts over the summer  
22 and all three of those cookouts revolved around  
23 the issues of the property.

24 MR. GOKORSCH: Could you please  
25 explain what that means.

1 MR. GRUBER: Sure. They would get  
2 together, Donna would call it together, Rick would  
3 sometimes come. Rick has some doing with his  
4 board, I believe, or something, so he didn't  
5 really get too involved. But Laura would be  
6 there, Polly, Donna, and they would discuss  
7 things. As the previous witness mentioned, the  
8 water conditions, water was terrible, heat, they  
9 didn't have heat for quite a while. None of the  
10 units were completely finished. Polly's unit when  
11 she moved in, this was -- I'll submit this, this  
12 was how the refrigerator was plugged into the  
13 kitchen. I do have a five-year-old and  
14 13-year-old. The kitchen was not completely  
15 finished yet. This is the upstairs of the garage,  
16 the barn.

17 MS. MOORE: For the record, we've  
18 labeled the photographs that Mr. Gruber's provided  
19 as Exhibit B-1, B-2, B-3 and now B-4.

20 MR. GRUBER: So Donna lived down  
21 there on the first floor. She wasn't very happy  
22 with the conditions there. Polly had moved  
23 upstairs, it was still in an unfinished state.  
24 There was no door going up to the top of the  
25 stairs, which was very disconcerting to Polly

1 having two daughters and herself there most the  
2 time without me being present with the amount of  
3 workers that cycled through the property. There's  
4 a constant flow of all kinds of workers that are  
5 doing different odd jobs. No one, you know,  
6 really knows who they are. She was very  
7 concerned. The door was put up probably about a  
8 month and a half, two months ago by Mr. Rogers.  
9 When Polly --

10 MR. GOKORSCH: To be clear, that  
11 door, was that a door that indeed was locked so  
12 that it would prevent --

13 MR. GRUBER: Yes, sir.

14 MR. GOKORSCH: You couldn't go  
15 between the levels?

16 MR. GRUBER: It was at the top of the  
17 stairs on the second level, but it was a locking  
18 door. There's an entrance door on the ground  
19 floor by the garage that had a lock, and then  
20 there was Donna's apartment on the first floor  
21 that had a lock, and then there was the -- we had  
22 the one installed on the second floor, the door  
23 was installed on the second floor.

24 MR. GOKORSCH: The second floor suite  
25 there, where Polly was, right?

1 MR. GRUBER: Yes.

2 MR. GOKORSCH: Did it have a separate  
3 entrance.

4 MR. GRUBER: No, they're a common  
5 entrance, you come in through the one door and  
6 then go up the stairs. As we stated, as I stated  
7 earlier, that we did a lot of the work ourselves  
8 in there. She finished painting. It was an  
9 ongoing -- electrical issues still exist. My real  
10 profession is I'm a facilities manager for a large  
11 non-profit and I build lots of building, just  
12 built a million dollar cabin in Geauga County out  
13 here on Aquilla Road. I can attest that there's  
14 been no permits, these jobs are not done to  
15 specifications. I'm a NASA journeyman  
16 electrician. It's a totally unsafe condition.  
17 That's the real reason I'm here tonight.

18 I understand the whole thing behind  
19 zoning and I wrote lots of zoning legislation for  
20 occupancy permits and so forth, but it's a real  
21 safety issue. If my children call 911 right now  
22 and give the 8200 address, Fairmount, it's not  
23 even on your map. It's 580 feet from the street.

24 MR. GOKORSCH: I want to make sure  
25 for the record, you mentioned the electrical code



1 and such. What are your credentials once again,  
2 sir?

3 MR. GRUBER: I'm a NASA certified  
4 journeyman electrician from the Lewis Research  
5 Center. I'm the facilities director for the  
6 Cleveland Sight Center.

7 MR. GOKORSCH: Okay.

8 MR. GRUBER: I've been there for 15  
9 years at the Sight Center.

10 MR. GOKORSCH: As a NASA certified  
11 electrician, you have to understand electrical  
12 code?

13 MR. GRUBER: National Electric Safety  
14 Code, yes, sir.

15 MR. GOKORSCH: Okay. Thank you.

16 MR. GRUBER: Those are the big  
17 issues. The water was a problem, the heat. There  
18 is no communal space, there's no interaction  
19 between the folks. Rick lives in one place, Laura  
20 lives in one place, she's lived there for quite a  
21 some time. She's acquired a niche and she's  
22 pretty happy with her accommodations there. I  
23 know the young lady that testified earlier, I  
24 think the first thing that the folks that lived  
25 there said to her is get out while you can. I

1 would believe that that was pretty close to the  
2 truth. I was there.

3 It's an ongoing thing of people show  
4 up at all different odd times to do work. There's  
5 a multitude of contractors. Multitude. And I  
6 don't know what their qualifications are. There's  
7 no permits have been pulled on this.

8 MS. MOORE: What are the specific  
9 safety issues that you believe you're qualified to  
10 evaluate?

11 MR. GRUBER: I had to have GFIs put  
12 in the bathroom. I had to persist that Mr. Rogers  
13 put GFIs in the bathroom, everywhere within six  
14 feet of water. You can see the debris in the  
15 basements down there. It's definitely a fire  
16 issue. There's other electrical issues downstairs  
17 with Donna who had moved out. Some of her  
18 lighting fixtures were sparking and not -- she  
19 actually just unhooked them so they wouldn't cause  
20 a problem. You can see how the refrigerator was  
21 plugged in. When she moved in that's how the  
22 refrigerator -- in the exhibit I gave you. These  
23 are just general basic safety issues.

24 MR. GRASSI: Is your family still  
25 living there?

1 MR. GRUBER: Yes, Polly is. We are  
2 in the process of acquiring a property in Russell  
3 or in the West G school district I guess we should  
4 say. So we are actively looking.

5 MR. GRASSI: How long have they been  
6 there?

7 MR. GRUBER: She moved in in May of  
8 last year, it's almost been a year. She's kind  
9 of -- she's a little rustic. She lived in Montana  
10 for quite a while, lived in Oregon. This property  
11 appealed to her because of the rustic nature, and  
12 if it was done properly and everything was good it  
13 would be a lovely property.

14 MR. GRASSI: Surprised she's still  
15 there.

16 MR. GRUBER: She's moved 20 times in  
17 19 years and she doesn't feel like moving right  
18 today. So she was just in a terrible automobile  
19 accident a few months ago on Aquilla and Pekin  
20 Road. The girl that was in the car with her is  
21 still -- she's paralyzed for life and Polly is  
22 just recovering. So there's been some other  
23 issues that are still -- we're still working on.

24 MR. GOKORSCH: You mentioned that  
25 there were no permits taken. How did you know

1 that, sir?

2 MR. GRUBER: Well, I looked on the  
3 Internet here for the zoning -- I'm sorry, for the  
4 county auditors. No permits pulled there. When I  
5 asked if permits were pulled, I don't believe that  
6 many of the contractors are licensed, bonded, or  
7 insured in your city or township.

8 MR. GOKORSCH: So you looked at what  
9 site for the permits?

10 MR. GRUBER: For the county auditor  
11 when it says permits pulled. There was one  
12 pulled, hold on, for \$1,000 worth of electrical  
13 work. It was pulled -- here, I have it here, it  
14 was 5/5/2004, permit number 39820, and it was for  
15 residential electrical, estimated value of \$1,000.  
16 That's the only one on record that I could find.

17 MR. GOKORSCH: Thank you. Any other  
18 questions from the board?

19 MS. JACOB: Just I know this is a  
20 little repetitive, but does your wife work for the  
21 Rogers?

22 MR. GRUBER: No, she works for the  
23 Geauga County Board of DD, Metzenbaum Center.

24 MS. MOORE: Do you know if she signed  
25 a lease?

1 MR. GRUBER: No, it was a handshake  
2 agreement, month to month.

3 MS. MOORE: Do you know the terms of  
4 it?

5 MR. GRUBER: I believe it's \$1,100 a  
6 month, utilities included. And I know that there  
7 was months she didn't pay the entire \$1,100  
8 because the work had not been completed on the  
9 apartment.

10 MS. JACOB: A little repetitive  
11 perhaps, but she lived in the barn. Did she have  
12 access to the house?

13 MR. GRUBER: No, I believe she might  
14 have been in Laura's apartment once or twice by  
15 invitation. They were invited in, yes, and I  
16 don't think -- I've never been in any part of the  
17 house.

18 MS. JACOB: Thank you.

19 MR. EVENCHIK: Hold on. Can I ask a  
20 couple questions?

21 MR. GOKORSCH: Sure, cross.

22 MR. EVENCHIK: Where did you say you  
23 lived again?

24 MR. GRUBER: Euclid. 2161 Waynoka  
25 Road.

1 MR. EVENCHIK: How many bedrooms do  
2 you have?

3 MR. GRUBER: Three.

4 MR. EVENCHIK: And you felt the  
5 property -- you still feel the property is an  
6 unsafe condition?

7 MR. GRUBER: And we're looking to  
8 remedy that by -- I do have to admit that  
9 Mr. Rogers did put in a window for fire egress, he  
10 has put in smoke detectors. I've provided them  
11 with fire extinguishers. There has been some  
12 improvements made in the safety area.

13 MR. EVENCHIK: But as we sit here  
14 today, do you think it's an unsafe condition?

15 MR. GRUBER: My personal opinion is  
16 yes. My wife feels otherwise.

17 MR. EVENCHIK: So why not move your  
18 kids into your other open bedrooms?

19 MR. GRUBER: Yes, they lived there  
20 for five years. They go to St. Anselm's. My wife  
21 works right almost across the street and this is  
22 where she wants to be.

23 MR. EVENCHIK: Even if you feel it's  
24 an unsafe condition?

25 MR. GRUBER: Yes, we've had that

1 discussion.

2 MR. EVENCHIK: Okay. How often --

3 MR. GRUBER: Some people would feel  
4 three kitchens is unsafe.

5 MR. EVENCHIK: How often do you --  
6 I'm not sure what you're getting at there.

7 MR. GRUBER: Well, you know, three  
8 kitchens in one house, that's kind of dangerous.

9 MR. EVENCHIK: I have three kitchens  
10 in my house, sir.

11 MR. GRUBER: Oh, yes, I know. Go  
12 ahead.

13 MS. MOORE: We don't need to get  
14 into --

15 MR. EVENCHIK: Okay. Well, if I'm  
16 being personally attacked, please back off.

17 How often do you eat there at this  
18 house?

19 MR. GRUBER: Twice a month, three  
20 times a month.

21 MR. EVENCHIK: How often do you sleep  
22 there?

23 MR. GRUBER: Probably about six,  
24 seven times a month.

25 MR. EVENCHIK: Okay. How often have

1 you eaten with some of the other folks who live  
2 there --

3 MR. GRUBER: Once.

4 MR. EVENCHIK: -- in the property.  
5 Once.

6 And I just want to object to the  
7 general nature of his testimony to the extent that  
8 he was testifying utterly hearsay about things  
9 that other people in the apartment may have  
10 thought or where they live or who is happy or  
11 unhappy, but he's fine to testify to those things.  
12 But I want the record to reflect my objection to  
13 that.

14 MR. GRUBER: Thank you.

15 MR. GOKORSCH: Okay. Is there anyone  
16 else who would like to -- Mr. Evenchik before he  
17 sits down did you want to look at the pictures?  
18 You didn't have that opportunity.

19 MR. EVENCHIK: Sure, I appreciate  
20 that. Thank you.

21 MR. GOKORSCH: Is there anyone else  
22 who at this time wants to testify?

23 DAVID KRUSE, of lawful age, called for  
24 examination, being first duly sworn, as  
25 hereinafter certified, testified as follows:



1 MR. GOKORSCH: State your name  
2 please.

3 MR. KRUSE: I do. My name is David  
4 Kruse.

5 MR. GOKORSCH: Address?

6 MR. KRUSE: 14465 Hitching Post Lane,  
7 Novelty, Ohio.

8 For the record, I am the president of  
9 the Hackamore Woods Homeowners Association. I've  
10 been the president of this association for over  
11 ten years, been elected just as of recent for  
12 another one-year term. For the record, our bylaws  
13 do state that we only allow single-family  
14 dwellings. Of the 49 parcels which all have  
15 single-family dwellings on them. We allow  
16 outbuildings, but they are limited to sizes per  
17 our revised bylaws that were renewed or revised I  
18 should say within the last two years.

19 The situation with the Rogers has  
20 become a burden to us as an association in terms  
21 of the lack of payments of homeowners' dues. An  
22 invoice has been sent to the Rogers in the amount  
23 of \$1,558. That includes seven years of dues for  
24 \$100 a year, two years for dues for \$150 a year,  
25 and \$558 of interest --

1 MR. GOKORSCH: Just a point of  
2 clarification. Are his lots within the homeowners  
3 association area.

4 MR. KRUSE: The lot is, yes, it is.  
5 It's on -- it's one of the six properties that are  
6 on Fairmount -- excuse me, that are on 87.

7 MR. GOKORSCH: Thank you.

8 MS. MOORE: I'm sorry, on 87, not the  
9 Fairmount Road property?

10 MR. KRUSE: That's correct.

11 MS. MOORE: So we're talking right  
12 now about 8230 Fairmount. Is that property within  
13 the association?

14 MR. GOKORSCH: That was actually my  
15 question, thank you.

16 MR. KRUSE: No, we're talking about  
17 the other property, this is what we're talking  
18 about.

19 MS. MOORE: So did you want to take  
20 this?

21 MR. GOKORSCH: Go ahead.

22 MS. MOORE: So we're hearing right  
23 now the alleged error of the zoning inspector  
24 appeal number 491, and that one regards 8230  
25 Fairmount Road. We have yet to begin the hearing

1 on number 492, which is the property at 8380  
2 Kinsman. Is that property the one you're speaking  
3 of?

4 MR. KRUSE: That's correct. My  
5 error.

6 MS. MOORE: So do you have any  
7 testimony regarding the 8230 Fairmount Road  
8 property?

9 MR. KRUSE: No, I do not.

10 MR. GOKORSCH: Dave, thank you for  
11 this. I don't believe there's any testimony at  
12 this hearing that you can provide. However, we  
13 have another hearing coming up. And so I thought  
14 the homeowners association was a little far away  
15 from this property so that's why I asked the  
16 question.

17 MR. KRUSE: I appreciate your  
18 clarification.

19 MR. GOKORSCH: I'd like you to make  
20 sure you put your input in for that property.

21 MS. MOORE: So when we call that  
22 hearing you're up.

23 MR. GOKORSCH: Thank you.

24 TOM CLAPP, of lawful age, called for  
25 examination, being first duly sworn, as

1 hereinafter certified, testified as follows:

2 MR. GOKORSCH: State your name  
3 please.

4 MR. CLAPP: Tom Clapp. I live at  
5 8265 Fairmount Road. We've lived there for  
6 roughly 25 years.

7 MR. GOKORSCH: Where is 8269?

8 MR. CLAPP: 8265.

9 MR. GOKORSCH: Relative to the  
10 property?

11 MR. EVENCHIK: We are directly across  
12 the street and east. We're two houses from  
13 Alexander.

14 MR. BOUCHEK: Can you locate the  
15 property on this aerial map please?

16 MR. CLAPP: (Indicating.)

17 MS. MOORE: We're marking that as  
18 Exhibit C.

19 MR. CLAPP: This whole thing just  
20 boggles my mind. I thought we resolved this six  
21 years ago or whenever we met last time. My  
22 complaint when we had this basically same hearing  
23 however many years ago was anything he does on  
24 that property changes the water table. If you add  
25 more people into that property, you're using more

1 water. You're creating more waste. Any  
2 construction you're doing, you're taking down  
3 buildings, which is also taking away from water.  
4 I live downhill from his property. Everything  
5 that happens on Fairmount and north of that road  
6 comes directly down the hill into my front yard  
7 and at great expense. I buried 300 feet of smooth  
8 wall pipe to keep water out of my house. The  
9 water table -- you can't walk in my yard. The  
10 water cannot absorb into the ground any faster.

11           When I bought this house 25 years ago  
12 I moved out to this township for the school  
13 systems. My daughters went through the school  
14 system. We have great school systems. I pay a  
15 lot of money in tax. I vote for you people.  
16 You're my neighbors. I know some of you. I'm not  
17 happy that I am now living across from a rental  
18 project. I don't know if I have predators there.  
19 I have no options to interview any of these  
20 people. I cannot tell you how upset and absurd  
21 this is. We've been here for two hours tonight  
22 and this whole thing is absurd. We do not have  
23 apartment complexes in Novelty, Ohio. Does he  
24 have a septic system to handle all these -- from  
25 what I'm hearing, that house can hold four

1 families. The barn sounds like it can handle  
2 three or four families too. Before he added he  
3 wanted to divide the property so he could add more  
4 buildings so he could add more people. I am  
5 beyond upset. I am beyond upset. How do we get  
6 here again? When did we meet last? Someone has  
7 the records, when was this five, six years ago?

8 MS. STEFFEN: 2010. That was a  
9 request for a lot split at that time by  
10 Mr. Rogers.

11 MR. GOKORSCH: Tom, I certainly  
12 understand your frustration on the process.  
13 However, we will follow due process in order to  
14 resolve this. We will follow due process. The  
15 previous time there was a request for a lot split.  
16 It was an area variance. It's a very different  
17 issue. This issue gets to what you're worried  
18 about.

19 The issue we have right now in front  
20 of us is on inspection it was noted that multiple  
21 families were living in these buildings and there  
22 were multiple structures with multiple houses on a  
23 single lot. Both were in violation.

24 So I understand your frustration.  
25 What I am trying to do here and the board's trying

1 to do is gather the facts so that we have the  
2 received evidence that we need. So relative to  
3 that, there's been some testimony. Do you have  
4 any testimony to provide, any factual information  
5 relative to the impact on your neighborhood, on  
6 your family, relative to the impact -- you've  
7 heard the previous testimony. Do you have  
8 something that you can add for this board?

9 MR. CLAPP: Well, I do know that  
10 there's a constant flow of cars in and out of that  
11 driveway. And, you know, with all of the drug  
12 trafficking and scares you hear and not knowing  
13 who is living over there, who is over there,  
14 there's constantly cars in and out. Never ever do  
15 I see a construction vehicle going through with  
16 any company names. So I didn't know there was  
17 construction even going on. There's never been  
18 any permits posted out at the streets. He has  
19 posted two different addresses at the road, but I  
20 don't ever remember there being multiple mailboxes  
21 down there.

22 MR. GOKORSCH: Could you clarify the  
23 addresses?

24 MR. CLAPP: I don't know the numbers,  
25 but on a pole or tree down there he's had at

1 certain times two different numerical numbers  
2 posted on that property.

3 MR. GOKORSCH: Could you give me a  
4 minute please?

5 MR. CLAPP: Sure.

6 MR. GOKORSCH: Can you provide that  
7 to him. There's a photograph on that page that I  
8 was trying to understand what it was. Is that  
9 what you're referring to?

10 MR. CLAPP: Right. That's down at  
11 the road.

12 MR. BOUCHEK: Can you identify the  
13 page and photo please?

14 MR. CLAPP: Page 1 of 7, the lower  
15 left corner.

16 MS. JACOB: That's Exhibit A?

17 MR. GRASSI: Yes.

18 MR. CLAPP: Again, with multi  
19 families a health thing becomes the septic system.  
20 I've never ever seen, and I've lived there 25  
21 years, I've never seen a septic service vehicle go  
22 back there. And when you have multi families, I  
23 get my septic system for four people pumped out  
24 every other year.

25 MR. GOKORSCH: Understand, this



1 hearing won't get into those health issues. This  
2 is a zoning issue here. Anything else relative to  
3 the testimony you've heard that could help us get  
4 factual information on this?

5 MR. CLAPP: No, that's all I have.

6 MS. MOORE: I just have one piece.  
7 Section 1, statement of purpose of the resolution,  
8 zoning resolution in the second paragraph states,  
9 It is further determined that a major asset to the  
10 community is the natural rural quality of the  
11 landscape and that this quality insofar as  
12 possible should be preserved to achieve these  
13 basic objectives to promote public health, safety,  
14 and general welfare, to ensure the preservation of  
15 open space, adequate light and air, freedom from  
16 congestion and objectionable or noxious uses and  
17 to provide for the orderly and efficient growth of  
18 the community. The Board of Trustees of Russell  
19 Township deems it necessary in accordance with  
20 provisions of the Revised Code to regulate the use  
21 of land, the size and location of buildings,  
22 yards, and open space, and other characteristics  
23 of future development within the township, and it  
24 goes on.

25 What I think we've heard from you,

1 Mr. Clapp, is that you are providing your  
2 testimony that you object for public health  
3 reasons relative to the septic system issues, that  
4 you object relative to ensuring preservation of  
5 open space, that you object based on freedom of  
6 congestion with all of the testimony you've  
7 provided relative to the cars?

8 MR. CLAPP: Right.

9 MS. MOORE: And the objectionable use  
10 of a multi-tenant parcel?

11 MR. CLAPP: Correct.

12 MS. MOORE: Okay.

13 MR. GOKORSCH: Thank you, sir.

14 Questions?

15 MS. JACOB: Have you made any  
16 complaints at the health district?

17 MR. CLAPP: No.

18 MS. JACOB: Something to consider.  
19 Have you noticed anything in terms of the septic  
20 or the water issues? I'm somewhat familiar with  
21 the septic issues and obviously additional use  
22 creates additional problems. Have you noticed  
23 anything on your end? You said you were downhill.

24 MR. CLAPP: No, because since I  
25 buried the pipe I don't see or smell anything that

1 comes across because it now goes past. I do have  
2 a new neighbor, when he bought his house he had to  
3 put in a \$,000 updated septic, and on the other  
4 side of me my neighbor has a century home, they  
5 replaced the septic. I haven't had any problem  
6 with it flooding mine out or getting overflow  
7 waste.

8 MS. JACOB: Since you put that pipe  
9 in.

10 MR. CLAPP: Right. But when it  
11 storms hard the township's pipe that goes under  
12 the road flows so fast it can't -- the pipe I  
13 buried can't handle it. There's already more  
14 water than can be handled. So if we clear more  
15 trees or change contour of ground at all, it just  
16 sends more water our way. And her predecessor  
17 knows what I went through with water table and I  
18 tried to get township help with that and they're  
19 like, it's your property, it's your problem.

20 MS. JACOB: Perhaps the county health  
21 district may be able to guide you in another  
22 direction. I'd look into it.

23 MR. CLAPP: Does you have questions.

24 MR. SMITH: I don't have questions  
25 per se, but I want the record to reflect and I

1 would ask the BZA not to put words into their  
2 mouth, just let them testify. I would want to  
3 point out that he made a comment about  
4 interviewing who lived there. To the extent, for  
5 example, I wanted to purchase the home because it  
6 had three kitchens and I'd hope that would be okay  
7 and bring my six kids there, that may increase  
8 flow. He wouldn't get to interview me. You don't  
9 get to interview when it's sold, and that would  
10 certainly comply with zoning. So while I  
11 appreciate his septic concerns, that's utterly  
12 irrelevant to the matter at hand here today. Just  
13 want the record to reflect my objection.

14 MS. JACOB: I think the issue is  
15 bedrooms, not necessarily occupancy. So when  
16 things are changed and bedrooms are created or  
17 detracted that's what we look at in terms of  
18 septic. So additional bedrooms -- the health  
19 district would determine additional flow and that  
20 can create problems for neighbors. That's why I  
21 think you were --

22 MR. EVENCHIK: Presuming you're  
23 correct on that, again, if I buy that house  
24 because I love all those bedrooms and I love all  
25 those kitchens and I wanted to store my whatever

1 junk in the barn or the garage, I would increase  
2 flow. But that wouldn't be a zoning issue.

3 MS. JACOB: Right. But if bedrooms  
4 were being created without permits and whatnot in  
5 order to allow for additional residents --

6 MR. EVENCHIK: Correct, but I could  
7 bring as many kids.

8 MS. JACOB: I don't disagree, but  
9 what Mr. Clapp's testimony is suggestive of --

10 MR. CLAPP: The point is if you come  
11 in and buy that house as an eight-bedroom house  
12 because you have six children and want eight  
13 bedrooms, when they come through and look at it,  
14 they're going to look at the septic system that  
15 they're going to make you put in there to be up to  
16 code and it's going to be based on eight bedrooms.  
17 You can have three kitchens, that has nothing to  
18 do with your septic.

19 MR. EVENCHIK: But that's not a  
20 zoning issue, that's all I'm saying. I appreciate  
21 and understand. Again, I would just ask that we  
22 limit the testimony or the board listens to the  
23 testimony, not try to add or enhance the testimony  
24 of the witnesses. I just want the record to  
25 reflect my objection to that.

1 MR. GOKORSCH: I want to make sure,  
2 Mr. Clapp, that the record reflects this  
3 correctly. I wrote down here you were not happy  
4 with living across from a rental property. Does  
5 that characterize your testimony?

6 MR. CLAPP: That's very true. I had  
7 no intention of buying a home in Russell 25 years  
8 ago to be surrounded by rentals.

9 MR. GOKORSCH: Thank you, sir.

10 MS. MOORE: You bought your property  
11 believing that the permitted use for residential  
12 zones is a single one-family dwelling per lot,  
13 correct?

14 MR. CLAPP: When I purchased the  
15 house 25 years ago, for this school system, I  
16 was -- there were no rentals to my knowledge.  
17 When I dealt with my realtor we bought our house  
18 in this area because they were going to three-acre  
19 minimums. They were single-family dwellings with  
20 the exception of inlaw suites, and that's how  
21 everything was written. I didn't want to move  
22 into --

23 MS. MOORE: Just wanted to make sure  
24 I'm not misconstruing your testimony.

25 MR. CLAPP: Right. No.

1 MR. GOKORSCH: Thank you. All right.

2 Is there anyone else?

3 SCOTT GERSTENBERGER, of lawful age, called  
4 for examination, being first duly sworn, as  
5 hereinafter certified, testified as follows:

6 MR. GOKORSCH: Please state your name  
7 and address.

8 MR. GERSTENBERGER: Scott  
9 Gerstenberger, I'm at 8247 Fairmount Road,  
10 directly south of the property. And a question,  
11 there's not much that I can add to what Mr. Clapp  
12 had to say regarding water and septic issues.

13 MR. BOUCHEK: Before you start, can  
14 you locate your property on this aerial map,  
15 Exhibit C.

16 MR. GERSTENBERGER: We're right next  
17 to Alexander Drive. That one there.

18 I can't add to the water issues. I  
19 have the same issues that Mr. Clapp has. We  
20 attempted to address things when we bought the  
21 house three years ago by making sure the  
22 foundation drains worked properly, which was quite  
23 expensive to do. I buried all of my downspouts  
24 and redirected them into the creek, which didn't  
25 cost much except sweat off my brow. I still have

1 a yard like Mr. Clapp's that floods easily. I get  
2 water in the basement. I too am concerned about  
3 runoff from the property across the street. It is  
4 much higher in elevation than mine. I also have  
5 noticed the traffic in and out. But not being a  
6 terribly questioning individual, I don't know how  
7 many people are living there.

8           What I have heard tonight has been  
9 absolutely shocking to me. When we made the  
10 purchase here, we did it based on your zoning.  
11 I'm a graduate of the Maxine Goodman Levin College  
12 of Urban Affairs. I worked for Slavic Village  
13 Development for over five years. So I look at  
14 things like that. No, I don't interview neighbors  
15 before I make a purchase decision, but I did look  
16 very closely at the idea of one house, one family.  
17 I don't care if it's rental or not. Renters can  
18 be fine people. But one house, one family. I  
19 spent too many years in Slavic Village seeing what  
20 subdividing and further subdividing houses leads  
21 to, and it's not good. It's dangerous for the  
22 resident that lives there. It's dangerous for the  
23 people that live around it. You have no control  
24 over what's going on over there. And the  
25 assumptions of a single-family go totally out the



1 window when you have people potentially living on  
2 top of each other.

3           The other reason that we moved out  
4 here is I also believe in letting people do what  
5 they choose to do on their own property. And I  
6 don't begrudge Mr. Rogers an opportunity to  
7 generate income from his properties, but I don't  
8 have the opportunity to put four people in my barn  
9 for \$1,000 or \$1,200 a month because your zoning  
10 laws prohibit it and I respect your zoning laws.  
11 And all I can ask as a resident, and I would  
12 assume Mr. Clapp agrees, that the board acts to  
13 protect not only the folks that are living in his  
14 property, but to try and keep us, the neighbors,  
15 whole as well too. Thank you very much.

16           MR. GOKORSCH: Cross?

17           MR. EVENCHIK: I have no questions.  
18 Thank you.

19           MR. GOKORSCH: Thank you very much,  
20 appreciate it. Okay. Is there anyone else who  
21 would like to testify this evening?

22           MS. JACOB: Perhaps may I suggest  
23 Diana Steffen, the zoning inspector.

24           MR. GOKORSCH: I'd like to hear  
25 testimony from the zoning inspector relative to

1 what she's seen. If you could please.

2 MS. STEFFEN: Okay. Well --

3 MR. GOKORSCH: You have been sworn  
4 in?

5 MS. STEFFEN: Yes, I have some  
6 history on the buildings there. The property, the  
7 house was built first in 1978 I think it was. The  
8 barn as they're calling it was built. There was  
9 some issues. There was a complaint from a  
10 Mr. Wright, I'm not sure where he lived, about the  
11 garage building being used for living space. The  
12 zoning inspector then wrote a letter to the zoning  
13 commission who queried that, and in that letter it  
14 does say that servants quarters are allowed in the  
15 barn. And what it says is the servants quarters  
16 consist of living room, one bedroom, closet, bath,  
17 and kitchen, total area 700 square feet. There is  
18 approximately 6,000 square feet on three floors in  
19 this building. And he goes on to say --

20 MR. GOKORSCH: I'm sorry, I need  
21 to -- which building is this?

22 MS. STEFFEN: This is the barn.  
23 Although the use was not completely described in  
24 the zoning permits and the floor plan, I find no  
25 violation of use as long as the domestic servants

1 are employed on the property and there is no  
2 evidence of rent being paid or another family  
3 living in this building.

4 MR. GOKORSCH: The date on that  
5 letter?

6 MS. STEFFEN: July 18th, 1978.

7 October 27th, 2015, I received a  
8 written complaint from Mary Sullivan and I did  
9 meet with her. I did go to, at her invitation, I  
10 went to her apartment, which is in the main house  
11 at the Fairmount Road property on November 6 and  
12 it was as she has described. She described it to  
13 me, the changes that have been made. When I  
14 walked in the front door of the main house, which  
15 is the main entrance, I could see that there was  
16 drywall or walls or whatever put up in the hallway  
17 so that there was only access to her part of her  
18 apartment and no access to what she pointed out to  
19 me were the other two apartments. It was blocked  
20 off totally. I could see and she had told me  
21 about some of the structural changes made there,  
22 the skylights, the door put in, a wall removed, a  
23 new kitchen put in and bath and sink. And I did  
24 take all of those photos that you saw of the  
25 building at that time outside, as well as she did

1 tell me about the other two apartments, but I did  
2 not go in those.

3 MR. GOKORSCH: Sorry to interrupt.  
4 So you're corroborating her testimony?

5 MS. STEFFEN: I am.

6 MR. GOKORSCH: And how many years  
7 have you worked in zoning?

8 MS. STEFFEN: Twenty-three.

9 MR. GOKORSCH: So in your  
10 professional opinion, there were changes  
11 structurally made to the building.

12 MS. STEFFEN: Yes.

13 MR. GOKORSCH: Thank you.

14 MS. STEFFEN: I sent a letter then at  
15 the end of December to Mr. Rogers asking to  
16 inspect three properties. The three properties  
17 were the 8230 Fairmount, the 8380 Kinsman Road,  
18 and I think it's 8505 Century Lane. The reason I  
19 asked for all of those was, for the other two, was  
20 because Mary Sullivan in her complaint had written  
21 that she had been to the apartment, the house at  
22 Kinsman Road and it was two apartments at least,  
23 and she was offered a basement apartment at the  
24 one at Century Lane. I talked to Mr. Rogers a  
25 couple of times. He came into the office and he

1 agreed that I could inspect the properties. The  
2 day before -- we set it up for January 15th, 2016,  
3 and the day before I talked to both of the lady  
4 tenants, Polly Meil and Donna Maskell, I think it  
5 is, who both lived in the barn. And they both  
6 gave me permission to go to their apartments.  
7 Shortly after I talked to them, Mr. Rogers came in  
8 and told me that he could not get permission from  
9 all the tenants at various properties, so we  
10 needed to delay the inspection. And I told him  
11 that I had been invited to -- by those two  
12 tenants, and so I was going to do that and he was  
13 welcome to go too.

14                   So on January 15th, Friday, I had  
15 also invited the inspector from the Russell Fire  
16 Department and Dan Spada, the Geauga County  
17 Assistant Building Inspector, to go as well. So  
18 they came with me with Mr. Rogers and we went to  
19 the barn building. We went in the basement and it  
20 is full of items. I mean, it is not usable right  
21 now as an apartment. He did -- Mr. Rogers did say  
22 to me that he was thinking of moving somebody in  
23 there, a man that he -- I'm not sure if he worked  
24 for him or what. But we went in that one. We  
25 went on the main floor, which I think you were

1 calling the second floor, where there is the small  
2 apartment. I'm assuming, I don't know, but I'm  
3 assuming that was the original caretaker's  
4 apartment. And the lady, Donna, had just -- was  
5 just moving out of there, I think, when we  
6 inspected it, but as far as I understand, she paid  
7 a rent for being there. We went upstairs to a  
8 bigger apartment upstairs. It could be two  
9 apartments because when you go up the stairs  
10 there's glass doors I think it was on either side  
11 of the top of the stairs, and the living room and  
12 a bathroom -- I think the dining room and kitchen  
13 are on one side and on the other side are three  
14 bedrooms and a bathroom at the moment. But it was  
15 one apartment. That's Polly Meil's apartment.

16                 So I asked if we could inspect the  
17 main house and I was told no. And I asked if we  
18 could go to the Kinsman Road house and I was told  
19 no. And the same with the Century Lane house.

20                 MR. GOKORSCH: Who told you no?

21                 MS. STEFFEN: Mr. Rogers.

22                 MR. GOKORSCH: So you did not inspect  
23 the main house nor the other houses?

24                 MS. STEFFEN: No. I had already been  
25 in one apartment in the main house previously.

1 MR. BOUCHEK: Can you clarify this  
2 report that was generated from January 15th and  
3 the notice of inspection? This only covers one of  
4 the two buildings that --

5 MS. STEFFEN: Yes.

6 MR. BOUCHEK: This does not cover the  
7 house?

8 MS. STEFFEN: No.

9 MR. BOUCHEK: I have one more  
10 question. Can you hand me the Exhibit B please.  
11 When you were there on January 15th, did you  
12 witness the condition of any of the area in this  
13 state?

14 MS. STEFFEN: I would say that is  
15 probably the basement there. I mean, I don't  
16 remember exactly everything in it, but yes, it  
17 looked like that.

18 MR. BOUCHEK: Exhibit B-1, Exhibit  
19 B-2.

20 MS. STEFFEN: Yes.

21 MR. BOUCHEK: How about Exhibit B-4?

22 MS. STEFFEN: I did not see that.

23 As a result of that inspection I sent  
24 the notice of violation to Mr. Rogers as far as  
25 the 8230 property, the whole property, both

1 buildings, and the Kinsman Road property. The  
2 reason I included the Kinsman Road property was  
3 Ms. Sullivan's complaint about it and, in fact,  
4 when I met with Mr. Rogers, let's see, which date  
5 it was, on January 7th, he came into the office  
6 and he did tell me that there were two tenant --  
7 two different tenants in that house on Kinsman, a  
8 single man in one apartment and a couple in  
9 another one. So since he told me that, I was able  
10 to include that in the notice of violation. I  
11 didn't include Century Lane because according to  
12 Mr. Rogers that house was vacant at the time, and  
13 he told us that if anybody was definitely -- he  
14 had somebody expected to move in, and if they were  
15 about to move in he would contact me and the  
16 building inspector about obtaining permits.

17 MR. GOKORSCH: Okay. Anything else?

18 MS. STEFFEN: There's a lot more, but  
19 that was -- that's what I did.

20 MR. GOKORSCH: Thank you. Cross?

21 MR. EVENCHIK: I don't have any  
22 questions at this time.

23 MR. GOKORSCH: Any other questions  
24 from the board?

25 MS. JACOB: Can I ask one? When you



1 were with Ms. Sullivan in the main house, to your  
2 knowledge could you access any of the other units?

3 MS. STEFFEN: No.

4 MS. JACOB: From hers?

5 MS. STEFFEN: No.

6 MR. GOKORSCH: Nothing else?

7 MS. STEFFEN: No, as far as I'm  
8 concerned as the zoning inspector, it's not being  
9 used as a one-family single dwelling. The main  
10 house has three separate apartments that are  
11 separately rented to different people, and the  
12 barn building at the moment has one tenant  
13 upstairs illegally because that building should  
14 only have a caretaker in it or servant, whatever  
15 you want to call it, who is looking after somebody  
16 in the main house.

17 MR. GOKORSCH: So at this time I  
18 think we probably have a motion here. What I am  
19 seeing here is the appeal, 491, alleges because of  
20 an error by the zoning inspector in determining  
21 that the use of the residential property in this  
22 R-3 zone is in violation of 5.2.8.1, Permitted  
23 Uses, as a single one-family dwelling per lot.

24 It has been told to this board --

25 MS. MOORE: Before we go there, can

1 we get the exhibits in?

2 MR. GOKORSCH: Yep.

3 MS. STEFFEN: Can I at add one other  
4 thing?

5 MR. GOKORSCH: Sure.

6 MS. STEFFEN: You were asking about  
7 permits before. The only permit I'm aware of that  
8 was issued on that 8230 Fairmount was for some --  
9 I think it was roof alterations back in 2011. The  
10 reason being that the zoning inspector at that  
11 time found out that that had been done, could see  
12 it had been done, and asked Mr. Rogers to get a  
13 permit for it. But no other permits have been  
14 issued that I know of since they were built.

15 MS. MOORE: Do you have any questions  
16 based on that last bit of testimony?

17 MR. EVENCHIK: Yeah, I would just  
18 ask, you made the comment that the main house is  
19 three apartments, but you also said you weren't in  
20 the main house.

21 MS. STEFFEN: Right. I went in the  
22 apartment of Mary Sullivan when she was living  
23 there.

24 MR. EVENCHIK: But that would be in  
25 what we're calling the barn.

1 MS. STEFFEN: No, her apartment is in  
2 the main house.

3 MR. EVENCHIK: Her apartment is on  
4 the main house?

5 MS. STEFFEN: Yes.

6 MR. EVENCHIK: Third floor?

7 MS. STEFFEN: No, on the main first  
8 floor.

9 MR. EVENCHIK: Okay. I don't have  
10 any further questions.

11 MR. GOKORSCH: Let's get the exhibits  
12 in.

13 MR. DOWNING: Okay. We have I'm  
14 going to ask you to come in and sign this exhibit  
15 that you gave me. I think the question is you  
16 handed us these other two documents. Do you want  
17 those entered as exhibits?

18 MR. EVENCHIK: Yes, please.

19 MR. DOWNING: Sign and date it  
20 please.

21 MS. JACOB: Can you put on the record  
22 specifically what they are marking them as.

23 MR. DOWNING: I'll move that we  
24 accept Applicant's Exhibits in regard to appeal  
25 491, Exhibit Number 1, which is the history of the

1 8230 Fairmount Road as shown in zoning file;  
2 Applicant Exhibit Number 2, Appeal 491, memo to  
3 the Peter Rogers file filed by Zoning Inspector  
4 William Mason dated February 3rd, 2000. That  
5 includes a letter directed to Mr. and Mrs. Stephen  
6 Cholewa June 12th of 2000. And Exhibit Number 3  
7 is a letter dated July 18, 2002, to Charlie  
8 Butters from Zoning Inspector Rick Machnics and  
9 the letter to Peter B. Rogers dated July 18, 2002,  
10 from Rick Machnics. I'll move those three  
11 exhibits be accepted as provided.

12                   Okay. We have BZA Exhibit Number --  
13 was there an A somewhere? That is the pictures  
14 taken by the zoning inspector of the property, I  
15 think it's the house, Diana?

16                   MS. STEFFEN: Those ones, yes, are  
17 the main house, although I think there are some  
18 including the barn building at the end, I think.

19                   MR. DOWNING: Photographs taken per  
20 the zoning inspector's visit to inspect both the  
21 house and the barn, is that a fair statement?

22                   MS. STEFFEN: No. I did -- I went to  
23 the inside the main house, but I took photos of  
24 the barn as well.

25                   MR. DOWNING: Inspection of the main

1 house and exterior photos of the barn. I have BZA  
2 Exhibit Number B-1, B-2, B-3, B-4 and these are --  
3 these are submitted by Mr. Gruber, submitted by  
4 Mr. Gruber, and they showed pictures taken in the  
5 barn facility, correct?

6 MR. GRUBER: Yes, sir.

7 MR. DOWNING: One of which shows bare  
8 wire coming out of an outlet box plugged into an  
9 extension cord. And Exhibit C is the site plan --  
10 not site plan, but the aerial photograph of the  
11 subject parcel at 8230 Fairmount Road.

12 MS. JACOB: That's from the auditor's  
13 website, RealLink.

14 MR. DOWNING: Yes. I'll move we  
15 accept these BZA exhibits.

16 MR. BOUCHEK: Second.

17 MR. GOKORSCH: All in favor?

18 MS. MOORE: Aye.

19 MR. DOWNING: Aye.

20 MR. GOKORSCH: Aye.

21 MR. GRASSI: Aye.

22 MR. BOUCHEK: Aye.

23 MR. GOKORSCH: You wanted a closing  
24 statement, sir?

25 MR. EVENCHIK: Yes. So let me -- my

1 presumption is at some point either you're going  
2 to move to either approve or deny the appeal,  
3 right, affirming or denying the appeal. So I'm  
4 going to ask perhaps that you consider tabling it.  
5 Let me explain why: I don't know if you're going  
6 to go on with the next appeal or if you're going  
7 to table that second appeal. I know the chair  
8 mentioned he wanted all the witnesses to have an  
9 opportunity to speak, and I think your witness  
10 from the homeowners association is no longer here.  
11 Although I maintain that anything related to  
12 homeowners is wholly unrelated to zoning,  
13 nonetheless he's not here. So if you're not going  
14 to be doing that second appeal tonight, that means  
15 if you vote on this appeal and vote adverse, so  
16 then you'll have one time frame where the clock  
17 starts ticking on what we call an administrative  
18 appeal here, now we get to come back I presume at  
19 the second meeting for the second home and deal  
20 with that. So now you have two separate appeals.  
21 What I would request is that you consider tabling  
22 your vote tonight simply so that we can -- you can  
23 have that second hearing, which I presume would be  
24 in a month, and in that time perhaps that gives me  
25 the opportunity to work directly with your

1 prosecutor and your zoning inspector to see what,  
2 if anything, can be resolved from some portion of  
3 this so we can limit issues or eliminate some of  
4 these issues prior to the next meeting. I'm going  
5 the suggest to you that may be a more efficient  
6 means of addressing whatever concerns you have  
7 rather than voting tonight, coming to an ultimate  
8 conclusion, starting the clock and forcing a  
9 process that might give us a little less leeway or  
10 ability to work together to solve problems, and  
11 again it would probably force you into two of  
12 those, two separate of those processes. That's my  
13 only request to the board, to consider tabling  
14 your vote because these two homes and issues are  
15 so interrelated, just simply so we have some time  
16 and I can -- I'm happy to work directly with your  
17 zoning and your zoning inspector to see what we  
18 can get accomplished. That is my --

19 MR. GOKORSCH: Thank you for your  
20 input, and let it be noted that when we started  
21 the hearing tonight we were clear on whether or  
22 not we were going to address them together or  
23 independently and we said we were going to address  
24 them independently and not confuse the issues. So  
25 we can get clarity on this issue. Okay.

1 MR. BOUCHEK: I move to close the  
2 public hearing for Appeal Number 491 for 8230  
3 Fairmount Road property.

4 MS. MOORE: I'll second.

5 MR. GOKORSCH: All in favor?

6 MS. MOORE: Aye.

7 MR. DOWNING: Aye.

8 MR. GOKORSCH: Aye.

9 MR. GRASSI: Aye.

10 MR. BOUCHEK: Aye.

11 MR. GOKORSCH: The public hearing is  
12 now closed. At this time we'll entertain a motion  
13 from the board relative to the disposition of this  
14 request.

15 MS. MOORE: I'll move to deny the  
16 appeal by Peter and Eileen Rogers for the property  
17 at 8230 Fairmount Road, Appeal Number 491, which  
18 alleges error by the zoning inspector in  
19 determining that the use of the residential  
20 property in the R-3 zone is in violation of  
21 section 5.2.A.1, Permitted Uses in all residential  
22 zones, a single one-family dwelling per lot.

23 MR. DOWNING: I'll second.

24 MR. GOKORSCH: So your motion is to  
25 deny the appeal?



1 MS. STEFFEN: Excuse me. I don't  
2 know if Jen was able to get down that motion. It  
3 was pretty fast. Was that a problem?

4 MS. DORKA: It's all this, R-3.

5 MR. GOKORSCH: We have a court  
6 reporter, maybe she can read it back.

7 (Record read.)

8 MR. GOKORSCH: Get that, secretary?

9 MS. DORKA: Yes.

10 MR. GOKORSCH: Okay. I'd like to  
11 have a roll call vote here.

12 MS. DORKA: Mr. Boucek?

13 MR. BOUCHEK: Yes.

14 MS. DORKA: Mr. Grassi?

15 MR. GRASSI: Yes.

16 MS. DORKA: Mr. Downing?

17 MR. DOWNING: Yes.

18 MS. DORKA: Ms. Moore?

19 MS. MOORE: Yes.

20 MS. DORKA: Mr. Gokorsch?

21 MR. GOKORSCH: Yes.

22 Okay. I apologize for the lateness  
23 of the hour to all the people here, but I do want  
24 to thank you for coming out here. I really do  
25 appreciate it to have input from the community.

1 It makes a world of difference in resolving these  
2 kind of issues to have direct input and evidence  
3 that we can use.

4 Counsel has said that they were  
5 interested in coming up with some kind of a  
6 mitigated solution. There is an appeal pending  
7 here and we haven't addressed it yet. I would  
8 suggest that would be a great place to start  
9 relative to seeing if you can come to some  
10 reconciliation for the other appeal, all right?  
11 With that, thank you all. Is there any other  
12 business that we have?

13 MS. STEFFEN: So the appeal -- the  
14 other appeal advertised for tonight will not --

15 MR. GOKORSCH: We have to delay it to  
16 the next --

17 MS. MOORE: I'll make a motion to  
18 continue Appeal Number 492 to our next meeting.

19 MR. BOUCHEK: Second.

20 MR. GOKORSCH: All in favor?

21 MS. MOORE: Aye.

22 MR. DOWNING: Aye.

23 MR. GOKORSCH: Aye.

24 MR. GRASSI: Aye.

25 MR. BOUCHEK: Aye.

1 MR. GOKORSCH: Okay. We have other  
2 business here folks. I hate to keep you here late  
3 but --

4 MS. JACOB: Minutes of February 9th,  
5 input on February 9th?

6 MS. MOORE: I'll move to accept the  
7 minutes of February 9th as presented.

8 MR. BOUCHEK: Any amendments? Then I  
9 second.

10 MR. GOKORSCH: All in favor.

11 MS. MOORE: Aye.

12 MR. GOKORSCH: Aye.

13 MR. GRASSI: Aye.

14 MR. BOUCHEK: Aye.

15 MR. DOWNING: I abstain.

16 MR. GOKORSCH: Okay. Other business,  
17 any other business for the board tonight? Diana,  
18 what's the date of the next meeting?

19 MS. STEFFEN: Well, everybody did get  
20 back to me and could make the 18th. Our regular  
21 date, of course, is the 4th, but Bill won't be  
22 here and so we were going to change it to the  
23 18th. If that's okay with everybody, we'll do  
24 that.

25 MR. GOKORSCH: Is that acceptable?

1 MS. MOORE: Mr. Evenchik?

2 MR. EVENCHIK: 18th of this month?

3 MS. STEFFEN: April 18th. Unless you  
4 want to do it earlier on the regular 4th date,  
5 because I do have a variance coming in  
6 specifically that would be for the 18th where I  
7 need everybody here because it involves someone  
8 Mr. Bouchek does work with, so he will not be on  
9 it. So we do need to do it on the 18th when Bill  
10 will be back. Probably another variance too I'm  
11 expecting.

12 MR. GOKORSCH: So the board's got  
13 other business, we have to meet on the 18th.

14 MR. EVENCHIK: I'm going to ask then  
15 for continuance at least for this second issue. I  
16 have a five-day arbitration that's going starting  
17 on the 18th. So --

18 MS. STEFFEN: Would you prefer to do  
19 that second hearing on the 4th with four members  
20 of the board? That's another way we can do it.

21 MR. GOKORSCH: It would be acceptable  
22 to me. The question is would it be acceptable to  
23 counsel?

24 MR. EVENCHIK: I'm going to say if  
25 we're serious about trying to find a way to

1 resolve the second one and hope that that bleeds  
2 forward to the one we had tonight that perhaps  
3 more time to get that done might be better than  
4 less time.

5 MR. GOKORSCH: So let's -- you're  
6 saying we're not going to address 492 on the 18th?

7 MR. EVENCHIK: Yeah, well, I thought  
8 we were moving it back to the 4th.

9 MS. STEFFEN: That was just a  
10 suggestion. We can do it on the 18th, yes.

11 MR. EVENCHIK: But I can't. So I'm  
12 suggesting that perhaps whatever in May might be  
13 better?

14 MR. GOKORSCH: Okay.

15 MS. MOORE: When's our meeting in  
16 May, Diana?

17 MS. STEFFEN: It's May 2nd.

18 MS. MOORE: Is that good for you,  
19 Mr. Evenchik?

20 MS. STEFFEN: I will not be here for  
21 that.

22 MS. JACOB: Will that be an issue?

23 MS. MOORE: That will be an issue.

24 MS. STEFFEN: You will need -- can we  
25 do the 4th?

1 MR. GOKORSCH: We have a problem with  
2 counsel.

3 MR. EVENCHIK: How's Monday, May  
4 25th?

5 MR. GOKORSCH: April.

6 MR. EVENCHIK: Theoretically that  
7 looks okay.

8 MR. GOKORSCH: Okay for counsel, okay  
9 for the board?

10 MS. STEFFEN: 4th of April?

11 MR. GOKORSCH: April 25.

12 MS. MOORE: So based on that I'll  
13 move to postpone the Appeal Number 492 filed by  
14 Peter and Eileen Rogers to April 25th, 2016, which  
15 will be our next regular scheduled meeting.

16 MS. STEFFEN: Well, wait a minute.  
17 We're still having the 18th?

18 MS. MOORE: Let me restate it.

19 MS. STEFFEN: Are you still going to  
20 have the meeting on the 18th so we can do maybe  
21 one or two variances, would you rather do that?

22 MS. MOORE: That's fine. I'll move  
23 to postpone the Appeal Number 492 by Peter and  
24 Eileen Rogers to April 25th, 2016, at 7 p.m.

25 MR. BOUCHEK: Second.

1 MR. GOKORSCH: All in favor?

2 MS. MOORE: Aye.

3 MR. DOWNING: Aye.

4 MR. GOKORSCH: Aye.

5 MR. GRASSI: Aye.

6 MR. BOUCHEK: Aye.

7 MR. GOKORSCH: We'll still meet on  
8 the 18th to take care of the other variances.

9 MS. STEFFEN: Okay. I'll sunshine  
10 both of those.

11 MR. GOKORSCH: Any other business?  
12 I'll entertain a motion.

13 MS. MOORE: Move to adjourn.

14 MR. DOWNING: Second.

15 MR. GOKORSCH: All in favor?

16 MS. MOORE: Aye.

17 MR. DOWNING: Aye.

18 MR. GOKORSCH: Aye.

19 MR. GRASSI: Aye.

20 MR. BOUCHEK: Aye.

21 (Hearing adjourned at 10:02 p.m.)

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## C E R T I F I C A T E

I, Kimberly K. Giel, Registered Professional Reporter, do hereby certify that the above proceedings were taken down in stenotypy and transcribed by me using computer-aided transcription and that the above is a true and correct transcript of said recording.

So certified this 23rd day of March, 2015.



Kimberly K. Giel, RPR  
Notary Public - State of Ohio  
Commission expires July 16, 2016.