

3111 Hilton St. NW
Massillon, Ohio 44646

Phone: (330) 833-2141
Fax: (330) 833-2153

www.perrytwp.com
office@perrytwp.com



BOARD OF TRUSTEES
Lisa J. Nelligan
Matt B. Miller
Ralph R. DeChiara, Jr.

FISCAL OFFICER
Craig Chessler

James F. Mathews
Law Director

Michael T. Pomesky
Police Chief

Larry S. Sedlock
Fire Chief

Jeff S. Whytsell
Zoning Inspector

Joyce E. Martin
Township Administrator

John R. Masalko
Road & Park Superintendent

August 19, 2021

Notice of Hearing

This is to inform you that the Perry Township Board of Zoning Appeals will hold a Regular Meeting at the Perry Township Administration Office located at 3111 Hilton St N.W., Massillon, Ohio 44646 on Monday September 12, 2022, at 6:00 PM.

The following Appeal Cases will be heard:

CASE 8-22 C Silver Maple Recovery LLC 205/207 Rohr Ave NW Massillon, Ohio 44646

Parcel #4311326

Silver Maple is changing the current facility, Sprenger Skilled Nursing/ Assisted Living to Silver Maple Recovery, an addiction treatment program including detox, residential, outpatient, and long-term recovery housing. They are applying for a Conditional Use Certificate. Section 703.2 B(5), Article XI Section 1101.1 This case was held over from the July meeting for further review by the Board of Zoning Appeals.

CASE 9-22 Greg Brinkerhoff 3844 Clark St SW Massillon, Ohio 44646

Parcel #4305726

Mr. Brinkerhoff is seeking three variances: (1) A 99 Sq. FT variance for the size of the structure, (2) A one foot variance off the rear setback, and (3) A six foot variance off the side setback. Section 602.4 Accessory Structures, paragraph two and three; Section 702.3 Minimum Lot and Yard Requirements.

The maps and proposed applications will be available for examination starting Thursday September 1st, 2022, at www.perrytwp.com and/or by appointment at the Perry Township Zoning Department located at 3111 Hilton St N.W., Massillon, Ohio 44646 during the office hours of Monday through Friday 8:00 AM to 4:00 PM.

Jeff Whytsell, Township Zoning Inspector has prepared this notice, to be published one time only, on or before August 24th, 2022. You are receiving this notice as a courtesy since your neighbor is applying for a project which may or may not affect your property. You are welcome to attend this meeting.



Application

Date: 07/15/2022

Applicant / Owner

Applicant Name:	SILVER MAPLE RECOVERY, LLC	Owner Name:	SHC REAL ESTATE OF MASSILLON, LLC
Address:	3905 OBERLIN AVENUE	Address:	3885 OBERLIN AVENUE
City, State, Zip:	LORAIN, OH 44053	City, State, Zip:	LORAIN, OH 44053
Phone:	440-989-5200	Phone:	440-989-5200
Email:	jcoe2@silvermaplerecovery.com	Email:	jcoe@sprengerhealthcare.com

Project

Site Address:	205 and 207 ROHR AVENUE, NW	Lot:	N/A
City, State, Zip:	MASSILLON, OH 44646	Use Type:	Commercial
Parcel:	4311326 and 4311327	Square Feet:	0
Subdivision:	N/A	Project Cost:	650000

Project Description: INSTITUTION FOR HUMAN MEDICAL CARE - ADDICTION TREATMENT AND RECOVERY HOUSING

Manager / Alarm Company

Manager Name:	Alarm Company:
Address:	Address:
City, State, Zip:	City, State, Zip:

Building Details

Building Width:	Front Setback:
Building Depth:	Side Setback:
Stories Height:	Side Setback:
Feet Height:	Rear Setback:
Construction Type:	# of Apartments:
	# of Employees:

Questionnaire

Previously applied? No N/A

Held title for? SINCE 10/05/2016

School, Church, or Hospital within 200 feet? No

Court summons served? No

Current Case Pending? No N/A

Checked with Secretary? Yes Petition Pending? No

Proposed Change? N/A

Restrictions of record by deed? No N/A

Represented by an attorney? Yes FRANCIS X. GARDNER - 3885 OBERLIN AVENUE, LORAIN, OH 44053

Describe any combustible, dangerous, noxious, toxic or hazardous substances present:

Describe any sprinkler or fire suppression systems:

List any other information essential to fire, emergency medical response or plic personnel who may Respond to an emergency situation during non-business hours:

Other Individuals

Name: AMERCO REAL ESTATE COMPANY
 Address: P. O. BOX 29046, PHOENIX, AZ 85038
 Name: 2860 LINCOLNWAY EAST, LLC
 Address: 6662 AMBLEWOOD ST., NW, CANTON, OH 44718
 Name: PETER & NOVICA GORGIEVSKI
 Address: 10787 WITHINGTON AVE., NW, UNIONTOWN, OH 44685
 Name: A.G.P.C., INC.
 Address: 1874 ENGLEWOOD AVE., AKRON, OH 44312

Name: 1205 BORDNER, LLC
 Address: 1123 FULTON DR., NW, CANTON, OH 44703
 Name: JONI MC CORMICK
 Address: 212 ROHR AVENUE NW, MASSILLON, OH 44646
 Name: RUSSEL A. KOCHIS
 Address: 206 ROHR AVENUE NW, MASSILLON, OH 44646
 Name: LYNDA LORTON
 Address: COSGROVE 202 ROHR AVENUE NW, MASSILLON, OH 44646

Attractive Nuisance

- All in ground pools must have a fence of no more than 6' and no less than 4' in height surrounding the pool or property.
- Above ground pools that are 4' in height with no deck attached and have a fold-up or removable ladder require no fence.
- Above ground pools that are 4' in height with an attached deck must have a fence no more than 6' from the ground level and no less than 4' in height surrounding the deck with a locking gate. A fence no more than 4' and no less than 6' in height surrounding the property is acceptable. If there is ground sloping more than half-way up on the pool sides, there must be fence between the ground and pool.
- Any above ground pools less than 4' in height or containing more than 18" of water must have a fence of no more than 6' and less less than 4' in height surrounding the pool or property.

I do hereby certify that the information contained herein is true and correct.

FRANCIS X. GARDNER, ATTY -
 COUNSEL FOR APPLICANT

07/15/2022

Name

Date

SILVER MAPLE RECOVERY, LLC

PROPOSED MASSILLON PROJECT

Silver Maple Recovery, LLC is headquartered in Lorain, OH where it has successfully operated a residential inpatient treatment center. Silver Maple Recovery, LLC also operates a successful intensive outpatient therapy program, and, beginning in 2021, added a sober living housing component, providing a transitional housing option for clients in nearby apartments owned by another of the Sprenger Health Care Systems companies.

Silver Maple Recovery, LLC proposes to transform the existing Sprenger of Massillon skilled nursing facility located at 205 Rohr Avenue, NW, into a medical drug treatment/detox facility with 24 rooms to accommodate 40 clients. The adjacent building located at 207 Rohr Avenue, NW, which was originally an independent living building when acquired by Sprenger of Massillon, will be transitioned into a separate, but associated, sober living apartment building, with its 20 units accommodating 27 tenants and 3 resident managers.

The ownership of the buildings will not change. The use will change somewhat, but we believe that there will simply be a transition from one type of institution for human medical care, which is a conditional use permitted in Zone R-3, to another type of institution for human medical care. The sober living apartments, while they will be rented in the same fashion as other apartments in the Township, will also have aspects of an institution for medical care and an institution for education, as the rental agreements will require all tenants to attend one daily on-site meeting on topics of addiction recovery and sober living. As such, we believe that the apartments would also qualify as a conditional use in the R-3 zone.

We believe, and know from our experience in Lorain, that this project will bring a valuable resource to the citizens of Perry Township. We do not believe that the project will introduce problematic clientele, or much additional traffic, to the surrounding neighborhood. There will be no changes to parking or vehicular approach. Most of our clients do not typically have personal vehicles on the premises while in our facility, or even while residing in the sober living housing. Security cameras will be in place.

The project will result in improvements to the existing structures, but no significant external construction or change of footprint of the buildings. We represent that the improvements and change in use of the buildings will be in harmony with the surrounding neighborhood in appearance, will not be in any way disturbing to neighboring uses, and will not prove to be any detriment to the neighborhood or to Perry Township as a whole. Township services to the buildings will not be affected by the proposed conditional use, and the project will be in total compliance with all state, county and township regulations.

We appreciate your consideration of the request for a conditional use permit and we look forward to bringing Silver Maple Recovery to Perry Township.

SILVER MAPLE RECOVERY, LLC

ADDRESSING YOUR QUESTIONS. CONCERNS, MISCONCEPTIONS

- ***The project will bring sex offenders into our neighborhood***

The clients of Silver Maple Recovery are not sex offenders. They are people who suffer from an addiction and who have voluntarily requested admission to a program to help them achieve sobriety. In order to be admitted to any of Silver Maple Recovery's programs, an applicant must undergo background checks and screening to establish that the applicant is not a registered sex offender.

- ***There will be people buying and selling drugs on the property***

In order to be a client of Silver Maple Recovery and to be on the campus, a person must be and remain drug and/or alcohol-free at all times, and be committed to sobriety. Clients are tested regularly. Any client found to be in possession of or using any substance incompatible with the program requirements will be dismissed from the program and discharged from the campus. The residents on site are people who are genuinely committed to recovery.

- ***There won't be security on the premises***

There will be both monitored security cameras and staff on campus 24 hours/day 7 days/week. Currently, there are no security cameras, so security will be improved under the proposed project.

- ***People with mental and psychiatric disorders will be wandering around the neighborhood***

Silver Maple Recovery serves clients in need of substance addiction treatment. Silver Maple Recovery is not a psychiatric or behavioral health facility

- ***People will be smoking on my property and littering***

Unlike the current use of the property, which prohibits smoking on the skilled nursing facility and assisted living campus, clients of Silver Maple Recovery will be permitted to smoke on the premises. Thus, there will be no need for any of the clients to move onto any adjacent property in order to smoke. This arrangement should improve and alleviate concerns of people smoking on neighbors' properties.

- ***This project would introduce dangers for school children***

Silver Maple Recovery's clients do not pose any risk to school children, or any other citizens. Ohio law protects school children from registered sex offenders by prohibiting sex offenders from living within 1,000 feet of a school. Not only is our campus more than 1,000 feet from the campus of Watson Elementary, but our clients are not sex offenders. It has never been proposed or determined that persons seeking addiction treatment in established programs are any more dangerous than any other member of the community.

- ***The property would need improvement in order to accommodate this project***

While Silver Maple Recovery will not be changing the footprint of the buildings on the campus, there would be planned improvements and renovations, interior and exterior, of approximately \$500,000.

- ***There will be a lot more traffic on Rohr Avenue with people coming and going to this location***

There is actually expected to be less traffic on Rohr Avenue with the proposed project. Currently, residents of the nursing home and the assisted living have unlimited visitors. Assisted living residents occasionally own vehicles. Silver Maple Recovery clients are not permitted visitors while on campus. Transport to appointments or meetings will be handled by a Silver Maple Recovery van.

MEMORANDUM IN SUPPORT OF APPLICATION OF SILVER MAPLE RECOVERY, LLC

FOR CONDITIONAL USE PERMIT

205-207 ROHR AVE., NW.

I. INTRODUCTION

Silver Maple Recovery, LLC, a licensed and accredited treatment provider for persons seeking recovery from alcohol and drug addiction, has applied for conditional use permit in order to operate a treatment facility and to offer sober living apartment housing in the buildings located at 205-207 Rohr Ave., NW, respectively. The locations are in Zone R-3.

Silver Maple Recovery, LLC is an entity which has common corporate ownership with Sprenger Healthcare of Massillon SNF, Inc. and Sprenger Health Care of Massillon AL, Inc. which currently own and operate a skilled nursing facility and assisted living facility, respectively, in the two buildings which Silver Maple Recovery, LLC contemplates renovating for the treatment center and sober living apartments.

II. THE PROPOSED PROJECT OF SILVER MAPLE RECOVERY, LLC WILL NOT CONSTITUTE, FROM A ZONING PERSPECTIVE, ANY CHANGE IN USE FROM THE CURRENT USE

The Sprenger of Massillon buildings currently qualify for conditional use, under the current zoning code, as “institutions for human medical treatment”. The proposed use will be similar, as the Silver Maple Recovery residential treatment center will also be an “institution for human medical treatment”. In addition to medical care, though, the proposed treatment facility will provide the Silver Maple Recovery clients necessary education and skills to achieve and maintain recovery and sobriety, thus additionally qualifying the treatment center as an “institution for education” – another conditional use permitted under the existing zoning code.

The proposed sober living apartments will be a similar rental arrangement as currently exists with the assisted living units operated by Sprenger of Massillon. Current tenants have lease agreements and pay monthly rent. That arrangement will not change under the Silver Maple Recovery project. The only thing that will change with the new project is that the tenants will all be drug and alcohol-free individuals who have completed a portion of their recovery program and who will have the requirement of attending one sober living meeting on site each day. Otherwise, the building will operate just as any other apartment building.

III. THE PROPOSED PROJECT OF SILVER MAPLE RECOVERY, LLC ALSO MEETS THE ZONING CODE'S GENERAL STANDARDS FOR THE CONDITIONALLY PERMITTED USE

Silver Maple Recovery, LLC asserts that its proposed project comports with all applicable general standards established by the Township to apply to the grant of a conditional use permit.

First, the overall footprint and look of the existing buildings will not change significantly on the exterior. There will be cosmetic improvements, but, overall, the buildings will simply continue to be harmonious with the neighborhood and appropriate in appearance for the use.

Second, the proposed project will not introduce any hazards or disturbances which will affect the proposed use or neighboring uses. The clients who will be living on the premises are mandated to be drug and alcohol free and are tested regularly during their stays. Inpatient clients are required to remain on campus during their stay. Sober living clients remain on campus other than for medical/therapy appointments and employment obligations. They are not allowed to have visitors.

Third, there exists no likelihood that the existence of a residential treatment center or an apartment building housing sober recovering individuals will have any negative impact on the immediate vicinity or the community as a whole. Rather, Silver Maple Recovery, LLC asserts that the resources offered by this project and use add to the fabric of the community and offer a resource desperately needed in the area.

Fourth, No additional public facilities and services will be required at the location as a result of the proposed project. Street use, refuse collection, police and fire protection needs will all remain as they are. The proposed use does not affect existing facilities and services.

Fifth, vehicular approaches to the Silver Maple Recovery treatment center and apartments will remain exactly the same, though it is expected that there will be reduced traffic as a result of the proposed use, since clients are not allowed visitors during their stays. In the current use, residents of the skilled nursing facility and assisted living facility are permitted, and do have, visitors. Silver Maple recovery will have a van to handle necessary transports of clients, so vehicular traffic will be minimal.

Sixth, Silver Maple Recovery, LLC warrants that its buildings and use of the buildings will remain fully in compliance with all applicable federal, state and local regulations.

**IV. PERRY TOWNSHIP MAY NOT LEGALLY DENY ZONING APPROVAL
BASED UPON FEARS, PREJUDICES AND BIASES OF COMMUNITY
RESIDENTS**

At the initial hearing on Silver Maple Recovery's application for a conditional use permit, numerous Township residents addressed the Board of Zoning Appeals with their concerns that the proposed project would bring a criminal element to the neighborhood - especially drug dealers and sex offenders. Residents also complained of their fears of pick-up/drop-off traffic of Silver Maple clients' friends, increased smoking litter in their yards, and diminution of property values. One resident also voiced his fear that, with the eventual construction of a new elementary school at Austin and Bailey Streets NW, some five (5) blocks away, school children would somehow be exposed to some new danger.

The residential treatment facility portion of the proposed project fits clearly within the description of an "institution for human medical treatment". Such an institution is specifically identified as a permitted conditional use in the R-3 Zone. The fact that the persons who will seek treatment within that institution are persons who suffer from drug addiction or alcoholism can have no bearing on the application of zoning regulations or the grant of a conditional use permit. While residents may well have prejudices against persons with drug or alcohol addictions, such persons meet the legal definition of persons with a disability, recognized and protected under federal law. Silver Maple Recovery maintains that denying a conditional use permit to an institution for human medical treatment based upon the type of person who might seek treatment at that institution would constitute clear and actionable discrimination against persons with a disability.

The sober living apartments portion of the project evokes certain other legal protections. While some residents may not want persons with addictions who have sought treatment and completed portions of their recovery living in their neighborhoods, the fact remains that perceived dangers and reductions in property value are simply unfounded and unsubstantiated. More importantly, the Federal Fair Housing Act and Ohio Revised Code Section 4112.02 are clear and unambiguous in their protections of persons with a disability, the definition of which includes Silver Maple Recovery's clients, from housing discrimination and zoning decisions which effectuate that discrimination.

As to the concern regarding proximity of the proposed project to a to-be-built school building Silver Maple Recovery first argues that the laws of Ohio do not create a protection of school children from persons who suffer from addictions. Ohio law does create protections from registered sex offenders living in proximity to schools. However, aside from the fact that, in Ohio, the protection limits a registered sex offender from living within 1,000 feet of a

school and the location of Silver Maple Recovery's project is more than 1,000 feet from any school or planned school, the more salient point is that Silver Maple Recovery's clients are not sex offenders. Silver Maple Recovery is diligent and thorough in its process of screening and ascertaining that any convicted sex offender is not admitted to its programs or its facilities.

Simply stated, Silver Maple Recovery asserts that a denial of a conditional use permit by the Board of Zoning Appeals based upon unfounded fears, biases, prejudices or stereotypes voiced by neighbors, even if the Board members themselves do not harbor those fears, prejudices, biases and stereotypes, would constitute an actionable violation of federal and State law.

V. CONCLUSION

Silver Maple Recovery seeks to establish a valuable resource and business within Perry Township. Silver Maple Recovery has an established track record of having been both a valued and effective health care provider and an innovative program developer in Lorain County, all while also being a respectful community neighbor.

Silver Maple Recovery firmly believes that its proposed project meets all of the requirements for a conditional use permit under the Township's Zoning Code. Silver Maple Recovery respectfully urges the Board of Zoning Appeals to recognize that there does not exist any valid legal reason to deny the conditional use permit, to remove this matter from its "tabled" status before the Board, and to vote in favor of awarding the permit.

Respectfully submitted,

A handwritten signature in blue ink, reading "Francis X. Gardner", is written over a horizontal line.

FRANCIS X. GARDNER (0034015)
General Counsel
Silver Maple Recovery. LLC
Sprenger Health Care Systems
3885 Oberlin Avenue
Lorain, OH 44053
(440) 989-5222
fgardner@sprengerhealthcare.com

Silver Maple Recovery

Legend

 207 Rohr Ave NW



Xtra-Clean Exteriors

Spranger Health Care of Massillon

207 Rohr Ave NW

200 ft

Google Earth

Image Landsat / Copernicus

Silver Maple Recovery

Legend

 207 Rohr Ave NW





Select Date  

Silver Maple Recovery

Legend

 207 Rohr Ave NW



Perry Township Zoning Board of Appeals Folder Checklist

Case Number: 8-22C Hearing Date: September 12, 2022

Applicant: Silver Maple Recovery LLC

Address of Variance or Conditional Use: R3 Residential

205 & 207 Rohr Ave NW Massillon, OH 44646

Conditional Use Application

Zoning Inspector Denial Form

Completed Variance or Appeal Application

Site Plan

Blue Print (if new construction)

Notice of Hearing

Minutes from Hearing

Nonconforming Use Change

R3 Section 703.2 B(5)
Article XI Section 1101.1

Comments: Silver Maple is changing the current facility -

Sprengr Skilled Nursing/Assisted Living to Silver Maple Recovery -

Addiction treatment program which includes detox, residential, outpatient and long term recovery housing. A conditional use certificate is required upon review & approval of the BZA