

CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

January 11, 2017
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Blair Hamilton
Brandon Dynes
Francis Sweeney, Jr.
James Rowe, Alternate

Also Present:

Heather Freeman, Zoning Director/Zoning Inspector
Sydney Martis, Planner/Assistant Zoning Inspector

Melton Reporting
11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

1 7:00 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Board of
3 Zoning Appeals meeting for January 11, 2017, is now in session.
4 I would like to introduce my Board. To my left is Skip Sweeney
5 and Brandon Dynes. I am Ivan Valentic. To my right is Jim
6 Rowe and Blair Hamilton. To our far right is Heather Freeman,
7 our zoning inspector.

8 Under the advice of our counsel, we ask that anyone
9 speaking tonight must be sworn in. If you plan on speaking,
10 please stand and raise your hand. Anyone speaking, please
11 stand and raise your hand. That's it? Okay.

12 (Whereupon, the speakers were sworn en masse.)

13 CHAIRMAN VALENTIC: Thank you. Please be seated.

14 When presenting your case or commenting, please come
15 to the microphone and confirm that you've been sworn in and
16 your name and address.

17 Heather, were the legal notices published in a timely
18 manner?

19 MS. FREEMAN: Yes, they were.

20 CHAIRMAN VALENTIC: Thank you.

21 Tonight we just have one appeal. A three-vote
22 majority is required to either approve or deny that appeal. If
23 your request is denied, you have the right to file an appeal.
24 If this is the case, Heather can help you.

25 First on the -- Our first appeal is a conditional use
26 permit, Application Number 55. Mr. Mark -- how do you --

27 MR. GIORGI: Giorgi (pronounced "Georgie").

28 CHAIRMAN VALENTIC: -- Giorgi, of Route 44 LLC, is
29 requesting a conditional use permit for the property located at
30 8109 Crile Road, being Permanent Parcel Numbers

1 08-A-021-0-00-044-0 and 08-A-021-0-00-082-0, in accordance with
2 Section 13.32, for outdoor storage and outdoor supply.

3 Please come up and present your case. Thank you.

4 MR. GIORGI: Well, finding out that we are, we're in
5 violation of the zoning with our storage, that we proposed to
6 move some of the property lines.

7 CHAIRMAN VALENTIC: I am sorry. Can you confirm for
8 the record that you've been sworn in and your name and address?

9 MR. GIORGI: My name is Mark Giorgi, business address
10 is 8109 Crile Road, and I've been sworn in.

11 CHAIRMAN VALENTIC: Thank you.

12 MR. GIORGI: So after we learned that we were in
13 violation of zoning, we went to our -- Polaris Engineering and
14 gave them the comments that we received from Bruce. And they
15 gave us a drawing that, hopefully, will satisfy and allow us to
16 store -- or not really store, display.

17 We brought in, the business has brought in -- We've
18 always had a rental yard. And I am not sure. I always thought
19 it was legal to have the rental equipment there. We've been
20 there since 2000, I believe. But the way it was situated, it
21 was on, I guess, it was on our parking. We moved it back and
22 then that caused another problem. That's why we are here now.

23 CHAIRMAN VALENTIC: Okay.

24 MR. GIORGI: It's kind of -- But we did bring in
25 another two lines. U-Haul, which previously was down the
26 street, they approached us and they wanted to rent trucks
27 through that. And then we also picked up a line of small
28 trailers that you would typically buy to put a lawn mower on or
29 an ATV or something like that.

30 MR. HAMILTON: So let me understand. It was the fact

1 that you had to move what was in the traffic area out of that
2 area and that, in turn, caused a setback issue?

3 MR. GIORGI: Correct. And we own the -- The property
4 was all one piece at one time. Then we -- You can see the
5 cut-out that we broke it to further develop it and I guess we
6 broke it too tight, I guess. So --

7 MR. HAMILTON: Okay.

8 CHAIRMAN VALENTIC: With this, are you aware of the
9 requirements in Section A and B with the -- for the outdoor
10 use?

11 Heather, were these given to him? Do they understand
12 all these requirements?

13 MS. FREEMAN: He has seen Section 13.32 and he also
14 has in front of him a copy of the staff summary report.

15 CHAIRMAN VALENTIC: Okay. Do you -- I guess one
16 general question is, do you meet all these regulations? And do
17 you object to anything in 13.32?

18 MR. GIORGI: Personally, do I object? I mean, it is
19 what it is. So we sent this information to Polaris Engineering
20 and --

21 CHAIRMAN VALENTIC: Okay.

22 MR. GIORGI: -- you know, they drew the plans up.
23 Yes, I mean, we agree with what was written there and we'll
24 follow.

25 CHAIRMAN VALENTIC: Does anyone else have any other
26 questions?

27 MR. DYNES: No. I guess the next question I have,
28 sir, you have the staff analysis. So you see in there the
29 indication, requirement as far as being approved by the County
30 and recorded?

1 MR. GIORGI: I just was given it, so I haven't read
2 it totally through but --

3 MR. DYNES: I mean, if you want to take a second to
4 read that second paragraph especially -- it's the part that I
5 think we are somewhat encumbered by -- so that you are aware of
6 that.

7 MR. GIORGI: So if I am reading that, we are just
8 moving the property line and have to do it through the County.

9 MR. DYNES: Right.

10 MR. GIORGI: Legally recorded.

11 MR. DYNES: Right.

12 MR. GIORGI: Correct. And we're prepared to, if it's
13 approved. That's why we went to Polaris Engineering.

14 MR. DYNES: Right. So, obviously, our purpose in
15 asking that question is, if this is approved, we want your
16 acknowledgment and understanding of what we're doing based upon
17 any approval that might be forthcoming. So that's why I am
18 asking.

19 MR. GIORGI: Oh, correct, I mean. And I --

20 MR. DYNES: Yeah. I want to make sure you read that
21 statement.

22 MR. GIORGI: No, no, I totally understand. And I
23 didn't want to do it and then you say no. And so this is our
24 proposed move once, if --

25 CHAIRMAN VALENTIC: Maybe this is kind of a silly
26 question, maybe not. Do the trailers and everything need to be
27 visible from the road? I mean, can they be screened at all?
28 Because they're kind of lined up and sitting there. Or do
29 they, do you -- You know, because you're, essentially,
30 advertising that you have them, you want them to --

1 MR. GIORGI: They sell better if someone drives by
2 and sees them. We have other ones in the back which are for
3 rent, so we don't want to confuse. And the same thing with
4 U-Haul, something about they like -- U-Haul tells us, you know,
5 they like to see it where it's visible. Same with the ATVs we
6 have in front of ours, which we have a conditional use for
7 that. That is something people drive by and they catch their
8 eye. "Oh, I didn't know you had trailers." And to be honest,
9 it happens a lot.

10 MR. DYNES: Is there any plan by U-Haul or anybody
11 else to add more U-Haul vehicles there?

12 MR. GIORGI: No, I don't believe so. And I'll -- I
13 am going to say, you know, we are involved in the property down
14 the street where the hardware is currently sitting and we have
15 plans to add the hardware to this building, which would take
16 away all that area that's outside now. So there will be
17 changes down the road, hopefully, sooner than later. But for
18 now, no, we don't, we don't look to increase.

19 CHAIRMAN VALENTIC: Skip, anything?

20 MR. SWEENEY: No.

21 MR. ROWE: No questions here.

22 CHAIRMAN VALENTIC: Okay. Thank you. You can be
23 seated.

24 Is there anyone here speaking against the appeal?
25 Please come up. Okay. If there is no one here, if there's no
26 further questions, the public hearing for Conditional Use
27 Permit Number 55 is now closed to the public. I will entertain
28 a motion to approve the Conditional Use Permit Number 55.

29 MR. HAMILTON: So moved.

30 MR. ROWE: Second.

1 CHAIRMAN VALENTIC: We have approval of Conditional
2 Use Permit Number 55. It has been seconded. It is open for
3 discussion to the Board. I don't know.

4 MR. ROWE: It looks like everything is proceeding
5 along.

6 MR. DYNES: Yeah. I think this is pretty unique as
7 far as a use variance normally related to the property and then
8 owning the adjacent parcels and so on. It's different than
9 some of the other considerations than the use variance and the
10 fact that they own it. I don't see a real problem with it. So
11 I don't -- Again, I say it's unique because I don't think we
12 put it through some of the same stringent tests that we might
13 otherwise. That's my feeling anyway.

14 My fear -- and I think you indicated -- you know, the
15 fear from residents would be that, all of a sudden, there's 40
16 U-Haul vehicles parked out there as part of that process, but
17 he's indicated there is no plans for that.

18 MR. ROWE: I would say it looks well thought out. I
19 mean, it's in an area that certainly, currently, I don't think
20 84 Lumber is going to complain.

21 CHAIRMAN VALENTIC: Mr. Giorgi, can I have you come
22 up for one second?

23 MR. GIORGI: Sure.

24 CHAIRMAN VALENTIC: If we approve this permit, it
25 would be, the approval would also include the condition that
26 you meet all the county requirements that were stated by the
27 staff and that would meet everything in 13.32. Is that
28 acceptable?

29 MR. GIORGI: Yes.

30 CHAIRMAN VALENTIC: Okay. I just wanted -- We need

1 that stated for the record.

2 MS. FREEMAN: Yeah. Mr. Chairman, if I could just
3 clarify that we just want you to file the lot line adjustment
4 with the County.

5 MR. GIORGI: Oh, yeah, no.

6 MS. FREEMAN: And record it and provide the Township
7 the evidence per your site plan.

8 MR. GIORGI: Understood, understood, yeah.

9 CHAIRMAN VALENTIC: Okay. We will make that part of
10 the condition. Thank you.

11 MR. GIORGI: Thank you.

12 CHAIRMAN VALENTIC: Okay. Nothing else? Go ahead.

13 MR. SWEENEY: We want to discuss it. Have we closed?

14 CHAIRMAN VALENTIC: It's just our discussion right
15 now.

16 MR. SWEENEY: Ours?

17 CHAIRMAN VALENTIC: Yes.

18 MR. SWEENEY: Okay. I just have a procedural
19 question. I am a little confused. This, this is not an
20 appeal.

21 CHAIRMAN VALENTIC: It's a conditional use permit.

22 MR. SWEENEY: Okay. This is an initial application
23 for conditional use permit that we have jurisdiction over. Is
24 that how that works?

25 CHAIRMAN VALENTIC: Yes.

26 MR. SWEENEY: Okay. So this is the first time?

27 CHAIRMAN VALENTIC: We control conditional use
28 permits.

29 MR. SWEENEY: So he's not in violation of anything
30 yet.

1 MS. FREEMAN: Well, what happened --

2 MR. SWEENEY: If he proceeds the way he was going to,
3 then he would have. Is that it?

4 MS. FREEMAN: Well, what happened is we, upon
5 observation just driving by, we noticed he increased his
6 outdoor storage and display. When Mr. Giorgi first started his
7 business, outdoor storage and display did not require a
8 conditional use permit. But since then, about June of 2007,
9 any additional outdoor display or storage required a
10 conditional use permit. So we sent him a letter indicating
11 that he was in violation of not getting his conditional use
12 permit.

13 MR. SWEENEY: So when he --

14 MS. FREEMAN: And that's why he is here tonight, to
15 go through the proper process.

16 MR. SWEENEY: Okay. I just want to, because we don't
17 see -- I haven't seen very many of these. So when he first
18 started, he was, he was in compliance because there was no
19 requirement at that time.

20 MS. FREEMAN: Right.

21 MR. SWEENEY: Since then, there has been a
22 requirement which he would then, by default, violate because he
23 is continuing --

24 MS. FREEMAN: Well, because he's expanded it, yeah.
25 Like he said, he just picked the U-Haul and the trailer
26 business. He wasn't doing that before.

27 MR. SWEENEY: Okay. I am just trying to get this
28 settled. So then, so then once you bring his attention to it,
29 he comes here, asks us for the conditional --

30 MS. FREEMAN: Yeah.

1 MR. SWEENEY: -- use variance.

2 MS. FREEMAN: It's not a variance.

3 CHAIRMAN VALENTIC: Permit.

4 MR. SWEENEY: Conditional use permit. And then -- So
5 then he must get a setback variance?

6 MS. FREEMAN: No. He is willing to do the lot line
7 adjustment, which would not --

8 MR. SWEENEY: I am sorry. Lot line adjustment.

9 MS. FREEMAN: So I would recommend, if you grant his
10 conditional use permit this evening, that you do it based on
11 the condition that he'll file that lot line adjustment.

12 MR. SWEENEY: All right. Because it sounds like
13 we're, kind of, putting the cart before the horse, I mean,
14 because --

15 MS. FREEMAN: Well, the issue was, like he said, he
16 didn't want to file that if he was going to be turned down.

17 MR. SWEENEY: Okay.

18 MS. FREEMAN: So he was --

19 MR. SWEENEY: And then, but then I also -- But then
20 we also, I also hear questions regarding just the operation of
21 the business as well. So is that, is that -- Is there a
22 concern as to how the business is being operated currently, if
23 it's in violation of any current zoning ordinances?

24 CHAIRMAN VALENTIC: I don't think it's in violation
25 of anything.

26 MR. SWEENEY: Okay. I am just a little confused.

27 MR. DYNES: It's subject to 13.32.

28 CHAIRMAN VALENTIC: Yeah, it is all subject to that.

29 MR. SWEENEY: Exactly.

30 MR. DYNES: And he's acknowledged that.

1 CHAIRMAN VALENTIC: And he's acknowledged that and
2 he's -- the plan that they've created is, it meets all those
3 requirements in 13.32.

4 MR. SWEENEY: Okay.

5 CHAIRMAN VALENTIC: Okay. You all set? Feeling
6 good?

7 MR. SWEENEY: Yeah. I mean, if he gets more U-Haul,
8 if business grows and he gets more U-Haul, I mean, at what
9 point is Heather going to go back there and say, "Well, you
10 know what? You are in violation of Subsection B of 13.32 or
11 Subsection A"? You know what I am saying?

12 CHAIRMAN VALENTIC: I think he's limited by the area
13 that he has designated for that, which he submitted.

14 MS. FREEMAN: Right.

15 MR. SWEENEY: Okay.

16 CHAIRMAN VALENTIC: If the business grows, I think he
17 has to come back, move the lot lines again or stay in the area.

18 MR. DYNES: If he violates one of those sections, at
19 that point in time, then it's a new violation. That's a
20 separate issue.

21 MR. SWEENEY: Okay. All right. Just as long as --

22 MS. FREEMAN: Just to further explain that, the
23 exhibit that was provided by the Applicant hashes out the area
24 that he's looking for the approval. So if we see something
25 outside of that or if he fails to meet all the conditions in
26 13.32, then that would be a concern.

27 MR. SWEENEY: Okay. All right.

28 CHAIRMAN VALENTIC: Make sense?

29 MR. SWEENEY: Yeah.

30 CHAIRMAN VALENTIC: Okay. The question is approval,

1 is for approval of the Conditional Use Permit Number 55 with
2 the additional -- with the condition that the lot line that's
3 going to be adjusted is approved by the County and that the
4 exhibit that was submitted meets all the requirements in 13.32.
5 A yes vote is for the approval of the conditional use permit, a
6 no vote denies the conditional use permit.

7 Heather, please call the vote.

8 MS. FREEMAN: Mr. Rowe?

9 MR. ROWE: Yes.

10 MS. FREEMAN: Mr. Dynes?

11 MR. DYNES: Yes. Do we have the -- I was half paying
12 attention, so forgive me. Did you read it with the staff
13 analysis, with that recorded? Before we take the vote, I think
14 we have a condition.

15 CHAIRMAN VALENTIC: Yeah, I did the lot line. I did
16 mention the lot line.

17 MR. DYNES: You did? Okay.

18 CHAIRMAN VALENTIC: Is that enough or do you --

19 MS. FREEMAN: Just that it's filed and recorded and
20 evidence is provided to the Township.

21 CHAIRMAN VALENTIC: Yeah.

22 MR. DYNES: Okay. My fault. I was thinking through
23 something else. Yes.

24 MS. FREEMAN: Mr. Sweeney?

25 MR. SWEENEY: Yes.

26 MS. FREEMAN: Mr. Hamilton?

27 MR. HAMILTON: Yes.

28 MS. FREEMAN: And Mr. Valentic?

29 CHAIRMAN VALENTIC: Yes. Congratulations. Your
30 permit has been approved. If you are going to leave, please

1 see Heather before you go. Okay?

2 MR. GIORGI: Thanks.

3 CHAIRMAN VALENTIC: Thank you.

4 Next on our agenda is the approval of minutes from
5 December 14, 2016. Is there a motion to approve the minutes?

6 MR. DYNES: So moved.

7 MR. SWEENEY: Second.

8 CHAIRMAN VALENTIC: Okay. We have a motion and a
9 second. The question is on the approval of the minutes for
10 December 14, 2016. A yes vote approves the minutes, a no vote
11 does not. All in favor of approving the minutes as written,
12 say "yes."

13 MR. ROWE: Abstain.

14 (Four yes votes, no nay votes, one abstention.)

15 CHAIRMAN VALENTIC: Thank you, Mr. Rowe. The minutes
16 for December 14, 2016, have been approved. Our meeting for
17 January of the Board of Zoning Appeals is now closed.

18 (Whereupon, the meeting was adjourned at 7:17 p.m.)
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STATE OF OHIO)
) CERTIFICATE
COUNTY OF CUYAHOGA)

I, Melinda A. Melton, Registered Professional Reporter, a notary public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that, to the best of my ability, the foregoing proceeding was reduced by me to stenotype shorthand, subsequently transcribed into typewritten manuscript; and that the foregoing is a true and accurate transcript of said proceedings so taken as aforesaid.

I do further certify that this proceeding took place at the time and place as specified in the foregoing caption and was completed without adjournment.

I do further certify that I am not a friend, relative, or counsel for any party or otherwise interested in the outcome of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 30th day of January 2017.

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2018