

IN THE COURT OF COMMON PLEAS

SUMMIT COUNTY, OHIO

THE COMMMITEE TO SAVE	)	Case No.: 2014-02-0892
THE OLD SCHOOL, et al.	)	
	)	
Appellants	)	
	)	JUDGE PARKER
vs.	)	
	)	
CITY OF TWINSBURG,	)	
	)	On Appeal from the Decision of the
Appellee.	)	City of Twinsburg

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**BRIEF OF APPELLANTS THE COMMITTEE TO SAVE THE OLD SCHOOL  
AND PETER HALE.**

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**TABLE OF CONTENTS**

Table of Authorities ..... ii.

Assignment of Error ..... 1.

Combined Statement of the Case and Facts ..... 2.

Law and Argument ..... 4.

Assignment of Error I: With no applicant, Twinsburg’s Architectural Review Board  
lacked jurisdiction to consider a Certificate of Appropriateness for Demolition of The Old  
School. .... 5.

Assignment of Error II: Twinsburg did not follow procedures outlined in its Code of  
Ordinances to grant a Certificate of Appropriateness to demolish The Old School. .... 5.

Conclusion ..... 7.

Certificate of Service ..... 8.

Appendix: Twinsburg Code of Ordinances 1170 and 1349 ..... 9.

**TABLE OF AUTHORITIES**

**State Cases**

*Henley v. Youngstown* (2000), 90 Ohio St.3d 142 ..... 4

*Robinson v. Springfield Local School Dist. Bd. of Edn.* (2001), 144 Ohio App.3d 38 ..... 4

*Dudukovich v. Lorain Metro. Housing Auth.* (1979), 58 Ohio St.2d 202 ..... 4

*Univ. of Cincinnati v. Conrad* (1980), 63 Ohio St.2d 108..... 4

*Wheeling Steel Corp. v. Evatt* (1944), 143 Ohio St. 71 ..... 5

**Statutes**

*Twinsburg Code of Ordinances, 1170 et seq.*..... 2, 5, 6

*Twinsburg Code of Ordinances, 1349 et seq.* ..... 2, 3, 5

*Ohio Revised Code 2506* ..... 5

**ASSIGNMENTS OF ERROR**

**Assignment of Error I: With no applicant, Twinsburg's Architectural Review Board lacked jurisdiction to consider a Certificate of Appropriateness for Demolition of The Old School.**

**Assignment of Error II: Twinsburg did not follow procedures outlined in its Code of Ordinances to grant a Certificate of Appropriateness to demolish The Old School.**

**COMBINED STATEMENT OF THE CASE AND FACTS**

Twinsburg's Old School at 8997 Ravenna Road is a 44,000 square foot red brick building, sitting on 5.6 acres, built in the 1920s. R. D, p. 10; R. *en passim*. Generations of school students, Chrysler employees, and Kent State University students were educated in the building. *Id.* In 1998, the building was given to the City by the School Board with the stipulation that "the building shall be maintained as a public building as long as it is owned by the city." R. C, p. 5. This case is an appeal from the decision of Twinsburg's Architectural Review Board ("ARB") to approve a demolition permit for the Old School. Following that decision, Twinsburg City Council considered and rejected an appeal of the ARB decision. The Committee to Save the Old School ("Committee") and Peter Hale then appealed to this Court.

The process to issue a demolition permit is as follows:

1. All applicants "shall complete a Demolition Permit Application."  
Twinsburg Code of Ordinances ("TCO") 1349.07(a)<sup>1</sup>;
2. The form "shall include the certified signature of the property owner."  
TCO 1349.07(a)(1);
3. There must be a "Demolition Site Plan" and "Restoration Plan."  
TCO 1349.07(a)(2) & (3);
4. Fees and Bonds must be paid. TCO 1349.11;
5. Before demolition, a "Certificate of Appropriateness" must be obtained from the Twinsburg Architectural Review Board ("ARB"). TCO 1349.09(f) and TCO 1170.11.

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<sup>1</sup> The relevant code sections are attached.

Twinsburg reversed this process by requesting a Certificate of Appropriateness for demolition from the ARB without meeting the TCO 1349 requirements. There is no Demolition Permit Application, no certified signature of the property owner, no demolition site plan, no restoration plan, or any payment of fees and bonds in the record.

The process Twinsburg followed to obtain a Certificate of Appropriateness for demolition was odd. Rather than considering an application for a demolition permit pursuant to the procedures outlined above, Larry Finch, Twinsburg's Director of Community Planning and Development, attended the July 18, 2013 meeting of the ARB and told the ARB the City administration would like to "obtain a Certificate of Appropriateness" to demolish the Old School. R. L, p. 1. Two weeks later Law Director David Maistros attended the ARB meeting to "follow-up on the status of the Certificate of Appropriateness regarding demolition of the old school..." R. K, p. 1. The ARB then put the issue on its agenda for the following meeting.

On August 15, 2013, the ARB heard testimony for and against demolition of The Old School. The ARB tabled the issue. In September, the ARB found the building to be historically significant and denied the Certificate of Appropriateness. R. C, p. 4-5.<sup>2</sup> Following the denial, the City administration negotiated with the ARB. Ostensibly, the negotiations were held pursuant to TCO 1170.13 which requires the ARB to meet and negotiate with the "applicant" after an adverse decision. Although there was no applicant, negotiations with the City administration were held on October 7, 2013 and November 19, 2013. R. F; R. D. In those negotiations the historic nature of the building, code problems, and developer interest were discussed.

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<sup>2</sup> For some reason the record is incomplete. The meeting minutes from the September ARB meeting were not included by the City of Twinsburg.

On December 12, 2013, the ARB again debated whether to grant a Certificate of Appropriateness to demolish The Old School. Mike Dicillo, an ARB member, protested "...if the City Administration and Council would have taken that property and gotten a solid two or three proposals .... That didn't happen there isn't a concrete plan available. That is the problem." R. C, p. 5. Nevertheless, following the deliberations, without first revoking its prior denial, the ARB granted the Certificate of Appropriateness. R. C, p. 6. The Certificate, as issued, refers to a non-existent TCO 1162.

### **LAW AND ARGUMENT**

#### **I. Standard for Ohio Revised Code Chapter 2506 Administrative Appeals**

A Common Pleas court sitting in review of an administrative decision under R.C. 2506 considers the whole record and determines whether the administrative order is "unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence." *Henley v. Youngstown* (2000), 90 Ohio St.3d 142, 147; see also *Robinson v. Springfield Local School Dist. Bd. of Edn.* (2001), 144 Ohio App.3d 38, 42.

Trial courts do not substitute their judgment for that of the administrative agency. See, e.g., *Dudukovich v. Lorain Metro. Housing Auth.* (1979), 58 Ohio St.2d 202, 207. Instead, courts are required to give the administrative agency's resolution of evidentiary conflicts "due deference." See *Univ. of Cincinnati v. Conrad* (1980), 63 Ohio St.2d 108, 111. If a preponderance of reliable, probative and substantial evidence exists, the Court of Common Pleas must affirm the agency decision; if, as in this case, no evidence supportive of the agency decision exists, the court may then reverse, vacate, modify or remand. *Dudukovich, supra at id.*

## II. The Instant Case

In this case, the Appellants contends that Twinsburg's administrative decision was "unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence" in two ways:

**Assignment of Error I: With no applicant, Twinsburg's Architectural Review Board lacked jurisdiction to consider a Certificate of Appropriateness for Demolition of The Old School.**

"The action of an administrative officer or board within the limits of the jurisdiction conferred by law is presumed, in the absence of proof to the contrary, to be valid and to have been done in good faith and in the exercise of sound judgment." *Wheeling Steel Corp. v. Evatt* (1944), 143 Ohio St. 71. However, in this case, there is no evidence of any "applicant" as required by TCO 1349 and 1170.11. An informal request without demolition and site plans and bonding fails to meet the applicant requirements outlined above. With no applicant or application the ARB lacked jurisdiction to approve demolition of The Old School.

**Assignment of Error II: Twinsburg did not follow procedures outlined in its Code of Ordinances to grant a Certificate of Appropriateness to demolish The Old School.**

The City administration simply ignored the requirements for a Demolition Permit Application, the certified signature of the property owner, a demolition site plan, a restoration plan, or any payment of fees and bonds required by TCO 1349. Without an application that covered these issues, the ARB lacked the evidence necessary to make an informed non-arbitrary or capricious decision. Instead, the only evidence was that the City administration wanted to clear the land for some future unknown project. *R. en passim*. This left the ARB without information to determine the impact of its decision on the City. The purpose of the ARB is:

**TCO 1170.01 INTENT.**

It is the purpose and intent of these regulations to maintain and enhance the distinctive historic character of Twinsburg by safeguarding the integrity of all historic structures, sites and areas therein by preventing the intrusion of incompatible development or redevelopment. Furthermore, it is an intent of these regulations to achieve, among others, the following related objectives:

....

- B. To protect historic and prehistoric structures and sites within the City by preventing environmental changes which diminish the area's unique character;
- C. To seek alternatives to demolition or incompatible alterations within the City and to listed properties before such acts are performed;

....

- F. To establish guidelines and procedures dealing with the preservation of historic buildings, sites and spaces. (Ord. 173-2000. Passed 12-17-2000)

**1170.05 IMPLEMENTATION, POWERS AND DUTIES OF THE BOARD.**

....B. Powers of the Board. The Architectural Review Board shall be empowered to hear, review, grant, deny and recommend modifications to proposals for Certificates of Appropriateness involving environmental changes within the City.

C. Duties. The Board shall establish, within the spirit and purposes of this chapter, procedures for evaluating applications for Certificates of Appropriateness. The Board shall maintain files, available to the public, containing all applications granted or denied to serve as basis for prospective **applicants** to conform their plans with established policy.

The ARB did not evaluate environmental changes, alternatives to demolition, incompatible alterations because no plans were submitted. As Board Member Mike Dicillo said:

A contractor takes the property on a contingent basis that he is allowed to put up any proposal that he brings in that is in conformance with the city ordinances. I don't disagree with that. All I am saying is that it wasn't done in this case that we got it beforehand. I would be opposed to giving you a Certificate of Appropriateness tonight on that property unless it is contingent that we know exactly what is going to go on that property. The Certificate of Appropriateness will be issued at that time. R. C p. 6.

Without an applicant, without plans, without plans to give them knowledge of the impact of their decision, the ARBs decision to grant a Certificate of Appropriateness was arbitrary and capricious.

**CONCLUSION**

For these reasons, the Appellants respectfully ask the Court to REVERSE the ARBs grant of a Certificate of Appropriateness and REMAND this matter to the City of Twinsburg.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

A copy of the foregoing was served by email on 6-23-2014 upon the following:

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**APPENDIX**

**HISTORIC PRESERVATION REGULATIONS**

<b>1170.01 INTENT</b>	<b>1170.11 DEMOLITION AND MOVING.</b>
<b>1170.03 APPLICABILITY OF REGULATIONS AND DEFINITIONS.</b>	<b>1170.13 DENIALS OF APPROVAL.</b>
<b>1170.05 IMPLEMENTATIONS, POWERS AND DUTIES OF THE BOARD</b>	<b>1170.15 EMERGENCY REMEDIES AND ROUTINE MAINTENANCE.</b>
<b>1170.07 ADMINISTRATIVE PROCEDURES</b>	<b>1170.17 ENFORCEMENT PROVISIONS AND PENALTIES.</b>
<b>1170.09 GUIDELINES FOR REVIEW</b>	<b>1170.19 APPEALS PROCEDURES.</b>

**1170.01 INTENT.**

It is the purpose and intent of these regulations to maintain and enhance the distinctive historic character of Twinsburg by safeguarding the integrity of all historic structures, sites and areas therein by preventing the intrusion of incompatible development or redevelopment. Furthermore, it is an intent of these regulations to achieve, among others, the following related objectives:

- A. To safeguard the heritage of Twinsburg and foster a sense of community identification and civic pride by preserving structures and sites which reflect periods and events in the history and prehistory of the community and its region;
- B. To protect historic and prehistoric structures and sites within the City by preventing environmental changes which diminish the area's unique character;
- C. To seek alternatives to demolition or incompatible alterations within the City and to listed properties before such acts are performed;
- D. To encourage development of vacant properties in accordance with the character of the historic buildings and areas of the City of Twinsburg;
- E. To contribute to the economic, recreational, cultural and educational development of Twinsburg by protecting and enhancing the City's attractions to prospective residents, tourists, and visitors; and
- F. To establish guidelines and procedures dealing with the preservation of historic buildings, sites and spaces. (Ord. 173-2000. Passed 12-17-2000)

**1170.03 APPLICABILITY OF REGULATIONS AND DEFINITIONS.**

The provisions of Chapter 1170 shall be applicable to all properties and buildings having "historic significance" and other properties in "proximity" thereto within the City.

- A. Historic Significance. Historic significance shall be considered with respect to both the intrinsic value of subject property and its value in contributing to the character of an area. Specifically, a building, other structure or site, shall be deemed historically significant if it is at least fifty years in age and either:
  - 1. Embodies the distinguishing characteristics of architectural style associated with the history of the City or region; or
  - 2. Is representative of the work of a notable architect or builder; or
  - 3. Is identified with important persons or events in the history or prehistory of the City or region.

B. Proximity. "Proximity" shall be considered in terms of the potential for one property, by virtue of its location, to materially affect other properties. Of particular relevance are effects on property values, business activity, and the general quality of community life. In accessing the likelihood of such effects, the Architectural Review Board shall consider the degree to which the subject property is "perceptually linked" to properties of historic or prehistoric significance. Such linkages shall be considered with respect to one or more of the following factors:

1. The visibility of the subject property from historically significant properties;
2. The visibility of properties from a common point; and/or
3. The location of properties within a relatively compact network of streets, walkways or spaces.

No building or other structure of historic significance in the City shall be erected, altered in exterior construction or appearance, enlarged, moved or demolished unless such action complies with the provisions of this chapter. However, the repainting of existing buildings and structures shall not be governed by these regulations.

C. Definitions. For purposes of this chapter, the following words shall have the following meanings:

1. A "Certificate of Appropriateness" means a certificate issued by the Architectural Review Board indicating that a proposed environmental change, alteration, or demolition within or to an historic site of structure is in accordance with the provisions of this Code.
2. "Demolition" means the substantial deterioration or complete or substantial removal or destruction of any historic structure or any structure located within an historic district or site. (Ord. 173-2000. Passed 12-17-2000)

#### **1170.05 IMPLEMENTATION, POWERS AND DUTIES OF THE BOARD.**

A. Implementation. The provisions of this chapter shall be implemented by the Architectural Review Board.

B. Powers of the Board. The Architectural Review Board shall be empowered to hear, review, grant, deny and recommend modifications to proposals for Certificates of Appropriateness involving environmental changes within the City.

C. Duties. The Board shall establish, within the spirit and purposes of this chapter, procedures for evaluating applications for Certificates of Appropriateness. The Board shall maintain files, available to the public, containing all applications granted or denied to serve as basis for prospective applicants to conform their plans with established policy. The Board may make recommendations to the City Council regarding amendments to this chapter and with respect to other legislation affecting historic preservation. The Board shall establish and implement procedures for the identification, review, designation and listing of individual landmarks and historic districts.  
(Ord. 173-2000. Passed 12-17-2000)

#### **1170.07 ADMINISTRATIVE PROCEDURES.**

The following procedures are established to govern the processing of applications for building permits and other municipal authorizations in accordance with the regulations of this chapter.

- A. Applicability. Upon receipt of an application for a building permit or other municipal authorization, the Building Commissioner shall promptly transmit the application to the Architectural Review Board for determination of applicability as set forth in Section 1170.03.
- B. (Standards for Review). The Architectural Review Board shall evaluate the proposed action with respect to the design guidelines of Section 1170.09, as applicable. The Board shall also consider the intent as expressed in Section 1170.01 and applicability of regulations set forth in Section 1170.03.
- C. Approval / Disapproval. Within thirty days after referral of an application to the Architectural Review Board, the Board shall either approve, approve with modifications or disapprove the application in open meeting.
- D. Notification. The Architectural Review Board shall notify the applicant of the time and location of its meeting. Subsequent to that meeting, the Board shall notify the applicant in writing of its determination, stating reasons for a determination of disapproval. In the case of approval or approval with modifications, a Certificate of Appropriateness shall be issued to the applicant by the Board.
- E. Appeal. The denial of an application by the Architectural Review Board may be appealed to City Council for final disposition in accordance with the provisions of Sections 1170.13 and 1170.19.

#### **1170.09 GUIDELINES FOR REVIEW.**

In its review of applications, the Architectural Review Board shall follow the guidelines set forth below.

- A. Preservation of Features. The distinguishing original qualities or character of an historically significant shall not be destroyed. Removal or alteration of historic material or distinctive architectural features shall be avoided.
- B. Replacement of Features. In the event that replacement of architectural features on an historically significant property is necessary (as determined by the Architectural Review Board), the new material shall closely match the material being replaced in composition, design, color, texture, and other visual qualities.
- C. Compatibility in Design. Alterations, additions, and new development shall be compatible in size, scale, color, material and character with the design of historically significant properties—both the subject property and those in proximity to the subject property. However, uniformity, for the sake of uniformity, shall not be required. Prevailing setbacks and orientations of structures to streets and sidewalks shall also be respected.
- D. Contemporary Design. All buildings, structures, and sites shall be recognized as products of their own time. Alterations, additions and new development which have no historical basis and which seek to create an earlier appearance shall not be encouraged. Conversely, compatible contemporary design shall not be prohibited or discouraged except where such design would clearly detract from the architectural integrity of an ensemble or group of historically significant structures.
- E. Cleaning. The surface cleaning of historically significant structures shall be undertaken by the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- F. Accessory Structures. Fences, walkways, benches, streetlights and other accessory structures located in proximity to historically significant properties shall be compatible in design with the character of such properties.

- G. Signs. In addition to meeting the requirements of Chapter 1173, signs located on or in proximity to historically significant properties shall be compatible in color, material, placement and character with the architectural style of such properties.
1. Illumination. Internally-illuminated signs shall not be permitted on or in proximity to historic properties.
  2. Sign types. Although no sign types are specifically prohibited by regulations of this Section, certain sign types may be deemed incompatible in particular instances by the Architectural Review Board. For example, the Board may reject a particular proposal for a prefabricated sign panel in favor of a sign lettered directly on a building facade, window or canopy. (Ord. 173-2000. Passed 12-17-2000)

#### **1170.11 DEMOLITION AND MOVING.**

For applications proposing the demolition or moving of a building or structure, the Architectural Review Board is empowered to act in the following manner.

- A. Determination of Significance. The Board shall determine whether the proposed action will significantly detract from an area's historic character. The Board shall consider both the intrinsic significance of the building and its significance to adjoining properties. In its consideration, the Board shall evaluate the probable impact of the proposed action on property values and economic activity in a district.
- B. Nature of Action. If the Board determines that the proposal will not significantly detract from an area's historic character, the Board shall approve the application. If the Board determines otherwise, the Board shall deny the application for a Certificate of Appropriateness.
- C. Demolition. No structure on the Historic Register shall be demolished until a permit has been issued by the Chief Building Official. (Ord. 173-2000. Passed 12-17-2000)

#### **1170.13 DENIALS OF APPROVAL.**

- A. Upon denying a Certificate of Appropriateness, the Board shall impose a waiting period of at least thirty days, but not to exceed six (6) months from the date of disapproval, during which time the Board shall negotiate with the applicant to develop a compromise proposal. The first meeting between Board and applicant shall be held within thirty (30) days from the date of disapproval and at least every forty-five (45) days thereafter. If a compromise is accepted by both parties, the Board may issue a Certificate of Appropriateness.
- B. If the applicant fails to meet with the Board in good faith, at the time(s) specified, then the Board's denial of the application will stand.
- C. In the case of applications for demolition or moving, if, after holding such good faith meetings in the waiting period specified by the Board, the Board determines that failure to issue a Certificate of Appropriateness will create a substantial hardship to the applicant and that such Certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the purposes of this Code, then and in such an event, the Board shall issue the Certificate of Appropriateness.  
(Ord. 173-2000. Passed 12-17-2000)

#### **1170.15 EMERGENCY REMEDIES AND ROUTINE MAINTENANCE.**

Nothing in this chapter shall be construed to prevent or delay the reconstruction, alteration or demolition of a structure or feature which has been ordered by the Building Commissioner upon certification of an unsafe condition constituting an emergency. Similarly, nothing in

this chapter shall be construed to govern or restrict routine maintenance activities which do not represent alterations in exterior appearance. (Ord. 173-2000. Passed 12-17-2000)

#### **1170.17 ENFORCEMENT PROVISIONS AND PENALTIES.**

##### **A. Penalties.**

1. Whoever constructs, reconstructs, alters, changes or demolishes any exterior feature of any structure, work of art, object or area in violation of this chapter, shall be deemed guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000).
2. Whoever demolishes a substantial part or all of any building in Twinsburg in violation of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than one thousand dollars (\$1,000) nor more than twenty-five thousand dollars (\$25,000).
3. Whoever causes, by willful action or willful neglect, any alteration of or demolition of any building in Twinsburg in violation of this These development regulations shall be required to restore or reconstruct such building in accordance with plans to be approved by the Architectural Review Board. Restoration or reconstruction shall be in addition to any criminal penalty and not in lieu thereof.

- B. Notwithstanding the provision of subsection (a) hereof, in the event any environmental change is made in any property which has been designated a listed property or which is situated in a historic district, in violation of the provisions of this ordinance, the City of Twinsburg may institute appropriate proceedings to prevent such unlawful environmental damage. (Ord. 173-2000. Passed 12-17-2000)

#### **1170.19 APPEALS PROCEDURES.**

- A. Decisions of the Architectural Review Board may be appealed to the City Council. Notice of appeal shall be made within ten days of the final good-faith meeting between the applicant and the Board, but in no case earlier than 180 days from the Board's initial notification of denial of a Certificate of Appropriateness.
- B. The City Council shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the Architectural Review Board as to present historic architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the community. Consideration of all appeals shall be in open public meeting, and City Council shall solicit the opinions of all interested parties present prior to making a decision on the appeal. A two-thirds majority vote of the City Council shall be required to overturn a decision of the Architectural Review Board.
- C. No building permit or other permit required for the activity applied for shall be issued during the waiting period or while an appeal is pending. (Ord. 173-2000. Passed 12-17-2000)

CHAPTER 1349  
Building Demolition

- 1349.01 Purpose.**
- 1349.03 Applicability.**
- 1349.05 Permit required.**
- 1349.07 Procedure.**
- 1349.09 Required notifications and approvals.**
- 1349.11 Fees and bonds.**
- 1349.13 Expiration of permit.**

**1349.01 PURPOSE.**

To provide a process for the administration of demolition of building designed to protect the public health, safety and general welfare. The process shall be considerate of the necessity for demolition, opportunities for preservation and materials recycling, the proper disposal of debris and potentially harmful materials, and re-use of land.

(Ord. 31-2011. Passed 2-22-11.)

**1349.03 APPLICABILITY.**

These regulations shall apply to the demolition of individual structures and portions of existing structures which are both larger than 500 square feet in area and/or built on foundations. Demolition shall include partial or complete building removal and the removal of associated below-grade construction including foundation walls, footings and concrete slabs.

(Ord. 31-2011. Passed 2-22-11.)

**1349.05 PERMIT REQUIRED.**

No structure that meets the minimum requirements of Section 1349.03 shall be torn down, disassembled, razed or demolished except after a permit has been issued for that purpose by the city of Twinsburg. Issuance of a permit for tearing down, disassembly, razing, or demolishing a structure meeting the minimum requirements of Section 1349.03 shall be conditioned upon the demonstration of compliance with these regulations.

(Ord. 31-2011. Passed 2-22-11.)

**1349.07 PROCEDURE.**

In order to assure the purposes of these regulations have been addressed, the following procedures have been established for the proper administration of the demolition process.

(a) Permit Application. All applicants meeting the requirements of Section 1349.03 requesting demolition/removal shall complete a Demolition Permit Application. The Demolition Permit Application consists of a general information form, a demolition site plan and a site restoration plan.

(1) General information form. This form, provided by the Building Division, must be complete and shall include the certified signature of the property owner.

(2) Demolition Site Plan. The Demolition Site Plan must be show existing lot conditions including lot lines, bearings and distances, ground elevations, set-backs, streets, utility locations and easements, excavations and the location of buildings on the property, including the identification structures to be removed. The Site Plan shall be drawn at a scale appropriate to enable easy interpretation of site elements and convenient measurement.

***Daniel M. Horrigan, Summit County Clerk of Courts***

(3) Site Restoration Plan. A Site Restoration Plan must illustrate lot changes due to the removal of structures including, excavation, fill, surface water drainage control measures, utility termination and protection measures, general lot clean-up and erosion and sediment control measures. The Site Restoration Plan must be supported with a narrative description of the demolition timeline, measures taken to protect adjacent properties and pedestrians, measures taken to assure positive site drainage, and a description of the anticipated re-use of the property. (Ord. 31-2011. Passed 2-22-11.)

#### **1349.09 REQUIRED NOTIFICATIONS AND APPROVALS.**

(a) Discontinuation of Utility Services. In addition to the above application materials, all applications for demolition must be accompanied by copies of notices of discontinued service for gas, electric, water, sewer and telephone service.

(b) Removal of Underground Fuel Storage Tanks. Underground fuel storage tanks which are to be abandoned or removed from service must be removed in compliance with applicable State and local regulations.

(c) Buildings with Septic Tanks. Applicants must notify the Summit County Health Department and schedule an inspection where demolition involves properties with septic tanks that will be abandoned.

(d) Asbestos and Other Hazardous Materials. Applicants must provide an assessment as to the existence of asbestos and other hazardous materials that may be present and affected by demolition activities. Non-residential demolition applicants may be required to provide documentation of Phase 1 and/or Phase 2 Environmental Assessment reports. All applicants must provide asbestos surveys conducted by appropriately certified contractors.

(e) Projects disturbing one acre or more of land surface must provide a Storm Water Pollution Prevention Plan.

(f) Certificate of Appropriateness. Applicants must obtain a certificate of appropriateness from the Twinsburg Architectural Review Board prior to the granting of a demolition permit (see Section 1170.11 of the Codified Ordinances). (Ord. 31-2011. Passed 2-22-11.)

#### **1349.11 FEES AND BONDS.**

(a) Demolition Permit Fees. Fees are charged to cover the costs of permit reviews, pre- and post-demolition site inspections. Fee schedules are established by ordinance and may be revised from time to time.

(b) Surety Bond. A surety bond, cashier's check, or cash in the amount of ten thousand dollars (\$10,000) must be deposited with the City of Twinsburg for any building demolition involving structures in excess of 5,000 s.f. area. This bond will be released by the Chief Building Official upon final inspection and documentation of compliance with demolition and restoration plans and applicable waste disposal regulations.

(Ord. 31-2011. Passed 2-22-11.)

#### **1349.13 EXPIRATION OF PERMIT.**

***Daniel M. Horrigan, Summit County Clerk of Courts***

**CV-2014-02-0892** **BRIE** **06/23/2014 2:01:26 PM** **PARKER, THOMAS** **Page 20 of 20**

one year. Extensions may be granted beyond one year in 60 day increments for large or phased demolition projects or upon a showing by the applicant that work has been delayed for reasons beyond the applicant's control.

(Ord. 31-2011. Passed 2-22-11.)

**Daniel M. Horrigan, Summit County Clerk of Courts**