



VILLAGE OF OAKWOOD
ZONING BOARD MINUTES
DATE: September 9, 2026

ATTENDANCE

PRESENT

Marchelle Head (Chair)--Dan Stanton—Joseph Swaton—Greg Peltz Law—Jim Decker (CBO)

ABSENT

Meeting opened 7:00 pm by HEAD
Roll call taken

NEW BUSINESS:

ZBA 26-102 JOE AND KAYE FOUCHE
NORTHAM DR PROPERTY (PPN 795-07-144)
OAKWOOD VILLAGE, OHIO 44146

JOE AND KAYE FOUCHE WILL APPEAR BEFORE THE BOARD TO APPEAL THE RESTORATION ORDER ISSUED FOR THE NORTHAM DRIVE PROPERTY (PPN 795-07-144).

Head: Please tell us why you are here today. **Fouche:** When I first arrived, I was told there was a work session prior to this meeting. I was not allowed in. Please tell me what the subject matter was in that meeting. **Peltz:** I am legal council for the village. The board members are just these three. I will answer that if this board wants me to answer that. **Head:** Yes. **Fouche:** Why was I not allowed in the previous meeting? What was the content and subject of that meeting? **Peltz:** There was no meeting. My understanding, this body calls it a work session. I have never attended a ZBA meeting. It is my understanding that they usually receive the packets days in advance. Those packets were not given to them early. They reviewed the packets tonight. They had some legal questions for me. You are appealing the

restoration order. It is a little funky, in that this board is usually hearing variances. They had some legal questions and some process questions for Jim Decker regarding the proceedings. **Fouche:** Did you all go into an executive session for that. **Peltz:** There was no meeting it was a discussion amongst us. **Fouche:** A discussion is a meeting. **Peltz:** A meeting is a prearranged meeting a form of the body discussing public business. There was no discussion. It was questions directed at me for proceeding. **Head:** This is the first time we have not received the packets in advance. We had no idea what we were walking into. **Peltz:** May I present the procedure. **Head:** Yes. **Peltz:** Mr. Fouche you are appealing the restoration order that was issued by the CBO, Jim Decker. This is unusual because usually it is for a variance, The applicant shows, explains the reasons why they should be granted a variance. The same rules apply here. You are making an appeal to the board that Mr. Deckers restoration order is false. I would suggest explaining your application to the board and why you are here. **Fouche:** I am here because there was an order issued; I am here to appeal that order. There is inaccurate information on that order. First, Southgate Park Blvd has nothing to do with 795-07-144. I would like that to be removed from this order. You have a list of the inaccuracies. Secondly, the order does not specifically cite the area of concern. Did you receive the Army Corp of Engineers findings. **Decker:** They have not received that. **Fouche:** I included the final findings from the Army Corp of Engineers when I submitted my documents. Mr. Decker's order is well written did not specifically outline the areas of concern. There are two areas of concern. First, the Army Corp of Engineers referred to as the review of area one and the other is review area two. Review area one, I am not contesting Mr. Decker's order. I have attempted to come into compliance with that order. However, as to the review of area one, that is what I am contesting. I do not own that property. I did not authorize the dirt to be put there. I have also included a letter from the former building commissioner, Mr. Dan Marinucci which outlines former Mayor Gottschalk helped to coordinate and arranged for dirt to be brought to that property. I am asking that consideration to be given. I was not in control of that. It is not my property. I have included the letter that I received from Dan Marinucci, also a letter that I sent to Tina Stoneman, she is with the Army Corp of Engineers. I sent that email today, requesting consideration for two areas. Area one that I feel I am not responsible for. Looking at her outline there may be an argument that some

of the area that she is talking about does not have to be remediated or corrected. **Peltz:** Swore in Mr. Joe Fouche. This was an oversight; I should have done this earlier. I apologize. It is up to this board if they want the applicant to repeat his testimony. We are okay to proceed since the boards have no issue. **Fouche:** If I can add, this process started years ago. It directly involved Mayor Gottschalk, I brought Mr. Gottschalk to the property, told him what my plan was for the property. He liked what I was talking about and wanted to do more with it. He wanted to create a walking path. That is where he got the idea of bringing in the fill dirt. He was part of this process from day one. I received his approval and his input on what needed to be done in that area. I don't want you to think this is something that I just came up with. I can restate the inaccuracies. As I said before, Mr. Decker's order was written but it did not specify the two areas of concern for the Army Corp of Engineers. The letter identifies the review of area one and area two. Review area two, I am not contesting that; I have tried to come into compliance with that order. I should be done by this weekend at least for the purposes of submitting pictures and then getting approval from the Army Corp of Engineers. In hopes of getting that approval through Safebuilt and the Engineer, Mr. Matt Jones, through Chagrin Valley Engineering. I am contesting the review of area one, It was not specifically sited in this order because, I do not own partial 110 and 111. The letter that I provided from Mr. Marinucci shows that the mayor coordinated the dirt to be brought to that property. I don't feel I should be held responsible for that. I put it in the email that I sent to Ms. Stoneman. Some of that area I don't think is accurate regarding wetlands. It is on a very steep vertical incline. They are not correct in that manner. I respectfully asked her to reconsider that. It could be very costly to remove the dirt from that area. **Stanton:** You had nothing to do with that area? **Fouche:** Correct! That was the previous mayor. There was a previous stop work order issued by Mr. Cheatham for the property. On a number of occasions, I asked that any future orders reference the old order and say that it is no longer in effect which I am authorized to do things. What I did not want to do, because we had the Army Corp of Engineers, the village and the civil engineer involved, I did not want to violate any rules or regulations and having to get fined or imprisoned for 60 days like the document states. I wanted to make sure we are speaking to all the concerns in this letter. **Head:** Your concerns are the inaccuracies, who owns the property and who has given you permission in

the past. You alluded to conversations you had with the mayor. However, what we are dealing with today has everything to do with Ordinance 1190.14. Is that something you understand what is going on with the letter that you received? **Fouche**: I understand what he had written and that is what I am appealing. **Head**: It states that the referenced property has been occurring without a permit, therefore, restoration of the property is in order under Section 1190.14 of the Codified Ordinances of the Village of Oakwood upon notice of the safety director, building inspector, and village engineer may suspend any active soil disturbing activity and may require immediate erosion and sediment control measures whenever, he or she determines that such activities are not meeting the provisions of this chapter. **Fouche**: I agree. **Head**: You agree that you started this without a permit. **Fouche**: Yes. **Head**: Can you explain that? **Fouche**: I did realize I needed a permit, because I had spoken with the building dept. **Head**: You are saying someone allowed you. **Fouche**: Yes. **Head**: Do you have proof that this process was allowed by the building dept? The building inspector is part of this 1190.14. **Fouche**: You are correct, I am telling you that I provided a document, whether you consider it proof or not from Dan Marinucci, who was the building inspector at that time. **Head**: He allowed you to proceed without a permit? **Fouche**: Yes. **Head**: Is that what this document says? **Fouche**: It talks about what they agreed to and what they allowed. I have been made aware of a number of other instances, where things have been allowed that may not have complied with the ordinances that are being cited right now. My understanding at that time, was the building dept was authorizing it or allowing it that it would be okay. I was not trying to purposely violate the law. **Head**: I understand, however, what we are dealing with now is the fact that however this came about has come to our attention that this was being done without a permit. That is what this appeal is about. **Fouche**: It is more than just a permit. It is about the specific areas that were not cited in that letter. **Head**: You are saying that we asked you to stop work because you have not secured a permit to do some of the things. **Fouche**: I want to be very respectful, we have known each other for a very long time. I don't think I said what you just said. **Head**: I am saying that you are here to appeal the fact that you that this has been served to you because you did not have a permit. **Fouche**: I am here to appeal this entire restoration order. Which is more than what you are saying. **Head**: I understand what they are saying. The ordinance begins

with the referenced property, the activity occurring without the permit.

Fouche: It was more than the referenced property that the activity occurred without the permit. I was in no control over. **Head:** I want to say that if there is a process that is going on here, we have not had adequate time. That is why we had the work session because we are just now seeing the documents. I am still going back to ordinance 1190.14. **Peltz:** I would suggest for procedure. Does anyone else have any other questions? The other thing I would suggest that if anyone has any questions to Mr. Decker, since the applicant had the floor and presented his case. **Swaton:** You mentioned that this is not your property? **Fouche:** Lets be clear, when we say it is not my property. I am going to speak to partials 795-07-144 which is my property, 795-07-110 and 111 are not my property. Those belong to the village.. The letter that I provided to you from Dan Marinucci tells you that the former mayor Gottschalk, coordinated having dirt put on 111 & 110.

Stanton: Not you? **Fouche:** Not me. **Swaton:** Someone else is doing this work on your property as well as off your property? **Fouche:** They are not doing anything now. **Stanton:** That goes into detail again that we should have had much earlier, when they were doing the Starbucks, they were moving dirt. They move dirt from one place and take to another place. They just do it. The dirt taken from the Starbucks site under the watchful eye of our former mayor was moved to the one site in coordination with the mayor. **Fouche:** To your questions Mr. Peltz. Also when they did the work at the fire department driveway. The village brought that dirt over to the property also. Some of it was on my property but it was on the top of 110. **Head:** This dirt has to do with restoration. The removal of that dirt, is that what is being asked? **Fouche:** Correct. In area two there has to be the removal of dirt and proper grating. **Head:** That is your property. **Fouche:** Yes. Area two I have accepted what the claims are in the order. Area one, I am not accepting that, the point I am trying to make, on several occasions the village brought dirt to that property. The most recent times involves the fire dept, when they dug out for the front drive. **Swaton:** The village gave the okay for all this? **Fouche:** I don't know what the village gave permission for. **Swaton:** He was a passive observer. He did not approve the placement of the dirt. **Head:** This would be an adequate conversation if this was coming before the board for a variance. We could discuss how we can remedy a problem. What we have now is an appeal, which puts us in a whole different category. What we need to do is address the appeal. **Fouche:**

What you are saying is that I am only here for the appeal. **Head:** That is why we have an attorney, to make sure we are following what we need to do. **Fouche:** Let me say as it relates to the appeal, I have admitted to the area that is in my ownership. I have started to correct the part I am responsible for. I am maintaining my position on area one that is not my property. My request is that portion be taken out. Second I want to work with the village, I am not trying to have this adversarial. **Head:** That was my next point that if we move forward, there may be ways we can come to a solution that would stay within the code. We have to deal with the appeal. The process can take place after that. **Fouche:** I want to make myself clear, sometimes the message gets lost, depending on who is carrying the message. I am trying to work with the village. I gave you my thought process in the email I sent to the Army Corp of Engineers today. That might give a little latitude on what has to be done to remediate the area. I am asking that you consider that. Include that in your discussions outside of me or whoever you may be talking to.. **Head:** The Zoning board is designed to handle things outside of architectural and planning boards, that doesn't fall within the regular scope of our work. They have provided remedy for an appeal. That is what we are dealing with. **Peltz:** If the applicant has nothing more to add, if there are any questions for Mr. Decker. **Decker:** When I quoted Southgate Park properties on Kentucky drive, I did not know who did what. I was looking at an arial. I included those in my order. It is the board's decision to accept Mr. Fouche's statements about how the dirt came on village property or the properties on Kentucky. That is important for the board to consider as well. **Head:** There is a remedy outside of our decision after this process of dealing with the appeal. **Swaton:** Are you moving the dirt on the village property? **Fouche:** No. I think according to the letter from Mr. Decker some of that dirt needs to be removed. **Decker:** To restore the properties to the original condition. While that is being done, erosion and sediment should be controlled along with temporary seeding. **Stanton:** Are you speaking of his property? **Decker:** I am talking about the entire disturbed area, not knowing who did what. **Stanton:** We have two separate responsibilities here. **Head:** We have one, he may have another one to identify who does what. We have one to deal with the appeal. If there is something that needs to be altered as far as owners and who has to do what, we don't deal with that. **Peltz:** You have the authority right now to determine parcel ending in 144 was in compliance and if Mr. Decker's

restoration order was correct or wrong. Is that what you are saying? **Head:** We are talking about more people. The village has to address that.

Stanton: What we have here is competent parcels here. The majority of which he has nothing to do with. But it is being included in the restoration.

Peltz: He cannot appeal the properties he does not own. **Stanton:** It

appears this needs to be separated out. **Peltz:** That is what you should do

now. **Stanton:** The village owned properties need to be separated out from

this issue. **Head:** But it should go to the other property owners also? This

needs to be untangled. We have to rule on our part. **Stanton:** I move to

approve the appeal. **Head:** I am thinking about the responsibility of the

board and the legal responsibility. At the same time saying that Mr. Fouche

has rights after this appeal of this restoration. We want the restoration to be

done; it is not only his responsibility. Are we approving part of this

contingent upon the fact that the other owners will be served. **Peltz:** Your

jurisdiction is anything related to his parcel. You have no authority over the

surrounding properties. **Head:** If we move on this, it would be contingent on

only his portion. **Peltz:** The granting of his appeal is only subject to his land

under this parcel.

CASE #ZBA 26-102 TOPIC RESTORATION ORDER FIRST: STANTON
SECOND SWATON

VOTE: HEAD: Y; STANTON: Y; SWATON: Y

RESULTS Approved appeal with contingency that the restoration is only on his parcel

ZBA 26-103

ANTHONY ISOM

25843 TRYON ROAD

OAKWOOD VILLAGE, OHIO 44146

ANTHONY ISOM WILL APPEAR BEFORE THE BOARD TO REQUEST A
 VARIANCE FOR A NEW GARAGE AND ROOF AT 25843

Head: The applicant is not present. **Peltz:** Whether or not the applicant is present, there can still be a motion to approve or deny. Does the board have any questions for Mr. Decker since the applicant is not here?

Stanton: What is the orientation to the property line. We don't know which

way the building is facing. If it was closer to the center of the property, we would have more to go on. These problems could cause issues with the adjoining property. I would like to wait for more information. **Peltz:** You can make a motion to continue this. **Decker:** Moving to table is different than continuing. **Stanton:** I motion that we continue this case for more information.

CONTINUE CASE #ZBA 26-103 **TOPIC** NEW GARAGE **FIRST:**
STANTON; **SECOND** Swaton
VOTE: HEAD: Y; STANTON: Y; SWATON: Y
RESULTS CONTINUED TO FURTHER INFORMATION

Head: I motion to approve the minutes of February 11, 2026.
MINUTES OF FEBRUARY 11, 2026 **FIRST:** Head; **SECOND**
Stanton;
VOTE: HEAD Y; STANTON Y; SWATON Y;
RESULTS APPROVED

MEETING - MOTION TO ADJOURN First: HEAD; SECOND Stanton
VOTE: HEAD Y; STANTON Y; SWATON Y ADJOURNED @
7:49PM

Signed _____

Signed _____

Marschelle Head, Chair

Joel Hladky, Board Recording

Clerk

Date approved: _____
