

VILLAGE OF SOUTH RUSSELL

DATE: 3-29-99

COMMITTEE: Bldg.

TIME: 6:45 pm

PRESIDING CHAIRPERSON: McILKATH

LOCATION: S. Russell  
Village Hall

MEMBERS PRESENT: Brett, McILKATH, HOCEVAR

MEMBERS ABSENT: \_\_\_\_\_

Ruth McIlkath, Chairperson

Please Return to Village Clerk As Soon As Possible

3-29-99

LYNDALL HUGHES  
32 North Main Street  
Chagrin Falls, Ohio 44022  
(440) 247-8911, Fax (440) 247-8913  
Email: [chagringun@att.net](mailto:chagringun@att.net)

RECEIVED  
FEB 18 1999

SOUTH RUSSELL  
BLDG ZONING DEPT

February 12, 1999

South Russell Village  
Department of Building and Zoning  
5205 Chillicothe Road  
South Russell, Ohio 44022

Dear Mr. Hocevar,

As you may or may not know, there was a fire in Yours Truly restaurant in Chagrin Falls. I own the building Yours Truly occupies as well as occupy the building myself as Lyndall Hughes Real Estate and Chagrin Valley Firearms.

Due to the intense smoke and smell which permeated my quarters, it was necessary to completely vacate both of my areas in order for the restoration company to tear out all the walls, ceilings and part of the roof. All plaster, dry wall, wall paper, insulation, had to be removed so that the wood underneath could be painted to seal in the smoke smell.

In order to do this everything in both areas had to be trucked into storage in a warehouse run by the Restoration Company, Farrow Restorations. All files were packed in cardboard boxes and I have not seen them since late July and early August 1998. There are about 100 boxes full of my former office contents.

The files relating to your correspondence are packed in these unmarked boxes and are not available at this time. The restoration is very close to being completed and I expect to start receiving those boxes back at my completely remodeled offices in the latter part of March or the first part of April.

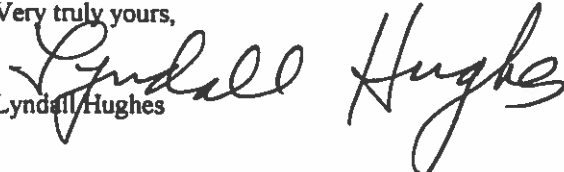
As soon as I start receiving those boxes I will start looking for the papers pertaining to both your correspondence and from Geauga County sanitary engineers Dept.

I was told by the Geauga County Engineers office that since they would not give me a connection to the new relief sewer on my side of the road that I would not be required to connect to the sewer.

As you know I have 7 acres of land and request a variance to the sewer connection.

As soon as I find the papers pertaining to this matter you will hear from me.

Very truly yours,

  
Lyndall Hughes

City of South Russell  
C/O David T. Hocevar  
Chief Building Official  
Department of Building & Zoning  
5205 Chillicothe Rd.  
South Russell, OH 44022

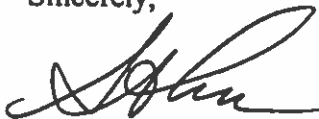
RECEIVED  
FEB 18 1999  
SOUTH RUSSELL  
BLDG/ZONING DEPT

February 16, 1999

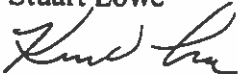
Dear Mr. Hocevar,

As per your certified letter, I would greatly appreciate to have a variance hearing with the city council. Please inform us as to when. Also per your request, I will bring my most recent septic pumping slip. Thank you for your time in this matter.

Sincerely,



Stuart Lowe



Karen Lowe

**Village of South Russell**  
**Department of Building and Zoning**  
**5205 Chillicothe Road**  
**South Russell, OH 44022**  
**(440)338-1312 Fax:338-1606**

David T. Hocevar

Building Commissioner

CERTIFIED MAIL Z 529 583 354  
February 9, 1999

Stuart & Karen Lowe  
36 Sugar Bush Lane  
South Russell, OH 44022

RE: McFarland Sanitary Sewer Connection  
36 Sugar Bush Lane

Dear Mr. & Mrs. Lowe,

Per our telephone conversation on February 4, 1999, you are required to tie into the McFarland Sanitary Sewer system. This letter is notification that you have thirty days to meet compliance to the code requirement, or this matter will be forwarded for due legal process.

As the Village requires that all septic systems be pumped bi-yearly, and you are utilizing an existing septic system, we request the submittal of the most recent pumping slip, issued to you by your septic pumping company.

It is however, your option to appeal this matter in writing, before the members of Council. Per Codified Ordinance Section 1024.6 SEPTIC TANKS PROHIBITED. Council shall hear the variance request at its next regular meeting or at a special meeting convened therefor, and shall grant or deny the variance within forty-five days of the date that the request for the variance is received. (Ord.1978-17. Passed 6-12-78.)

Sincerely,



David T. Hocevar  
Chief Building Official

DTH/dlk

Cc: Mayor & Council

**Village of South Russell**  
**Department of Building and Zoning**  
**5205 Chillicothe Road**  
**South Russell, OH 44022**  
**(440)338-1312 Fax:338-1606**

David T. Hocevar

Building Commissioner

February 1, 1999

Stuart & Karen Lowe  
36 Sugar Bush Lane  
South Russell, OH 44022

RE: McFarland Sanitary Sewer Connection  
36 Sugar Bush Lane

Dear Mr. & Mrs. Lowe,

Through information we received from the Geauga County Health Department, it does not appear that you are tied into the McFarland Sanitary Sewer System as required.

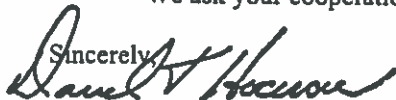
C.O.#1024.08 SEWER TIE-INS.

No person shall use a septic tank sewage disposal system or an on-site sewage disposal system where a public sewer is available and accessible.

Every dwelling house and every building designed for, or occupied by, persons in the Village shall be separately connected with the public sewerage system.

In cases of new sewer construction or extensions to the sewerage system, the required tie-in shall be effected within six months from the date of acceptance of the sewer by the County or other appropriate agency. (Ord. 1979-21. Passed 4-23-79.)

We ask your cooperation of a response to discuss this matter with me, upon receipt of this letter.

Sincerely,  


David T. Hocevar  
Chief Building Official

DTH/dlk

Cc: Mayor & Council

**James L. Cotesworth**  
1082 Bell Road  
Chagrin Falls, Ohio 44022  
TEL. (440) 338-8419

January 25, 1999

David T. Hocevar  
Chief Enforcement Officer  
Village of South Russell  
5405 Chillicothe Road  
South Russell, Ohio 44022

Dear Dave,

This is in response to your letter of January, 13, 1999 regarding sewer connections for 1080 and 1082 Bell Rd. First let me tell you that there are actually four (4) properties involved. Three have frontage on Bell Rd, one of which is 1080 Bell, plus the lot on which our house is situated which is located behind those three (3) properties, and is known as 1082 Bell Rd..

**All of these properties were permanently exempted from being connected to the McFarland Sewer, by the County Commissioners and the County Sanitary Engineer at the time the sewer was built in 1978. Further, since the ordinance to which you refer was under consideration at that time ( April of 1978), you should know that during May of 1978, I showed the correspondence from the County to South Russell Village Councilmen and was assured that the ordinance to which you refer would not apply to these properties, based on that correspondence, a copy of which is attached.**

My guess is that neither you nor any of the people on council today are familiar with the history of the issue as it relates to our property, so I will attempt to recount it for you.

At the time the McFarland sanitary sewer trunk line was designed, by law, everyone who's property would be affected by the line was notified of the pending construction of the line and given the opportunity to be heard on the project. Though we did not receive a notice when our neighbors did, we went to the public meeting held at Gurney school anyway. There we found that the map of the proposed sewer line showed that our property was not involved in the project, and that was the reason we had not received any notice of the meeting. To be certain there was no mistake, we contacted the County authorities, who assured us we would not be on the line, as they had decided that the properties from the top of the grade to the bottom of the grade on Bell were of sufficient

size to be adequately served by septic systems. Therefor, the upper portion was to stop somewhere short of the house now occupied by the Marshal's at 1100 Bell, and the lower section was to end down at Southwick. Our property along with that owned by Lyndall Hughes and perhaps one or two other properties would not be affected. You can imagine our shock when we returned from a two week trip to find the sewer was being installed in front of our property. I immediately called Jim Mueller, a Geauga County Commissioner at the time. He researched the matter and explained that a rerouting decision had been made at the last minute during construction, "for the convenience of the contractor" and that since none of the potentially affected property owners had been notified of the change, we would never have to connect to the sewer, but would have the opportunity to do so if we ever choose to connect to it. In fact, you will notice in the correspondence, that to make any of these connections, we would have to submit an application for tie in to the County.

Not withstanding the above, I respect the need to maintain a properly working septic system for my own sake and for the sake of my neighbors. In the thirty years we have lived here, I have kept the septic systems in good repair and have had them cleaned regularly. Your letter asks that I submit the latest "pumping slips", which I don't bother to keep, as they are submitted to you by the contractor anyway. My wife told me, that you told her, it was through receipt of those slips that you first realized we were not connected to the sewer. Therefor, I assume this is not a legitimate issue.

While this may not carry much weight with you, I still would like to point out that with nearly ten acres of land, and decades of experience we have plenty of room for adequate leach beds and do not have a septic problem. In fact, I was advised that that was the primary consideration of the County Sanitary Engineers when the original sewer layout design omitted these property's.

I feel certain that present Village Council will respect the decisions of their predecessors and of the County Commissioners and County Engineers all of which were made at the time of the passing of the referenced ordinance, ( Ord. 1978-17).

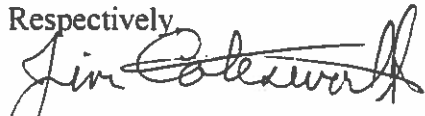
I have no desire to incur any legal fees trying to settle this matter, but the expense I would have to incur to connect to the sewer lines now, would leave me no choice. Not counting any assessment fees, connection fees, and permit fees, I would have to;

1. Hire an engineer to design the appropriate grinder unit needed to grind the waste, and pump it up hill to connect to the line.
2. Buy and install a grinder pump station.
3. Probably grant an easement on one of my street lots, thus devaluing that lot.
4. Hire a contractor to dig six or seven hundred feet of trench, and install the grinder station, run the electricity to it, and connect to the sewer.

**The estimates I have received to do these things are in the tens of thousands of dollars. What for? To solve a problem that doesn't exist.** If there was going to be a problem with our septic systems it I believe we would have seen it by now, since these systems have been in operation for about 75 years.

As I am about to retire, the financial burden of making the connections at this time would be onerous and patently unfair. If I develop a problem with sewage disposal that effects any neighbors, and which can not be adequately corrected with a septic system, I would expect to connect to the sewer, until then I hope you will elect to allow us live in peace as good, and long standing, residents of the Village of South Russell.

Respectively



James L. Cotesworth





# COUNTY OF GEAUGA

## OFFICE OF THE SANITARY ENGINEER

237 MAIN STREET

ROGER M. NALL, Sanitary Engineer

CHARDON, OHIO 44024

March 9, 1978

PHONE 285 - 2222, EXTENSION 141, 142, 143

Mr. James Cotesworth  
1082 Bell Road  
Chagrin Falls, Ohio 44022

Re: McFarland Creek SSD  
GC 73-100SR  
Tie-in Request

Dear Mr. Cotesworth:

This letter is per your telephone conversation with Mr. Roger Nall.

In order for your properties to use the sewer system in South Russell, the following two items must be satisfied:

1. An application, per tie-in, to be submitted to this office.
2. A fee to include a would have been assessment, a tap-in fee and a permit fee.

The tax maps show the lots in question as having 110.52', 145' and 122' assessable frontage respectively.

The assessment formula used for that area is based on:

- a. \$3.50 per front foot for the main line abutting your property.
- b. \$600 for a connection from the main line to the property line.
- c. \$405 per benefit unit or buildable lot.

Based on this formula, your assessment per lot would have equaled the subtotals in the table below, which would be included in the cost for a tie-in as indicated by the totals opposite each lot.

Actual Frontage	Conn.	3.50/A Frontage	Benefit Unit	Sub Total	Tap-in	Permit	Total
110.52	\$600	\$386.82	\$405	\$1391.82	\$850	\$50	\$2292.82
145	600	507.50	405	1512.50	850	50	2412.50
122	600	427	405	1432	850	50	2332.00

Page 2  
McFarland Creek SSD  
Tie-in Request

I trust the above answers your questions regarding this matter, however if you need further clarification, do not hesitate to contact this office.

Sincerely,

Roger M. Nall, P.E.  
Sanitary Engineer



G. S. Saikaly  
Administrative Supervisor

GSS/djc

cc: Commissioner J. Mueller

March 30, 1978

Mr. Roger M. Noll  
Sanitary Engineer  
County of Geauga  
237 Main Street  
Chardon, Ohio 44024

Dear Mr. Noll:

I received Mr. Sarkaly's letter of March 9, 1978 concerning my cost to connect three of my properties on Bell Road to the sewer which is being placed in front of these properties at this time.

Although not overtly stated, I understand from our first conversation that I was not originally included in the assessment list and original plans did not call for placement of the sewer in front of my properties. Since the sewer is now being placed there at no additional cost to the County and since I was neither on the assessment list, nor did I receive notice prior to sewer placement, I cannot be forced to connect to it as a matter of course unless action is taken through the Health Department.

It is my hope that you will confirm my understanding as stated above, and that you will, at the same time, provide one more piece of information. The information on costs for the three lots covered in Mr. Sarkaly's letter was very helpful, but it failed to provide the same information for my fourth lot which is isolated from the road and located directly south of the three lots covered in the letter. It is this fourth lot on which my house is situated and it is a parcel of approximately 4.51 acres. My house is about 600 feet from the street. Please confirm that this property will not be assessed for the sewer and the procedure to be followed if I should one day elect to connect to that sewer. Also, I would like to know the cost of such a potential connection.

Thank you for your attention to this matter.

Sincerely,



James L. Cotesworth  
1082 Bell Road  
Chagrin Falls, Ohio 44022

cc: G. S. Sarkaly, Adm. Supervisor  
Commissioner James Mueller



PHONE 285 - 2222, EXTENSION 141, 142, 143

# COUNTY OF GEAUGA

## OFFICE OF THE SANITARY ENGINEER

237 MAIN STREET

ROGER M. NALL, Sanitary Engineer

CHARDON, OHIO 44024

April 25, 1978

Mr. James L. Cotesworth  
1082 Bell Road  
Chagrin Falls, Ohio 44022

RE: MCFARLAND CREEK SSD  
GC 73-2-100 SR  
Tie-in Requirements

Dear Mr. Cotesworth:

In regard to your letter of March 30, 1978; your understanding of the tie-in enforcement for your properties abutting Bell St. in South Russess Village is proper.

Enforcement proceedings would seem to be applicable to those lots should the Health Department choose to apply them.

The 4.51 acre lot seems to be beyond the enforcement limits. Should you, however, choose to connect this parcel to the sewer line your cost would be made up of an adjusted tap-in fee to include charges for the benefit derived from the system as well as a permit fee:

1. Benefit unit	\$ 405
2. Tap-in	850
3. Permit	50
	<u>\$1305</u>

In addition the cost of reaching the sewer line would be yours. This will be the charge for one unit. Should there be additional development, additional charges will be applied.

Finally, you mention that the additional sewer in front of your properties was placed at no cost to the County. In actuality, said line is in exchange for another segment of the line as a result of rerouting. The trade did allow the County to get more for its money but not a free line.

I hope this clarifies the matter a bit more. However should you need future clarification feel free to contact this office.

Respectfully,  
Roger M. Nall, P.E.  
SANITARY ENGINEER

  
G. S. Saikaly  
ADMINISTRATIVE SUPERVISOR

RMN/GSS/gm

cc: Commissioner James Mueller

City of South Russell  
C/O David T. Hocevar  
Chief Building Official  
Department of Building & Zoning  
5205 Chillicothe Rd.  
South Russell, OH 44022

RECEIVED  
FEB 18 1999  
SOUTH RUSSELL  
BLDG/ZONING DEPT

February 16, 1999

Dear Mr. Hocevar,

As per your certified letter, I would greatly appreciate to have a variance hearing with the city council. Please inform us as to when. Also per your request, I will bring my most recent septic pumping slip. Thank you for your time in this matter.

Sincerely,



Stuart Lowe



Karen Lowe

**Village of South Russell**  
**Department of Building and Zoning**  
**5205 Chillicothe Road**  
**South Russell, OH 44022**  
**(440)338-1312 Fax:338-1606**

David T. Hocevar

Building Commissioner

CERTIFIED MAIL Z 529 583 354  
 February 9, 1999

Stuart & Karen Lowe  
 36 Sugar Bush Lane  
 South Russell, OH 44022

RE: McFarland Sanitary Sewer Connection  
 36 Sugar Bush Lane

Dear Mr. & Mrs. Lowe,

Per our telephone conversation on February 4, 1999, you are required to tie into the McFarland Sanitary Sewer system. This letter is notification that you have thirty days to meet compliance to the code requirement, or this matter will be forwarded for due legal process.

As the Village requires that all septic systems be pumped bi-yearly, and you are utilizing an existing septic system, we request the submittal of the most recent pumping slip, issued to you by your septic pumping company.

It is however, your option to appeal this matter in writing, before the members of Council. Per Codified Ordinance Section 1024.6 SEPTIC TANKS PROHIBITED. Council shall hear the variance request at its next regular meeting or at a special meeting convened therefor, and shall grant or deny the variance within forty-five days of the date that the request for the variance is received. (Ord.1978-17. Passed 6-12-78.)

Z 529 583 354

US Postal Service	
STUART, KAREN LOWE	
Street & Number	
36 SUGAR BUSH LN.	
Post Office, State & ZIP Code	
SOUTH RUSSELL, OH 44022	
Postage	\$ 33
Certified Fee	147
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 298
Postmark or Date	

If we can return this space does not include number and the date	I also wish to receive the following services (for an extra fee):
	1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
4a. Article Number	Z 529 583 354
4b. Service Type	<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
7. Date of Delivery	2/11/99
8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3800, April 1995

Thank you for using Return Receipt Service.

**Village of South Russell**  
**Department of Building and Zoning**  
**5205 Chillicothe Road**  
**South Russell, OH 44022**  
**(440)338-1312 Fax:338-1606**

David T. Hocevar

Building Commissioner

February 1, 1999

Stuart & Karen Lowe  
36 Sugar Bush Lane  
South Russell, OH 44022

RE: McFarland Sanitary Sewer Connection  
36 Sugar Bush Lane

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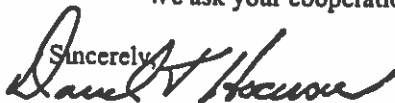
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We ask your cooperation of a response to discuss this matter with me, upon receipt of this letter.

Sincerely,  


David T. Hocevar  
Chief Building Official

DTH/dlk  
Cc: Mayor & Council

**Village of South Russell**  
Department of Building and Zoning  
5205 Chillicothe Road  
South Russell, OH 44022  
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 23, 1999

Mr. Lyndall Hughes  
1075 Bell Rd.  
South Russell, OH 44022

RE: Sanitary Sewer Tie In  
PP 29-042800

Dear Mr. Hughes,

Council has asked me to inform you that they appreciate your response to our letter of January 13, 1999, but unfortunately it does expedite the problem, or meet the criteria set by Council.

They wish to convey to you the need to collect your records and submit upon receipt of this notice the most recent pumping slip issued to you by your septic pumping company.

In addition, if you wish to appeal the required connection to the McFarland Sanitary Sewer System, that you schedule with the Clerk to be added to the next regular Council meeting.

Sincerely,



David T. Hocevar  
Chief Enforcement Official

Dlk

Cc: