

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

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

February 8, 2017  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman  
Blair Hamilton  
Chris Jarrell  
Francis Sweeney, Jr.  
James Rowe, Alternate

Also Present:

Heather Freeman, Zoning Director/Zoning Inspector  
Sydney Martis, Planner/Assistant Zoning Inspector  
Stephanie Landgraf, Esq., Legal Counsel

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

1 7:02 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Board of  
3 Zoning Appeals for February 8, 2017, is now in session. I  
4 would like to introduce my Board. To my far left is Skip  
5 Sweeney and Jim Rowe. I am Ivan Valentic. To my right is  
6 Chris Jarrell and Blair Hamilton. To my far right is Heather  
7 Freeman, our Zoning Inspector.

8 Under the advice of counsel, we ask that anyone  
9 speaking tonight must be sworn in. I would ask if everyone  
10 could just stand and be sworn in and raise your right hand.  
11 Please raise your right hand.

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

13 CHAIRMAN VALENTIC: Thank you. Please be seated.

14 This evening when you are presenting your case or  
15 commenting, please come to the microphone and confirm that  
16 you've been sworn in and also state your name and address for  
17 the record. Okay?

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

20 MS. FREEMAN: Yes, they were.

21 CHAIRMAN VALENTIC: Thank you. Tonight we have two  
22 appeals. A three-vote majority for the Board is required to  
23 either approve or deny your appeal. If your request is denied,  
24 you have the right to file an appeal. And if that's the case,  
25 Heather can help you.

26 Okay. Our first appeal is Variance Number 0117-10 --  
27 thanks, Jim -- 85. Mr. Brian Hill is requesting a variance for  
28 the property located at 11050 Girdled Road, and being Permanent  
29 Parcel Number 08-A-021-0-00-063-0, to locate an accessory  
30 building with a 19 foot side yard clearance from the Auburn

1 Road right-of-way, in lieu of the -- in lieu of the minimum  
2 50 foot required, as set forth in Section 15.04(A)(2)(d) and  
3 Table 15.04-1 of the Zoning Resolution.

4 Mr. Hill, if you could please come up and present  
5 your case?

6 MR. HILL: Hello. I have been sworn in. I am  
7 seeking a variance today because my lot is an odd-shaped lot.

8 CHAIRMAN VALENTIC: I'm sorry. Before you get going,  
9 just for the record, state your name and address.

10 MR. HILL: Brian Hill, address is 11050 Girdled Road.

11 CHAIRMAN VALENTIC: Thank you, sir.

12 MR. HILL: My lot, my frontage is on Girdled Road and  
13 my lot narrows to a point along Auburn Road. For placement of  
14 my shed in my back yard, there is no place back there that  
15 would be -- that would meet the actual requirements for it, so  
16 that's why I am seeking my variance. The only other place that  
17 would be allowed would be in the front corner of my property  
18 and it would just -- it would be unsightly to bypassers.

19 CHAIRMAN VALENTIC: And the building, is the -- In  
20 the picture, the building that's being shown, is that  
21 already -- You constructed the building that you are seeking a  
22 variance for?

23 MR. HILL: Yes, it's there.

24 MR. HAMILTON: Mr. Hill, how did you become aware of  
25 the need for a variance?

26 MR. HILL: I was -- I had a letter sent to me.

27 MR. HAMILTON: So you did not understand the need for  
28 a variance ahead of the time before placing the building on the  
29 property?

30 MR. HILL: No, I did not.

1           CHAIRMAN VALENTIC: Heather, did we get any public  
2 comment from the notices that were sent out?

3           MS. FREEMAN: There was an inquiry from a resident.  
4 I don't know if that person is here tonight.

5           CHAIRMAN VALENTIC: Okay. But no comments or --

6           MS. FREEMAN: No formal written comments, no.

7           CHAIRMAN VALENTIC: Okay.

8           MR. HILL: The shed is a side shed, too. It sits  
9 behind a tall wooden fence, too. I have an 8 foot fence that,  
10 you know, it is not very easily seen from the road.

11          CHAIRMAN VALENTIC: How far is it from that existing  
12 neighbor's property?

13          MR. SIERS: That would be mine.

14          CHAIRMAN VALENTIC: Hold on.

15          Do you know how far away you have it from the other  
16 property?

17          MR. HILL: Yeah, I do have that. I believe that was  
18 32 feet.

19          CHAIRMAN VALENTIC: From that property line. Is  
20 there a fence along that property line as well?

21          MR. HILL: Yes, there is an 8 foot fence.

22          MR. ROWE: The fence -- Oh, sorry.

23          CHAIRMAN VALENTIC: Go ahead.

24          MR. ROWE: The fence that's along the property line  
25 on Auburn, did you, did you put that in?

26          MR. HILL: That was there when I moved in.

27          MR. ROWE: How long have you lived there?

28          MR. HILL: Two years.

29          CHAIRMAN VALENTIC: Have you guys got any questions?

30          MS. JARRELL: When was this constructed?

1 MR. HILL: It was a gift from my father and it was  
2 over the summer. I don't know the actual date.

3 MS. JARRELL: Did you get a permit?

4 MR. HILL: No, I did not. That's why I am seeking  
5 one right now.

6 MS. JARRELL: I don't understand how it can be 32  
7 feet from the neighbor. I mean, I am looking at the aerial.  
8 Nineteen feet, I mean, it's clearly --

9 MR. HILL: It was 19 feet from that fence line and  
10 it's --

11 MS. JARRELL: It is supposed to be 19 feet from the  
12 right-of-way, right?

13 MR. HILL: From the fence line on Auburn Road, it was  
14 19 feet from the side of the shed to the fence.

15 MS. JARRELL: Yeah, from the right-of-way.

16 MS. FREEMAN: Ms. Jarrell.

17 MS. JARRELL: Please.

18 MS. FREEMAN: The right-of-way is roughly right at  
19 the fence line on Auburn Road.

20 MS. JARRELL: Okay.

21 MS. FREEMAN: So we took the measurement from the  
22 fence. So the setback from the corner of the shed to the  
23 nearest neighbor is approximately 32 feet. And then if you  
24 measure to the center line of Auburn Road, it is the 19 feet  
25 plus the 30, so it is 49 feet from the center line where the  
26 red line is.

27 MS. JARRELL: Thank you.

28 CHAIRMAN VALENTIC: Heather or Mr. Hill, would you be  
29 able to, I guess, depict where that 50 foot setback would be on  
30 this site plan? That's what I am struggling with is a lack

1 of -- If we were to, if we were to say 50 feet from the right-  
2 of-way, where does that fall? Is that the corner of his home?  
3 I am just trying to understand what's left to actually fit this  
4 shed on so I can clearly determine if there is really no other  
5 space for it.

6 MS. FREEMAN: The scale on this plan that was  
7 provided to you is 1 inch is 30 feet. And the right-of-way on  
8 Auburn, can you see the fence on there?

9 CHAIRMAN VALENTIC: Yeah.

10 MS. FREEMAN: That is like right at the right-of-way.  
11 I mean, I can go give you a scale if you want to try to figure  
12 out there. It would be 50 feet, so from the fence over towards  
13 the house.

14 CHAIRMAN VALENTIC: Yeah, that's almost like the  
15 corner, probably, okay, yeah. Then what's our -- What would be  
16 the side yard setback for the other neighbor's property for  
17 that structure?

18 MS. FREEMAN: Ten feet is the minimum.

19 CHAIRMAN VALENTIC: Ten feet, okay. So, technically,  
20 if I am understanding this correctly, they could push it closer  
21 to the other neighbor's property to try to get it within and  
22 not be in the Auburn setback, possibly.

23 MS. FREEMAN: Maybe.

24 CHAIRMAN VALENTIC: Maybe. It depends, yeah. We  
25 don't know if this shed is actually just --

26 MS. JARRELL: Am I looking at this right, 19, 32?

27 CHAIRMAN VALENTIC: Yeah, approximately. But we  
28 don't know if that's really --

29 Okay. You got anything?

30 MR. SWEENEY: Yeah.

1           CHAIRMAN VALENTIC:  Sorry.

2           MR. SWEENEY:  Sir, you purchased this property two  
3 years ago?

4           MR. HILL:  Yes.

5           MR. SWEENEY:  And --

6           MR. HILL:  I am sorry.  I believe it was three years  
7 ago I purchased it.  I moved in two years ago.

8           MR. SWEENEY:  Okay.  And have you made any  
9 improvements to the property since then?

10          MR. HILL:  Yes.  I'm in the process of finishing an  
11 addition, a garage on the front.

12          MR. SWEENEY:  All right.  And did you obtain a permit  
13 for that?

14          MR. HILL:  Yes.

15          MR. SWEENEY:  Okay.  And what, what prompted you to  
16 obtain the permit for that project?

17          MR. HILL:  It's what I needed to do.  I just -- It  
18 was a large project and --

19          MR. SWEENEY:  What is your understanding of when it  
20 is that you need to pull a permit for projects and when you  
21 don't need to pull a permit?

22          MR. HILL:  I didn't realize that having the shed that  
23 was not on the foundation, I needed a permit for that.  I  
24 thought because it was a freestanding building, it just sits up  
25 on blocks, that I didn't realize I needed a permit.

26          MR. SWEENEY:  Okay.  You said your dad, your dad  
27 built it for you?

28          MR. HILL:  Yes.

29          MR. SWEENEY:  What does your dad do?

30          MR. HILL:  Construction.

1 MR. SWEENEY: Okay. Do you know if your father had  
2 any knowledge of whether or not a permit was necessary?

3 MR. HILL: I don't believe so because, when we lived  
4 in Willoughby, we had other freestanding buildings and we did  
5 not need a permit for that.

6 MS. JARRELL: He's in construction.

7 MR. HILL: Yes.

8 MS. JARRELL: He should have known that he needed a  
9 permit.

10 CHAIRMAN VALENTIC: Any other questions for Mr. Hill?

11 MS. JARRELL: How difficult would it be to move it?

12 MR. HILL: Fairly difficult but, I mean, it could  
13 happen. I just -- I don't think, if I moved it anywhere, that  
14 it's going to be in compliance with where it, you know, is not  
15 violating anything.

16 MS. JARRELL: Or being in the middle of the yard, I  
17 guess.

18 MR. SWEENEY: Yeah, the front yard.

19 MR. HILL: Yeah, it would have to be in my front  
20 yard.

21 MR. SWEENEY: Yeah. What, do you know what the  
22 square footage of the structure is?

23 MR. HILL: I'm not sure what the square footage is.  
24 I believe it is 8 by 13.

25 MR. SWEENEY: Okay. It looks nice.

26 CHAIRMAN VALENTIC: It's 104 square feet.

27 MR. SWEENEY: Nice job.

28 MS. JARRELL: I need some clarification on this.

29 MR. HILL: Okay.

30 MS. JARRELL: Forgive me. It's just been a crazy,



1 crazy day. Is the front of your house facing Girdled?

2 MR. HILL: Yes. The rear of my house goes -- is  
3 facing where the shed is.

4 MS. JARRELL: So the driveway is off of Auburn?

5 MR. HILL: Yes.

6 MS. JARRELL: So I'm not sure. What would be the  
7 problem with putting it in the corner over here?

8 MR. HILL: It would still be in the --

9 MS. JARRELL: I mean, is this foliage here? Is this  
10 foliage in the corner of your yard?

11 MR. HILL: Yes, yes, there is trees.

12 CHAIRMAN VALENTIC: The line is probably somewhere  
13 here, Chris, so then you would have to put it somewhere in  
14 here. But can it be in the front yard, technically, the shed,  
15 because then it would be in the front yard?

16 MS. FREEMAN: Yeah, it can be in the front yard. You  
17 still have to maintain the 50 foot from the right-of-way or,  
18 like, his lot used the center line, so it would be roughly 80  
19 feet from that, that center line.

20 CHAIRMAN VALENTIC: So you have another setback here.

21 MS. JARRELL: Yeah.

22 CHAIRMAN VALENTIC: So it's outside his front door.  
23 It is an odd-shaped parcel.

24 MS. JARRELL: It is.

25 CHAIRMAN VALENTIC: Without -- The difficulty we're  
26 having is, with the diagram, is really understanding where  
27 those setbacks are and the real location of the shed, trying to  
28 make some determination there.

29 MR. SWEENEY: If you take, if you measure 50 foot  
30 from every area that abuts the right-of-way, I mean, like you

1 said, it, it reduces your usable space a lot.

2 MS. JARRELL: Yeah.

3 MR. HILL: It would have to be in the middle of my  
4 front yard.

5 MR. SWEENEY: It would have to be on top of the  
6 house.

7 MR. HILL: Yeah.

8 MR. SWEENEY: Did you talk to your dad about it?

9 MR. HILL: Yes.

10 MR. SWEENEY: Does he, does he have any problem  
11 moving it?

12 MR. HILL: I don't know.

13 MR. SWEENEY: I mean, if that, if that's the result?

14 MR. HILL: We would have to, yeah, you know, I mean,  
15 if need be.

16 MR. SWEENEY: What would you do, move it closer to  
17 the house?

18 MR. HILL: I really, honestly, I would probably just  
19 end up getting rid of it.

20 MR. SWEENEY: Oh.

21 MR. HILL: Because I would be encroaching on my  
22 neighbor's property and I don't want to -- I have rock gardens  
23 along the back, back side of my house now. I just --

24 MR. SWEENEY: And they've got the 10 foot from the --  
25 10 foot setback from the neighbor, from the neighboring.

26 MS. FREEMAN: Yes.

27 CHAIRMAN VALENTIC: If the Board doesn't have any  
28 questions, any further questions -- Jim, you good?

29 MR. ROWE: No.

30 CHAIRMAN VALENTIC: Thank you. You can be seated.

1           If there is anyone else speaking for or against this  
2 appeal, please come on up one at a time.

3           MR. HILL, SR.: I'm going to incur the wrath. I am  
4 Robert Hill. I am the one that built the shed. Sorry. I did  
5 not --

6           CHAIRMAN VALENTIC: Have you been sworn in?

7           MR. HILL, SR.: Yes, I have been.

8           CHAIRMAN VALENTIC: Again, state your name and  
9 address.

10          MR. HILL, SR.: My name is Robert Hill. I live at  
11 8375 Morley Road, Concord, Ohio.

12          CHAIRMAN VALENTIC: Thank you.

13          MR. HILL, SR.: And, yes, I built the shed. I did  
14 not build the shed there. I put it on a trailer and took it to  
15 his house, you know, thought it would be a nice, little  
16 birthday present for him. And that's kind of where we thought  
17 would be the best location versus pushing it up against the  
18 fence towards, you know, Carl's side, the neighbor's side  
19 there. If you guys want it 10 feet off of that fence, I mean,  
20 we put it on a trailer. We can put it on a trailer again and  
21 move it over.

22          I didn't really think, you know, when we put the  
23 addition on the house, you know, we dealt with Bruce, you know,  
24 with getting all the zoning permits, all the building permits  
25 from Lake County and everything. I am doing that. But the  
26 shed, I mean, because I built the shed away from there, I just  
27 put it on a trailer and brought it there.

28          So if you guys want to move it, just tell me where  
29 you want it moved and we will move it.

30          CHAIRMAN VALENTIC: Yeah. I just don't know.

1 MR. HILL, SR.: I don't know where else --

2 CHAIRMAN VALENTIC: I don't know if there's a spot  
3 until we really went out there or somebody laid out where all  
4 those setback lines are to see what kind of space.

5 MR. HILL, SR.: Right. Like Brian's driveway is, you  
6 know, it does go out on Girdled Road, it does go out on Auburn  
7 Road, you know, and I mean it is right in that back loop.  
8 Since it is his first house, I didn't want him, you know, like  
9 storing gas and, you know, propane tank and whatever, you know,  
10 in his garage. I would much rather see him store it in the  
11 shed and stuff, so it was kind of get-it-away-from-the-house  
12 business.

13 CHAIRMAN VALENTIC: Okay.

14 MR. HILL, SR.: Okay?

15 CHAIRMAN VALENTIC: Any other questions for Mr. Hill?

16 MR. ROWE: No.

17 CHAIRMAN VALENTIC: No, okay. Please be seated.

18 Anyone else that's speaking for or against this  
19 appeal, please come on up.

20 MR. SIERS: Carl Siers. I've been sworn in.  
21 11034 Girdled Road, Concord, Ohio.

22 I don't care if he sets it all the way in back. I do  
23 have a problem where it already is because now you've got to  
24 take into consideration he's got drive from front to back, all  
25 graded, probably about a half acre slanted onto my property,  
26 which I keep getting the water issue.

27 So by allowing him to turn around and put a shed on  
28 something he already changed the grade to slope towards my  
29 property is kind of silly. If he put it all the way back in  
30 the corner, I am fine with that. That grade goes towards my

1 property anyways. It's dead space. He could -- I don't have a  
2 problem with that. I have a problem with him putting it on a  
3 piece of property that he's got graded all towards mine. And  
4 you're talking equivalent to probably half an acre draining  
5 onto my property.

6 CHAIRMAN VALENTIC: So I am just trying to  
7 understand. What does, you know -- The grading, was that all  
8 graded for the shed?

9 MR. SIERS: Because, right now, it is already grading  
10 where I am already having water issues where it's almost  
11 becoming legal. So all the engineers that I had coming over,  
12 they said, why am I even doing this? I mean, I mean, so he  
13 wants to put a shed on something that he graded towards my  
14 mine. And every time I look over, I keep getting more and more  
15 driveway. There is more and more gravel dumped grading towards  
16 my property.

17 CHAIRMAN VALENTIC: Okay. That, I think, is --

18 MR. SIERS: With no permits. I mean, every time you  
19 look over -- He got a permit to put a driveway. Then he keeps  
20 dumping more and more gravel for driveways that all grades  
21 towards my property.

22 CHAIRMAN VALENTIC: And I am not disputing anything  
23 that you are saying but -- Heather, correct me if I am wrong --  
24 but that's a separate topic and not necessarily the shed, or is  
25 that tied to the shed?

26 MS. FREEMAN: I wasn't aware that that was tied to  
27 the shed.

28 MS. LANDGRAF: Are you, are you referring to a permit  
29 that he got for the addition for the garage? Is that --

30 MR. SIERS: Well, something with the driveway. But

1 needless to say, I am just saying that where he wants to put  
2 the shed is, basically, he changed the grade. So something is  
3 going to have to eventually be done with his grade because I  
4 cannot accept all the water I am getting. So needless to say,  
5 by allowing him to turn around and put a shed on something that  
6 he, I guess, changed the grade on to turn around and slant  
7 towards my property would be kind of silly.

8 So I don't care if he sets it all the way back where  
9 it goes to the triangle where the grade goes towards my  
10 property. That's fine with me.

11 MS. LANDGRAF: So correct me if I am wrong.

12 MR. SIERS: But I am not going to allow him to turn  
13 around and put the shed on something that he graded to drain on  
14 my property.

15 MS. LANDGRAF: I understand about the grade, that you  
16 are worried about that. Correct me if I am wrong but you're  
17 not -- It sounds as though you are not opposed if he were to  
18 move it back into that corner.

19 MR. SIERS: Oh, no, not at all.

20 MS. LANDGRAF: Where the variance would be 10 foot  
21 from your --

22 MR. SIERS: Well, that's all dead space anyways.

23 MS. LANDGRAF: Right. But I'm just asking for  
24 clarification.

25 MR. SIERS: Yes.

26 MS. LANDGRAF: You are not opposed if it were to be  
27 within that 10 foot?

28 MR. SIERS: No, I am not.

29 MS. LANDGRAF: But moved.

30 MR. SIERS: But moved.

1 MS. LANDGRAF: I understand.

2 MR. SIERS: Is that it?

3 CHAIRMAN VALENTIC: I don't know if anyone else -- Go  
4 ahead.

5 MR. SWEENEY: I understand your concerns, I think,  
6 but I am trying to -- I am trying to connect it with --

7 MR. SIERS: Because, right now, he wants that shed --

8 MR. SWEENEY: -- the physical location.

9 MR. SIERS: -- on that driveway part.

10 MR. SWEENEY: The shed's --

11 MR. SIERS: It's on the driveway.

12 MR. SWEENEY: It's already there, right?

13 MR. SIERS: Yeah. And it's all driveway. It's all  
14 gravel.

15 MR. SWEENEY: Okay. How does the -- How does the  
16 placement of the shed affect this drainage issue?

17 MR. SIERS: Because I guess, originally, he was  
18 allowed somehow, some way to turn around and run a driveway  
19 from Auburn Road to Girdled and he drained it right onto my  
20 property. He was allowed to put it right to the property line  
21 by Bruce.

22 MR. SWEENEY: I mean, this driveway goes all the way  
23 through the property?

24 MR. SIERS: Oh, yeah, from Auburn to Girdled.

25 MR. SWEENEY: I am not really seeing that.

26 MR. SIERS: From front to back. And then every time  
27 I continually look over, he is adding more and more driveway  
28 gravel to drain towards my property. So now he wants to turn  
29 around and put a shed on the gravel driveway that's grading  
30 towards my property. I keep having water issues nonstop.

1 We've called the County. I mean, it's --

2 MR. SWEENEY: Well, again, I want to -- Believe me, I  
3 understand your concerns about these other issues but I think  
4 we need, I think we need to keep it -- There has to be a  
5 physical effect. Well, there doesn't have to be a physical  
6 effect.

7 MR. SIERS: Well, I live on a slab.

8 MR. SWEENEY: I am asking you, what is the effect --

9 MR. SIERS: Because I live on a slab. I've --

10 MR. SWEENEY: -- from the shed?

11 MR. SIERS: Of a shed?

12 MR. SWEENEY: Yeah. Is it a sight line? Is it a  
13 safety issue?

14 MR. SIERS: Well, no, it's just that he's putting it  
15 on a grade that he already --

16 MR. SWEENEY: I know.

17 MR. SIERS: How can I say this? He -- Didn't he get  
18 an okay for just a gravel driveway, right, from front to back,  
19 something with the zoning whatever? But what I am saying is,  
20 by allowing him to put a shed on gravel that's all slanting  
21 towards my property, I am already having water issues with him.  
22 So why am I, as a neighbor that's already having water issues  
23 with him, going to allow him to turn around and put something  
24 that he already changed the grade on?

25 MR. SWEENEY: I don't know if that's -- I don't know  
26 if that's part of this appeal.

27 MR. SIERS: Well, yeah, because you've got to grade  
28 it to put a shed in. You just can't stick a shed on dirt, so  
29 it has to get graded. So which way did they grade the dirt to  
30 turn around and accept, to accept the shed? They graded it



1 towards my property.

2 MR. SWEENEY: Doesn't -- Isn't there something he can  
3 do that's not related to this to bring attention to that issue?

4 MS. LANDGRAF: Well, he can report it to the Zoning  
5 Department if he feels there is a zoning violation with the  
6 driveway.

7 MR. SWEENEY: I just don't know that we can address  
8 that.

9 MS. LANDGRAF: Not today, no, that's not -- The  
10 driveway issue is not before the Board.

11 MR. SIERS: Well, so, no, I don't have a problem if  
12 he sets the shed all the way in back. I do have a problem with  
13 where it is.

14 CHAIRMAN VALENTIC: Can you point to the map so we  
15 can have that noted for our --

16 MR. SIERS: Yeah, he can put it -- I can even circle  
17 here.

18 MS. FREEMAN: Yeah.

19 MR. SWEENEY: Yeah.

20 CHAIRMAN VALENTIC: Yeah, please, so we know exactly  
21 where you're talking about.

22 MS. FREEMAN: Show that to the chairman.

23 MR. SIERS: Or even a little bit closer to that.

24 MS. FREEMAN: This area here would require a greater  
25 variance.

26 MR. SWEENEY: A greater variance.

27 MS. FREEMAN: This would cause a greater variance.  
28 That, it would require two variances.

29 CHAIRMAN VALENTIC: Oh, back in here.

30 MR. SWEENEY: A double variance.

1 MS. FREEMAN: Side yard and right-of-way.

2 CHAIRMAN VALENTIC: See, you go back here.

3 MR. SIERS: Or a little bit even farther back is  
4 fine, just so long as it's on the original grade line.

5 CHAIRMAN VALENTIC: Okay.

6 MS. JARRELL: We have 10 feet over here.

7 CHAIRMAN VALENTIC: But it would be in violation of  
8 that line.

9 MS. JARRELL: Right here.

10 CHAIRMAN VALENTIC: Yeah. I mean, if you could hold  
11 10 there, it would be greater but it would be closer to the  
12 home.

13 MS. JARRELL: Yeah. Is where --

14 MR. SIERS: I would even allow him to go 5 foot  
15 closer to the property.

16 MS. JARRELL: Is where the shed is now causing a  
17 greater amount of water to go --

18 MR. SIERS: Well, yeah, because they had to grade it  
19 to put the shed in. So what they did was they regraded it  
20 towards my property again. You have to grade to put something  
21 down, no matter what you do.

22 MR. SWEENEY: Well, do you know --

23 MR. SIERS: So they've got to change the land.

24 MR. SWEENEY: What did they do? Did they drop the  
25 level of land or did they raise the level of land --

26 MR. SIERS: They raised it.

27 MR. SWEENEY: Around that shed? They raised the  
28 level of the land --

29 MR. SIERS: They raised it and slanted it.

30 MR. SWEENEY: -- around the shed, which causes --

1 MR. SIERS: That causes water to run onto my  
2 property.

3 CHAIRMAN VALENTIC: Where was the water running  
4 before from that area then, in your opinion, in your --

5 MR. SIERS: From Auburn Road to Girdled Road, that's  
6 the natural grade of the land.

7 MR. SWEENEY: And they reversed it?

8 MR. SIERS: Oh, yeah.

9 MS. JARRELL: So I --

10 MR. SIERS: All the way from front to back.

11 MR. HAMILTON: How long have you --

12 MR. SIERS: About a half acre.

13 MS. JARRELL: -- been having the water issues?

14 MR. SIERS: About two years.

15 MS. JARRELL: So this was constructed last summer?

16 MR. SIERS: Ever since they did the addition.

17 MS. JARRELL: How much would you think it exacerbated  
18 your problem? Was it significantly or does just this kind of  
19 coincide with the current problem that you're having?

20 MR. SIERS: No, about 50 more percent.

21 MS. JARRELL: Fifty percent more?

22 MR. SIERS: Uh-huh.

23 MS. JARRELL: With an 8 by 13 structure, it's caused  
24 50 percent more water?

25 MR. SIERS: Oh, no, no, no. I thought you meant the  
26 original. No, on that one, I don't know. They just -- I  
27 haven't even noticed how much that one. I mean, I didn't even  
28 notice how long it was there for.

29 MS. JARRELL: So I need to understand if the  
30 structure of this shed contributed to the water issue. Does it

1 have anything to do with the water issue?

2 MR. SIERS: Well, after they graded, yes. They  
3 graded --

4 MS. JARRELL: And how much did that water issue  
5 increase, approximately?

6 MR. SIERS: Maybe 10 percent.

7 MS. JARRELL: Okay. So it's really two different  
8 issues.

9 MR. SIERS: Right. Maybe 10 percent on what they did  
10 for the shed.

11 MS. JARRELL: So with all due respect -- and please  
12 chime in -- it's two different issues.

13 MR. SIERS: Right.

14 MS. JARRELL: And I know you've had water problems  
15 and I am not sure that this is the right venue to address them.

16 MR. SIERS: Okay.

17 MS. JARRELL: Because they're asking for a variance  
18 for the shed. Do you understand?

19 MR. SIERS: Yes, I do.

20 CHAIRMAN VALENTIC: Okay. Does anyone else have any  
21 more questions?

22 MR. SWEENEY: No.

23 MR. ROWE: No.

24 MS. JARRELL: I am sorry.

25 MR. SIERS: No, that's fine.

26 CHAIRMAN VALENTIC: Thank you. Is anyone else here  
27 speaking for or against the appeal?

28 MR. HILL, SR.: Again, I am Robert Hill. I put the  
29 addition on. I followed every guideline that was given to us.  
30 To put that driveway in, we even put a drain that runs from the

1 front of Girdled Road all the way to the far back of that  
2 property at our expense. Because Bruce asked me to put it in,  
3 I put in it.

4 MS. JARRELL: Sir, with all due respect, we've  
5 already determined --

6 MR. HILL, SR.: Yes.

7 MS. JARRELL: -- that it's two separate issues. So  
8 we don't need you coming up here with trying --

9 MR. HILL, SR.: Yeah, okay.

10 MS. JARRELL: -- with an attitude about this.

11 MR. HILL, SR.: The shed is at existing grade that we  
12 never altered in the back yard.

13 MS. JARRELL: Okay, duly noted.

14 MR. HILL, SR.: The rear yard --

15 MS. JARRELL: Thank you.

16 CHAIRMAN VALENTIC: Either way, we're going to have a  
17 hard time proving what was the grade and what wasn't the grade  
18 at this point on that issue. What we are here to determine is,  
19 you know --

20 MR. ROWE: The shed.

21 CHAIRMAN VALENTIC: -- should we allow the variance  
22 for the shed?

23 MR. SIERS: Correct.

24 CHAIRMAN VALENTIC: So is there anyone else here  
25 that's speaking for or against this appeal? Okay. If there's  
26 no one, if there are no further questions, the public hearing  
27 for Variance Number 0117-0 -- 1085 is now closed to the public.  
28 I will entertain a motion to approve Variance Number 0117-1085.

29 MR. ROWE: So moved.

30 MS. JARRELL: Second.

1 CHAIRMAN VALENTIC: The approval for Variance  
2 Number 0117-1085 has been moved and seconded. It's open for  
3 discussion to the Board.

4 MR. ROWE: I think the discussion has occurred.

5 CHAIRMAN VALENTIC: Yeah. I mean, we've talked about  
6 it enough.

7 MS. JARRELL: There is a crazy shape. There is not a  
8 lot to do. I mean, I hate, especially being a contractor, when  
9 permits aren't pulled when they're supposed to be. You know,  
10 asking for forgiveness after something has been done just  
11 really stinks for us. But, you know, that being said, I don't  
12 know where he is going to put it.

13 MR. SWEENEY: Well, yeah, and I hate that more than  
14 you do, Chris. But, you know, you look at this lot and there  
15 are not a lot of options, there really aren't. As a matter of  
16 fact, if you gave me a map and said, "Put a shed on this lot,"  
17 I would probably put it in this area. That's just --

18 MS. JARRELL: I agree.

19 MR. SWEENEY: -- the realities of it.

20 MS. JARRELL: Yeah.

21 MR. ROWE: Well, all the properties don't accept all  
22 things and there is that alternative.

23 MR. HAMILTON: I'll piggyback on what Jim just said.  
24 This is a huge variance. I mean, you are going from 50 feet to  
25 19 feet. And, again, all properties can't support all things.

26 MS. JARRELL: It is a significant variance but it's a  
27 weird lot and there is not -- they don't have a lot of options  
28 with it. So we have to take that into consideration.

29 MR. HAMILTON: Well, it's not an inalienable right to  
30 have a shed. This is just --

1 MS. JARRELL: Well, isn't it?

2 MR. HAMILTON: It's zoning. This is zoning.

3 CHAIRMAN VALENTIC: I will say that the shed is, you  
4 know, I guess my interpretation is that it's a 50 foot setback,  
5 so there isn't a visual impact to Auburn Road. I mean, there  
6 is a, there is a fence there that screens it fairly well,  
7 reducing that impact. I mean, if they didn't have that issue  
8 --

9 MR. SWEENEY: How did that get by, speaking of?

10 MS. JARRELL: It's a busier road. People probably  
11 aren't even looking that way.

12 MR. SWEENEY: You know, I mean, it's an attractive  
13 building.

14 MS. JARRELL: True.

15 MR. SWEENEY: You know, it's a useful building. You  
16 know, you apply the Duncan Factors to this and it's not  
17 clear-cut but I just don't see any other options. Are we going  
18 to tell someone who wants to improve their property, use their  
19 property more efficiently, to get rid of a shed, which is going  
20 to result in, what, you know, just so he can comply, you know?  
21 I mean, this is, this is why we're here. This is what I say,  
22 this is why the process exists, for those situations.

23 Do I like it? No. I think they should have pulled a  
24 permit. And it really -- I don't know. I am not going to go  
25 any further. I am just not happy that a permit wasn't pulled.

26 MS. LANDGRAF: Let me ask a question real quick.  
27 Does this have to be located on the ground or can it remain on  
28 the blocks as he currently has it?

29 MS. FREEMAN: It can remain, it can be on blocks.

30 CHAIRMAN VALENTIC: Any other discussion?

1 MR. ROWE: No.

2 CHAIRMAN VALENTIC: No, okay. The question is on the  
3 approval of Variance Appeal Number 0117-1085. A yes vote is  
4 for the approval of the variance, a no vote denies it.

5 Heather, please call the vote.

6 MS. FREEMAN: Mr. Rowe?

7 MR. ROWE: No.

8 MS. FREEMAN: Ms. Jarrell?

9 MS. JARRELL: Yes.

10 MS. FREEMAN: Mr. Sweeney?

11 MR. SWEENEY: Yes.

12 MS. FREEMAN: Mr. Hamilton?

13 MR. HAMILTON: No.

14 MS. FREEMAN: Mr. Valentic?

15 CHAIRMAN VALENTIC: Yes. The ayes have it. Your  
16 appeal has been approved. Thank you. If you plan on leaving,  
17 please see Heather before you leave.

18 Next on our agenda is Appeal Number 0117-1084,  
19 Mr. Dave Hopkins, of Paradise Pools, is requesting a variance  
20 for the property located at 11447 Viceroy Street, and being  
21 Permanent Parcel Number 08-A-012-J-00-076-0, to construct an  
22 in-ground pool and concrete patio, along with related soil  
23 disturbing activities, including grading and filling within the  
24 riparian setback, which is prohibited in Section 17.07(A) of  
25 the Zoning Resolution.

26 MR. HOPKINS: I will just give you these. These are  
27 new site plans drawn since the time that you got the one that  
28 you received.

29 MS. JARRELL: Good. This is making my head spin.

30 MR. HOPKINS: Yours and mind. We're all spinning.



1 Okay?

2 MR. SWEENEY: Yeah, no kidding.

3 CHAIRMAN VALENTIC: Mr. Hopkins?

4 MR. CAMPOLA: I am Mike Campola. I am the owner.

5 CHAIRMAN VALENTIC: Okay.

6 MR. CAMPOLA: 11447 Viceroy. Yes, I've been sworn  
7 in.

8 CHAIRMAN VALENTIC: Thank you.

9 MR. CAMPOLA: First, I just would like to say that  
10 that plan that you have is the revised one. The one that you  
11 had earlier was before the house was set back further on the  
12 land 10 feet. This is with the setback 10 feet closer to the  
13 street.

14 MR. ROWE: Oh, good.

15 CHAIRMAN VALENTIC: So --

16 MR. CAMPOLA: There is an old one and a new one. I  
17 just want to make sure you guys have the right one.

18 MR. SWEENEY: So the whole house?

19 MR. CAMPOLA: Correct.

20 MS. FREEMAN: Mr. Chairman, I am sorry. That's,  
21 that's not exactly true, no. The first plan was a different  
22 design for the pool.

23 MR. CAMPOLA: Well, but the site plan, I am talking  
24 about.

25 MS. FREEMAN: Right.

26 MR. CAMPOLA: The house is correct on the new plan.

27 MS. FREEMAN: The house was correct on both plans  
28 but, yeah.

29 CHAIRMAN VALENTIC: Yeah. I don't think the house --

30 MS. FREEMAN: The pool design changed.

1 MR. CAMPOLA: And the wall changed.

2 MR. SWEENEY: Oh, so the house has not been moved.

3 MR. CAMPOLA: The house has -- was moved forward 10  
4 feet.

5 MR. SWEENEY: Okay.

6 CHAIRMAN VALENTIC: But if I am looking at these  
7 plans, they look exact -- the house is in exactly the same  
8 location. So I think it's just the redesign in the back is the  
9 difference.

10 MR. CAMPOLA: Correct. And the wall is different.

11 CHAIRMAN VALENTIC: Okay. So the house didn't change  
12 in either plan, it's just the back design changed.

13 MR. CAMPOLA: Right. Because if you go on the, on  
14 the website, it shows the old site plan. But I just wanted to  
15 make sure that was correct. So I just wanted to state a few  
16 things prior to getting started here. I purchased this piece  
17 of property with --

18 MS. LANDGRAF: I think, did you read the application?

19 CHAIRMAN VALENTIC: Yes.

20 MS. LANDGRAF: Okay.

21 MR. CAMPOLA: And there was, unbeknownst to us, it  
22 was a dumping lot for the developer and we did not realize that  
23 was even there because it was covered up with dirt. And  
24 looking at the Google maps, I could see into this so-called  
25 conservation area that is back there along the stream there.  
26 It was clean. It was dirt at some point in the Google map.  
27 So, at some point, somebody definitely had done something  
28 there, but that's here nor there.

29 After the builder started digging in there and  
30 finding stumps and things of that nature, I had -- the house

1 actually ended up -- or just putting the foundation in ended up  
2 costing me \$18,000 more to raise -- to dig deeper, to dig the  
3 foundation even further down another 10 courses, and \$18,000  
4 more that was not thought out but had to be done to be done  
5 right.

6           And then to find out about -- The pool was our whole  
7 idea. I lived in Concord for 16 years. I lived in the Hunt  
8 Club, built there. And the only reason we moved out of there  
9 is because you couldn't put a pool on the golf course. After  
10 driving through, you know, over in the Preserve, there is pools  
11 on that side of the street that are certainly much closer to  
12 the stream than that. In fact, there is a house that's less  
13 than an arms length from the stream that just got built.

14           And you know that, if they can put in a pool in, if  
15 the wall that I am not even close to that stream and there is a  
16 house 8 feet from the stream, how is this possible? A home  
17 could be within two streams on the corner of Butterfly and this  
18 road on either side of the house that's being constructed now  
19 and the neighbor next to them -- I mean, I have pictures of all  
20 this. And you all probably know this but, apparently, the  
21 rules have changed in there.

22           But I am asking for approximately 18 feet to make  
23 this wall a retaining wall, which is going to be done right.  
24 The house is \$700,000. I am certainly not going to skimp and  
25 do this pool wrong. It's an enclosed pool. You have the  
26 copies of it. It's not a liner pool that can leak. It's a, I  
27 mean, it's -- I think you all have a copy of what it's going to  
28 be but it's going to be --

29           MR. SWEENEY: I don't think so.

30           MR. HOPKINS: Here. I don't mean to -- This is the

1 pool, that's it. Whether or not that's part of what we're  
2 doing --

3 MR. CAMPOLA: You can pass it around to see what the  
4 pool is. It is not a liner pool or cement or any of this or  
5 salt water or whatever. And I am not impeding into the  
6 conservation areas of any kind. I am not on any sort of  
7 anything of wrong. I paid for the site plan engineer for the  
8 wall, the architect. This is all, I think, you'll -- I am not  
9 sure but you all have a copy of what's stamped from the  
10 engineer?

11 CHAIRMAN VALENTIC: Yeah.

12 MR. CAMPOLA: Okay. So I went through all that and  
13 now -- It wasn't going to be done wrong before but I  
14 understand, so I am here asking for 18 feet closer to the  
15 stream. But the house was moved 10 feet closer to start, so  
16 it's really 8 feet is what I am really thinking in my head  
17 because the house, if I was to build the house the way it was  
18 set originally, which it was okay to do, it would be 8 feet  
19 further for -- than what it is now with the pool.

20 This project is going to be upwards of close to  
21 \$100,000, so it is not going to be done wrong, and much, much,  
22 much further than any of the properties next to it. The whole  
23 entire street, including the neighbor on the other side of me,  
24 has a retaining wall that's very close, but it will be much  
25 closer than the one mine will even be.

26 MR. SWEENEY: As I read this, the retaining wall is  
27 45.2 feet from the nearest --

28 MR. CAMPOLA: That's the old one.

29 MR. SWEENEY: Oh, then --

30 MR. HOPKINS: It's 57.

1           CHAIRMAN VALENTIC: Excuse me, sir. If we're going  
2 to get comments, everyone has to come up to the microphone.

3           MR. CAMPOLA: It's 57 feet.

4           MR. SWEENEY: The one you just handed us?

5           MR. CAMPOLA: I'm not sure.

6           MR. SWEENEY: I am referring to -- Did you see this?

7           MR. CAMPOLA: This is the one.

8           MR. SWEENEY: Do you see this one here?

9           MR. HOPKINS: This is the one, this 57.

10          MR. SWEENEY: Yeah. But I am, had I finished, I  
11 would have said 45.2 to the nearest --

12          MR. CAMPOLA: This is to the, this is to the -- This  
13 isn't the wall. This is the conservation wall.

14          MR. SWEENEY: All right. So this has been the change  
15 right here?

16          MR. CAMPOLA: Correct.

17          MR. SWEENEY: So this retaining wall has been dragged  
18 back?

19          MR. CAMPOLA: This is conservation wall. This is the  
20 retaining wall. This isn't the wall, this is just an invisible  
21 line by the Metroparks.

22          MR. SWEENEY: The circles?

23          MR. CAMPOLA: Yeah.

24          MR. SWEENEY: Oh, that's not yours?

25          MR. CAMPOLA: No, no, no, that's the conservation --

26          MR. SWEENEY: These things are like hieroglyphics to  
27 me.

28          MR. CAMPOLA: This is the, this is the retaining wall  
29 right here and this is where the wall would be --

30          MR. SWEENEY: All right. So the wall --

1 MR. CAMPOLA: -- from the closest line.

2 MR. SWEENEY: So what are these, just elevation  
3 lines?

4 MR. CAMPOLA: That's elevation.

5 MR. SWEENEY: Okay. All right. So that's your, so  
6 that's your retaining wall?

7 MR. CAMPOLA: This is one right here, correct, the  
8 straight line.

9 MR. SWEENEY: Okay.

10 CHAIRMAN VALENTIC: So -- Please. So we have a  
11 couple issues. We have the easement, the environmental  
12 easement with Lake Metroparks which cannot be disturbed.

13 MR. CAMPOLA: I am not touching that. I am not in  
14 it.

15 CHAIRMAN VALENTIC: Okay. We can discuss that. We  
16 will discuss that some more. Then we also have this arched  
17 line that somebody highlighted in yellow, which is the 75 foot  
18 setback from the creek, which we can't have any development  
19 within that setback. Do you see this line here? That's the  
20 setback line.

21 MR. ROWE: Oh, here.

22 CHAIRMAN VALENTIC: Yeah. That's correct?

23 MR. CAMPOLA: I don't know that.

24 MS. JARRELL: Yes.

25 CHAIRMAN VALENTIC: I believe so.

26 MR. HOPKINS: I just want to --

27 CHAIRMAN VALENTIC: Please come up to the microphone.

28 MS. JARRELL: Please come up.

29 MR. HOPKINS: Sure. I just want to interject and say  
30 that, originally, the original one --

1 MS. JARRELL: What's your name?  
2 MR. HOPKINS: Dave Hopkins.  
3 MS. JARRELL: And address, please?  
4 MR. HOPKINS: Dave Hopkins.  
5 CHAIRMAN VALENTIC: You've been sworn in?  
6 MR. HOPKINS: Yes.  
7 MS. JARRELL: And your address?  
8 MR. HOPKINS: 3499 Napa Boulevard, Avon, Ohio.  
9 MS. JARRELL: Thank you.  
10 MR. HOPKINS: That's my personal address.  
11 MR. SWEENEY: Are you the builder?  
12 MR. HOPKINS: I'm the contractor for the, for the  
13 pool.  
14 MR. SWEENEY: Okay.  
15 MR. HOPKINS: I'm the one that kind of put this all  
16 together and talked to all the engineers and permits and  
17 everything and did everything for --  
18 CHAIRMAN VALENTIC: Okay. So why don't you stay up  
19 there together and we can try to hash this out.  
20 MR. HOPKINS: Okay. So originally when this wall was  
21 done, do you see the dotted line? Do you see the dotted line  
22 on there? That's the -- The dotted line on the back yard, the  
23 circles, all the circles.  
24 MR. SWEENEY: Yeah, the circles, yeah.  
25 MR. HOPKINS: That, that is the easement line right  
26 there. Originally, in the original drawing that you have, the  
27 wall was going to go --  
28 CHAIRMAN VALENTIC: Right on it.  
29 MR. HOPKINS: -- right on it.  
30 MR. SWEENEY: Right on it, yeah.

1 MR. HOPKINS: And then I spoke to a gentleman by the  
2 name of Chad Edgar and we changed it. What we did is we made  
3 the wall parallel with the house, so now it goes straight  
4 across. We put the distance from the wall to the creek further  
5 away. Originally, it was 45 whatever, now it's 57.5. So in  
6 reality, it's 17 1/2 feet closer than the 75 foot setback.  
7 That's what we are asking for. We are asking for a variance of  
8 17 1/2 feet.

9 MR. CAMPOLA: And really 8 feet.

10 MR. HOPKINS: Well, based on, yeah --

11 MR. CAMPOLA: The house moving forward.

12 MR. SWEENEY: Who is Chad? Is he with the County?

13 MR. HOPKINS: Yes.

14 CHAIRMAN VALENTIC: Chad is here. We'll get -- We  
15 will get Chad to come up, too, and ask questions but I think  
16 we've got to get through some questions with you guys first.

17 MR. SWEENEY: Oh, that's right.

18 MR. HOPKINS: Okay.

19 CHAIRMAN VALENTIC: So the wall that I am seeing, the  
20 revised wall, which is better than the first version --

21 MR. HOPKINS: Yes, sir.

22 CHAIRMAN VALENTIC: It still pinches that, kind of,  
23 in that corner.

24 MR. HOPKINS: That 75 feet?

25 CHAIRMAN VALENTIC: No, that Metroparks easement.

26 MR. HOPKINS: It's not on the easement, no, sir.

27 CHAIRMAN VALENTIC: No, it's not, but it's right up  
28 against the corner.

29 MR. HOPKINS: No, it's not.

30 CHAIRMAN VALENTIC: It's not?



1 MR. HOPKINS: You're talking -- No, it's not. Down  
2 on the southeast corner?

3 CHAIRMAN VALENTIC: Yeah.

4 MR. HOPKINS: It's still 3 to 4 feet away from it.

5 CHAIRMAN VALENTIC: Oh, it is?

6 MR. HOPKINS: Yes.

7 CHAIRMAN VALENTIC: Okay. It is kind of hard to see  
8 on this.

9 MR. HOPKINS: It's, if you go to the northeast  
10 corner, it's further away from the easement than on the  
11 southeast corner.

12 CHAIRMAN VALENTIC: Yeah. The southeast corner is  
13 where I am asking.

14 MR. HOPKINS: It is not on the easement, no, sir.

15 CHAIRMAN VALENTIC: It's not?

16 MR. HOPKINS: No.

17 CHAIRMAN VALENTIC: So there were some sketches that  
18 were given of what the wall may look like. Are those still  
19 valid or --

20 MR. CAMPOLA: Let me say this: I have new ones being  
21 done, engineer drawings --

22 CHAIRMAN VALENTIC: Okay.

23 MR. HOPKINS: -- that I've been working, that I will  
24 have. I have a --

25 MR. CAMPOLA: On what type it is.

26 MR. HOPKINS: I have what type and what it's made out  
27 of, the drain and everything. Don't have the actual wall yet.  
28 I'm waiting on engineer plans to present to Lake County  
29 Building.

30 CHAIRMAN VALENTIC: Okay.

1 MR. HOPKINS: I have to present it to them for them  
2 to approve it.

3 CHAIRMAN VALENTIC: Because one thing I noticed on  
4 the sketch is that that wall comes down but, actually, there is  
5 a footer that goes out from the wall. So --

6 MR. HOPKINS: There is no footer on that drawing.  
7 Those -- There is no footer on that.

8 MR. HAMILTON: He is talking about the sketch.

9 CHAIRMAN VALENTIC: On the sketch I see a footer, and  
10 maybe I misunderstood.

11 MR. HOPKINS: This is -- You know what? This is not,  
12 let's just -- This right here is an old version. You have it.  
13 It hasn't been taken out of the picture yet. We have a new  
14 wall being designed. It is not going to be any closer to the  
15 easement.

16 CHAIRMAN VALENTIC: Okay. But is the footer --  
17 because the wall needs to have a footer, I would assume. Is  
18 that footer going to be closer to the easement or within that  
19 easement area?

20 MR. HOPKINS: No.

21 MR. CAMPOLA: No.

22 MR. HOPKINS: So your question is, footer, wall,  
23 whatever it is, is it going to be closer than the 57 1/2 feet?

24 CHAIRMAN VALENTIC: Well, it's not footer or wall.  
25 The wall is one thing. The footer is part of the wall, is  
26 another thing.

27 MR. HOPKINS: No. It will not be on the easement,  
28 no.

29 CHAIRMAN VALENTIC: Okay. So the wall will be set  
30 back far enough so that the footer, whatever it ends up

1 being -- we don't know what that dimension is and you probably  
2 don't know yet then?

3 MR. HOPKINS: Not yet.

4 CHAIRMAN VALENTIC: -- that it won't go out past the  
5 wall into the easement.

6 MR. HOPKINS: No, it will not.

7 CHAIRMAN VALENTIC: Okay. But if, as you guys  
8 complete your design and, you know, final engineering, if that  
9 footer, say, changes or grows -- you know, things happen --  
10 would you adjust the wall and push it back then so that footer  
11 doesn't -- because it cannot impact that easement.

12 MR. HOPKINS: It will not. Yes, sir, yeah.

13 CHAIRMAN VALENTIC: Okay.

14 MR. HOPKINS: If, at any point in time, once I get  
15 the engineer drawings prepared to give to Dave at the Lake  
16 County, Lake County Building Department, he'll have it.  
17 He'll -- It will not.

18 MR. CAMPOLA: It's not going to be on --

19 MR. HOPKINS: It is not going to be on the easement,  
20 not at all. There is enough room.

21 CHAIRMAN VALENTIC: Okay. And then so -- There was a  
22 letter we got. Did you guys get this letter from the  
23 Metroparks? Did you guys receive this?

24 MR. CAMPOLA: What does that say?

25 MS. FREEMAN: Yes, I forwarded everything to you.

26 MR. CAMPOLA: Which one is that one?

27 CHAIRMAN VALENTIC: This is dated February 1. This  
28 is from --

29 MR. CAMPOLA: I have it. I just want -- I got a  
30 couple, one that said that I was getting -- They were walking

1 through my property or something.

2 CHAIRMAN VALENTIC: Okay. So this is in regards to  
3 your site plan, this letter, and there is restrictions with  
4 that easement. I just wanted to make sure you guys understand  
5 that there is the restrictions on that easement. So a couple  
6 of things that are prohibited is any clearing of the woods and  
7 the grassland. So as you're constructing this wall, you can't  
8 go into that easement and clear anything.

9 MR. HOPKINS: We are going to do it from the house  
10 side.

11 CHAIRMAN VALENTIC: Okay.

12 MR. HOPKINS: It's all --

13 CHAIRMAN VALENTIC: I just want to make sure we are  
14 all on the same page here.

15 MR. HOPKINS: Yes, sir.

16 CHAIRMAN VALENTIC: And that there is no filling or  
17 removal of topsoil, gravel, rock, minerals or anything else  
18 from --

19 MR. HOPKINS: We're not going to touch that. We're  
20 not going to touch the easement whatsoever, sir.

21 CHAIRMAN VALENTIC: Okay. And then you are not  
22 affecting the drainage of that easement area and diverting or  
23 causing permanent diversion of the surface or the ground water  
24 flow.

25 MR. CAMPOLA: No.

26 CHAIRMAN VALENTIC: There, I think we are -- we have  
27 a bit of an issue that you need to work out because, if I read  
28 this plan correctly, it looks like you are draining all your  
29 water back into the easement area.

30 MR. CAMPOLA: Well, there is a, on the side of the

1 house, on both sides of the house, there is drainage from the  
2 street that goes into tubing that goes into the creek. And  
3 that was done when the -- I don't know -- whenever that  
4 development was developed.

5 CHAIRMAN VALENTIC: I see --

6 MR. CAMPOLA: On both sides of my property.

7 CHAIRMAN VALENTIC: Yeah, I see thers' a catch basin  
8 on the north. I didn't see one --

9 MR. CAMPOLA: There's a catch basin and there is also  
10 plastic tubing that comes from the street level on the other  
11 side.

12 MR. HOPKINS: On the south -- north -- southeast  
13 side.

14 MR. CAMPOLA: Yeah, correct. The not catch basin  
15 side, there is tubing from the street all the way to the stream  
16 on both sides for drainage.

17 CHAIRMAN VALENTIC: That's fine. I don't --

18 MR. CAMPOLA: That's where I am going to connect  
19 into. That's where all the housing is connected to right now.

20 CHAIRMAN VALENTIC: I just want to make sure --

21 MR. CAMPOLA: Including my neighbors as well.

22 CHAIRMAN VALENTIC: I just want to make sure that you  
23 are not -- this legal document here for this easement, that I  
24 am just notifying my perception of what I am seeing here is  
25 that you are directing water onto that easement. So we'll have  
26 to -- I think you've got to relocate at that grading there to  
27 make sure you are not causing surface water to go onto that  
28 easement area.

29 MR. HOPKINS: Let me say something. I'm trying to do  
30 the best I can with this. The grade was 3 to 1. So the

1 water -- pretend the pool isn't there -- it is going to drain  
2 anyways. Water is going to come from -- and go back. It is  
3 going to drain down. And what we're doing is --

4 MR. CAMPOLA: It's on a slope.

5 MR. HOPKINS: We are not affecting that. In the  
6 retaining wall, it has draining tubes, so any water can be  
7 directed.

8 MR. CAMPOLA: My house is a walk-out. So it's, I  
9 mean, it's down. I mean, water is coming -- That's why the  
10 drain is on both sides from the city -- I would assume those  
11 are city pipes there -- because there is a drain catch basin.  
12 It's going from this on both sides of the house and, actually,  
13 the wall and where that is going to stop that runoff to and  
14 divert it from there, if anything, from that property, if any.

15 MR. HOPKINS: That's the wall. That's the  
16 construction wall.

17 MR. CAMPOLA: I can assure you this is not going to  
18 be touching the environmental part. I am not even slightly  
19 worried about that. It is not going to happen.

20 MR. HOPKINS: The hard part of us, as the contractor  
21 for the wall and everything, we're -- all the work is going to  
22 be done on the house side, like I said. We are not going to  
23 affect anything on the conservation.

24 MR. CAMPOLA: Put the wall in first so it doesn't  
25 impede on that side.

26 CHAIRMAN VALENTIC: Heather, the Metroparks has not  
27 seen the revised plan?

28 MS. FREEMAN: I did forward it to them as well. They  
29 have indicated that they would not be able to attend this  
30 evening but their comment here in the letter that they would

1 continue to work with the property owner to address the initial  
2 concerns, you know, still stands.

3 MR. SWEENEY: Sir, when did you purchase the  
4 property?

5 MR. CAMPOLA: November of '15.

6 MS. JARRELL: '15, yeah, November 18, '15, 2015.

7 MR. CAMPOLA: By the way, none of these easements  
8 were ever disclosed to me, and that's okay.

9 MS. JARRELL: They should have been on your title  
10 commitment.

11 MR. CAMPOLA: No, they're -- None of the trash or any  
12 of the dumping zone was ever disclosed to me.

13 MR. SWEENEY: No, they never do that.

14 MR. CAMPOLA: I am not here to -- It is what it is.  
15 I've got a lot of extra expense on a beautiful, beautiful home.  
16 It is only going to impact in a better way to that development,  
17 if anything. And I am not putting slop up. This is a class  
18 act. I am not going to ruin that type of value house by  
19 putting up something that's going to be a problem to anyone or  
20 impact any of the environment. It's the reason we are there.  
21 We wanted that. So I am not going to go into their zone,  
22 period, because I own the land on the other side of the creek  
23 as well.

24 CHAIRMAN VALENTIC: The pool layout, configuration,  
25 can you just walk us through the size of the pool, why it is  
26 where it is and why it's located where it is? Because what  
27 we're looking at right now, you know, what we're looking at is  
28 that there is a 75 foot setback that you're supposed to try to  
29 stay out of, right? And right now, you're impacting all of  
30 that, you know. That whole area is impacting a big chunk of

1 percentage of that.

2 So walk us through because if I look at it -- And I  
3 am not a pool guy, you know. I look at it. Well, maybe why  
4 not shift the pool over to the side potentially, right? And I  
5 am sure you've got some answers on why it doesn't work.

6 MR. HOPKINS: I've got all the answers in the world.

7 CHAIRMAN VALENTIC: So we could -- And then try to  
8 reduce how much we're putting into that 75 foot area, you know,  
9 try to minimize that. We want to see if there has been work  
10 done or if you maybe revisit it or talk us through on what you  
11 could do to reduce that impact within that 75 foot area.

12 MR. HOPKINS: I have worked with Aztec Engineering  
13 numerous times on different locations. I have done layouts in  
14 different locations on the property. On the south, on the  
15 southeast side, we were going to put it on the bump-out right  
16 there, which is a varying -- there is a setback of a stream --  
17 not a stream but there's a setback on that side.

18 MR. CAMPOLA: There's easements on both sides and  
19 that's why it's got --

20 MR. HOPKINS: You actually need at least 3 feet of  
21 concrete around your pool to bind your pool to the ground and  
22 there is not enough room on that side of the house to put that  
23 pool. You know, it's a 14 by 35. That's a 14 foot by 35 foot  
24 pool. I even looked at a smaller pool, putting on the side,  
25 and that wouldn't fit. So we positioned it at the back of the  
26 house. You can see in the first one that you got, it was in a  
27 little bit different location and then I moved it on the other  
28 location on the new one.

29 The pool is a fiberglass pool. It's approximately  
30 3/8 inch thick. It's, again, it's a fiberglass pool. Nothing



1 is going to hurt it. It doesn't crack. We use premium  
2 backfill to backfill around the pool and underneath the pool.  
3 There is going to be concrete all the way around the pool up to  
4 the retaining wall and between the house and the pool.

5 MR. CAMPOLA: And the side that -- It couldn't be  
6 moved to the other side because where the drain, drainage  
7 system from the, on the --

8 MR. HOPKINS: That's on the northeast side. This is  
9 southeast side.

10 MR. CAMPOLA: Yeah. You can't put anything there  
11 because if they have to access that, the city does for whatever  
12 reason, then they'd have to tear up everything on that side.  
13 So I can't put it --

14 CHAIRMAN VALENTIC: Oh, there is a drainage easement  
15 on that side?

16 MR. CAMPOLA: Correct.

17 MR. HOPKINS: Both sides.

18 MR. CAMPOLA: Both sides.

19 MR. ROWE: Both sides.

20 MR. CAMPOLA: So I can't do that on the one side.  
21 The only op -- The way I can do it is right where it's at.

22 MR. HOPKINS: Then there's a 15 foot setback off the  
23 property lines on the sides, so you had to really position it  
24 right there in the back of the house. You know, working on  
25 this, I have been working on it for four or five months trying  
26 to position it, trying to get it in the right place. That was  
27 my last choice is to put it in that spot right there.

28 CHAIRMAN VALENTIC: You know what is kind of a shame  
29 here is that you were in here getting this variance to move the  
30 house up. I remember when that came up. I wish you would have

1 brought this up then.

2 MR. CAMPOLA: I never even knew that this existed  
3 because the neighbors next to me have pools much closer than I  
4 am even asking for. So in my head, I am thinking this is, this  
5 is -- They have it right now. They're not even two houses  
6 down. There is a pool that's much closer with -- It doesn't  
7 matter. But, you know, in my head, this is not even talk about  
8 stuff.

9 And now so this, the Aztec, believe me, I've been  
10 paying for this guy to try to find a way. I have to get this  
11 in. We've got to figure it out. I will keep paying and keep  
12 paying. It is getting cumbersome but I am okay. I just -- I  
13 don't think I am really asking for all that much. It is going  
14 to be done right. It is not going to be in the conservation  
15 zone. It is going to be drained right. The walls have to be  
16 correct; otherwise, it won't sit. And I am much further away  
17 from the streams than the houses next to me, houses, not a pool  
18 or a wall, houses.

19 MR. HOPKINS: Originally, the original plan that you  
20 had, the wall was on the easement. That's why we moved it, so  
21 it's in a better location than the original, the original one  
22 that you got.

23 CHAIRMAN VALENTIC: Yeah. I mean, I still -- I think  
24 the Metroparks will have some concerns about that southeast  
25 corner because it is so close to their easement line. How tall  
26 is the wall in that area?

27 MR. CAMPOLA: Six feet.

28 MR. HOPKINS: I want to tell you, the average, it  
29 goes from 4 foot to 8 foot, so it averages 8 foot. In the  
30 bottom north -- southeast corner, it's around 4 feet.

1 CHAIRMAN VALENTIC: Yeah.

2 MR. HOPKINS: Because it tapers down.

3 CHAIRMAN VALENTIC: Yeah.

4 MR. HOPKINS: As the property, as you can see the  
5 grade, it goes -- it stays with the 3 to 1 on the one side, so  
6 that's why the wall tapers down.

7 CHAIRMAN VALENTIC: You know, does anyone else have  
8 questions?

9 MR. SWEENEY: The house to the north of you, I think  
10 it's significantly closer to the creek. Is that right?

11 MR. CAMPOLA: Oh, there is, there is -- I have  
12 pictures. You can look them up right on your phone.

13 MR. SWEENEY: Is it closer? When was that house  
14 built?

15 MR. CAMPOLA: Recently. It is being built right now.  
16 I am telling you, an 8 foot ladder will lead you in the creek.

17 MS. JARRELL: The pool is being built right now?

18 MR. CAMPOLA: No, the house is being built next to  
19 the creek.

20 MR. SWEENEY: If it's the house that I think it is --

21 MR. CAMPOLA: It is right when you come around  
22 Viceroy.

23 MR. SWEENEY: -- it is very close to the creek.

24 MR. CAMPOLA: To two streams.

25 MR. SWEENEY: I can't believe it is not in the  
26 easement.

27 MR. CAMPOLA: Oh, it's, it's --

28 CHAIRMAN VALENTIC: Tell me if I'm wrong here, if I  
29 am overstepping my bounds, but that's a whole separate issue,  
30 not --

1 MR. SWEENEY: I am just trying to establish some  
2 context, that's all. I think I am allowed to do that.

3 CHAIRMAN VALENTIC: Okay.

4 MR. HOPKINS: Can I mention something? May I speak?

5 CHAIRMAN VALENTIC: Yes.

6 MR. HOPKINS: I think the issue, what is coming up is  
7 that when you come down Viceroy, the first house right at the  
8 bend is -- their back porch, the creek is right there, so it's  
9 actually closer. So what Mr. Campola is saying is that house  
10 is closer, the porch is closer. Then at some point in time the  
11 code changed, something changed.

12 MR. CAMPOLA: I didn't know that that --

13 MR. HOPKINS: And he didn't know that in that time  
14 that he bought the house with the intentions of doing what he  
15 was going to do. And then the code changed, so then he  
16 couldn't do what he was going to do.

17 So all he is saying is, we are not going to be on the  
18 easement. We are going to work from the north, from the side  
19 of the house. We are not going to affect anything on the  
20 conservation. We're asking for an 18 -- 17 1/2 foot closer  
21 where it's 57 1/2 and it is supposed to be 75. I think, I  
22 think that's where he is coming from. He doesn't understand  
23 why, you know. It's not on the easement.

24 CHAIRMAN VALENTIC: It is the setback, yeah. The  
25 easement is -- That's what I was trying to get to this. The  
26 easement is one issue and we have assurances and you understand  
27 what you are allowed to do and not do in the easement.

28 MR. HOPKINS: Yes, I am well aware.

29 CHAIRMAN VALENTIC: So during construction, you know,  
30 nothing is going to get impacted on that, within that easement.

1 MR. HOPKINS: Right.

2 CHAIRMAN VALENTIC: It is going to be clearly marked,  
3 zoning inspectors will be out, you know, all that stuff.

4 MR. HOPKINS: We understand that.

5 CHAIRMAN VALENTIC: What the variance is for is  
6 encroaching into that 75 foot setback from the creek.

7 MR. HOPKINS: Yes, sir, that's what we're asking for.  
8 We're asking for a variance on that.

9 MR. ROWE: It's 20 percent.

10 MR. SWEENEY: How much?

11 CHAIRMAN VALENTIC: And just, I want to make sure --

12 MR. ROWE: It's 18 feet, 20 percent.

13 MS. JARRELL: Do you know what a utilities easement  
14 is?

15 MR. HOPKINS: Excuse me?

16 MS. JARRELL: Utilities easement, are you aware --

17 MR. HOPKINS: Are you talking about the electric or  
18 the gas or the underlying --

19 MS. JARRELL: Well, I mean, I'm not sure which  
20 utility but it is mentioned here with the County Building  
21 Department's email and I am --

22 MR. HOPKINS: On the southeast side?

23 MR. CAMPOLA: The south side.

24 MR. HOPKINS: The sewer?

25 CHAIRMAN VALENTIC: That line there.

26 MR. CAMPOLA: Yes.

27 MS. JARRELL: Oh, okay.

28 MR. CAMPOLA: That's the one you are looking for?

29 MR. HOPKINS: Yes.

30 CHAIRMAN VALENTIC: So how big of a pool, if you

1 stayed out of that easement, that sanitary easement, how big of  
2 a pool do you think could you fit in there?

3 MR. HOPKINS: You couldn't. If you look at 75 feet,  
4 right now the pool is 14 feet, 5 feet from the house and 4 feet  
5 from the wall. So you have, you have -- What is that?

6 MR. ROWE: Twenty-two.

7 MR. CAMPOLA: You have 22 feet. So you have 8 feet  
8 -- You actually have 22 feet and 57 is what, that's 87. You  
9 have 12 feet to work with. You couldn't put anything in there.  
10 I mean, if I am not mistaken, the basic closest structure is  
11 the wall. I am not saying that this pool is not on that 25 --  
12 75 feet but the wall is what's really encroaching on it.

13 CHAIRMAN VALENTIC: No. Well, just real quick --  
14 and, hopefully, the Board, everyone has looked at it -- 17.08  
15 is kind of our variances. And when you are looking at (A) of  
16 the Regulation, it has, you know, is the natural vegetation of  
17 the property as well as a percentage of the parcel in the 100  
18 year floodplain? I think we've determined that it's not within  
19 the 100 year floodplain, so we are good there.

20 The extent to which the requested variance impairs  
21 the flood control, erosion control, water quality and other  
22 functions of the riparian setback, I think Chad might have some  
23 comment there because I think there is some impact to the  
24 stream, flood control, erosion control and impacts to the  
25 stream even though you are 75 feet away.

26 With respect to the degree of hardship, practicality  
27 and with respect to maintaining the riparian setback  
28 established in the Regulation, so there is some, there is some  
29 there. I think there is some hardship on there.

30 Soil-disturbing activities permitted in the -- So we,

1 technically, we shouldn't have any, any soil-disturbing  
2 activities within that 75 feet. So we are -- So it's not just  
3 the wall, it's the concrete.

4 MR. HOPKINS: I see what you are saying.

5 CHAIRMAN VALENTIC: Because the contract isn't  
6 permitted within that 75 feet.

7 MR. HOPKINS: I see.

8 CHAIRMAN VALENTIC: So even that little bit of  
9 grading outside the wall technically isn't permitted within the  
10 75 feet.

11 MR. HOPKINS: So I guess we are asking for a variance  
12 on all of it.

13 CHAIRMAN VALENTIC: Yeah, on all of it, you know,  
14 wherever you are impacting stuff. So I just want the Board to  
15 understand that's what we are granting them.

16 And then like Number 7 -- if you haven't seen these,  
17 we can give you a copy of these -- whether the property is  
18 otherwise buildable under the regulations. Obviously, it's the  
19 lot in regards to buildable.

20 So I don't know. Does anyone have any further  
21 questions for these gentlemen at this time?

22 MS. JARRELL: I guess, where are you in the process  
23 with all the other approvals that you need?

24 MR. HOPKINS: Where am I in the process?

25 MS. JARRELL: Yeah, with the County.

26 MR. HOPKINS: As far as, well, we submitted for the  
27 permit. We were denied. That's why we go for the variance.

28 MS. JARRELL: Right.

29 MR. HOPKINS: You're talking about with --

30 MS. JARRELL: The County.

1 MR. HOPKINS: Lake County Engineering for the wall?

2 MS. JARRELL: Yeah.

3 MR. HOPKINS: For the wall, I am in the process of,  
4 after we have this tonight, I have talked to Dave Strictland, I  
5 think is his name over there, and I am going to provide  
6 everything he needs. He's given me a list of everything that  
7 he needs to be approved for the wall, for the system, for the,  
8 you know, for all that, the construction of the pool. I have  
9 all that. And I think that's the last piece of puzzle.

10 I have talked with Dave numerous times in reference  
11 to making sure that the engineer that we have working on this,  
12 which I gave you a cross-section of the wall right there in  
13 front of you --

14 CHAIRMAN VALENTIC: Yeah.

15 MR. HOPKINS: Yeah, I gave that cross-section to you.  
16 It kind of follows what Dave mentioned to me that we need to do  
17 to make sure that the person that's doing it and how he is  
18 doing it -- I mean, it is done all over the country just like  
19 with those blocks. So I feel real comfortable that the wall  
20 will be fine with that.

21 CHAIRMAN VALENTIC: Heather, I would like that we put  
22 this within their submittal.

23 MS. FREEMAN: Okay.

24 CHAIRMAN VALENTIC: The wall cross-section is added  
25 to the submittal. I will leave it here so it doesn't get lost.

26 MS. LANDGRAF: Mr. Hopkins, this is stamped by an  
27 engineer.

28 MR. HOPKINS: Yes.

29 MS. LANDGRAF: Is that for the development of the  
30 whole property or have you had an engineer actually --



1 MR. HOPKINS: The same engineer.

2 MS. LANDGRAF: -- stamp the wall and the construction  
3 of the wall and everything?

4 MR. HOPKINS: Oh, construction of the wall is Kramer  
5 Engineering out of Montrose, Ohio, Fairlawn.

6 MS. LANDGRAF: Right.

7 MR. HOPKINS: That's the name. That's who is going  
8 to stamp the engineer drawing, the structural engineer.

9 MS. LANDGRAF: And you are working with a structural  
10 engineer --

11 MR. HOPKINS: Yes, I am.

12 MS. LANDGRAF: -- on the design --

13 MR. CAMPOLA: It's already been paid for.

14 MS. LANDGRAF: -- of the wall?

15 MR. HOPKINS: Yeah. It's been paid for and  
16 everything, yes, ma'am.

17 CHAIRMAN VALENTIC: So I am going to just ask, just  
18 throw something out there. Is there anything you think you  
19 could do to reduce this impact to this 75 foot setback or do  
20 you believe you've truly exhausted all your --

21 MR. HOPKINS: I have exhausted everything.

22 CHAIRMAN VALENTIC: Okay.

23 MR. HOPKINS: I mean, even up to yesterday. I've  
24 been working on this every day. And I tried, I talked with  
25 Aztec. I talked, I talked with Curtis from Aztec and Stan.  
26 Stan is the owner, I think, and Curtis does the drawings for  
27 him. And that's it, that's our last straw.

28 CHAIRMAN VALENTIC: Okay.

29 MR. HOPKINS: All I ask is 10 foot, yeah.

30 CHAIRMAN VALENTIC: Any other questions?

1 MR. ROWE: No.

2 CHAIRMAN VALENTIC: Okay. Thank you. Is there  
3 anyone else here that's speaking for or against this appeal?

4 Chad, I would like to have you come up and maybe --  
5 Chad submitted a letter. The Board hasn't seen it.

6 MS. JARRELL: We have not seen it?

7 CHAIRMAN VALENTIC: Or have you seen it? Has anyone  
8 seen the letter from Chad?

9 MS. JARRELL: Yeah, yeah.

10 MR. SWEENEY: Yeah.

11 MR. EDGAR: Chad Edgar. I am with Lake County Soil  
12 and Water. The address is 125 East Erie Street in Painesville  
13 and I have been sworn in.

14 So this is another situation where the lots were  
15 platted prior to enactment of the riparian setback, so it's a  
16 difficult site to fit something in afterwards with the grading  
17 being included in the uses that aren't permitted. You know, it  
18 does come out to about 45 feet. That's about 40 percent of  
19 that setback. So it's a pretty substantial encroachment into  
20 the setback, so it requires some consideration.

21 I became involved in the project a couple weeks ago.  
22 Heather forwarded me a copy of the initial site plan that  
23 showed the wall along the easement boundary. The comments that  
24 we generated were based on that site plan.

25 I think shortly after submitting that letter to the  
26 Board, I got a got a phone call from Mr. Hopkins and we had  
27 some discussions about the process. And we're not in a  
28 position to tell him, "This is, this is what the Board will  
29 accept, this is what the Board won't accept," but giving him my  
30 understanding of the intent of the riparian setback and where

1 our technical comments come from in order to make our office  
2 more understanding of what they were going after. And that  
3 generated the second site plan.

4 Some of the concerns in that initial site plan are  
5 still valid, some are maybe less, the erosion being that the  
6 wall was closest to that outside part of that meander, they  
7 changed that. That's a plus, that's good. It's definitely a  
8 step in the right direction with that revision.

9 The floodplain issue, I mean, that is a floodplain.  
10 It's probably not going to flood until probably close to the  
11 100 floodplain at that point. It's pretty high up there. So  
12 that's probably a minor concern, still a concern.

13 MS. JARRELL: The floodplain is kind of -- How far  
14 away is the 100 year floodplain?

15 MR. EDGAR: It's not --

16 MS. JARRELL: I looked on GIS and it seemed pretty  
17 far.

18 MR. EDGAR: The 100 year map floodplain, map  
19 floodplain is on that upper larger stream. All streams have  
20 floodplains. They all have stages that they're going to reach  
21 at the 2 year storm, 5, 10, 100 year storm. It's just not  
22 mapped on that property. It is not a regulatory FEMA map  
23 floodplain in there. So, you know, it's a minor concern of  
24 mine.

25 At this point in time, the given site plan, my two  
26 concerns right now are actual constructability of that wall in  
27 its proximity to that easement. You can't just drop that wall  
28 in. There is going to be some equipment in there. I mean,  
29 Metroparks kind of made, made comments in their letter  
30 regarding that. So it's certainly something that should be

1 considered in this process is, how are they going to get that  
2 wall in without impacting any of that vegetation in there and  
3 grading topography in that easement.

4 I would imagine that there is going to be a shadow of  
5 that wall that the engineer, the structural engineer is not  
6 going to want trees with shrubs and things growing adjacent to  
7 the footer of that wall. To maintain the integrity of that  
8 wall, they're going to have to maintain that width and we don't  
9 know what that width is because that part of the plan hasn't  
10 been done yet. So there is still some questions there that  
11 should be answered in terms of how close that wall and what  
12 kind of a maintenance shadow you might need on that wall that  
13 should be considered with the easement.

14 In terms of the riparian setback, I think the main  
15 point, main concern at this point in time is the loss of the  
16 vegetation that you are going to get there. It's already  
17 pretty poor quality riparian vegetation from the creek to that  
18 75 foot setback line as it is now, and losing about 40 percent  
19 of that is probably the biggest concern. I didn't get that in  
20 the initial letter. I apologize for, you know, thinking of  
21 something at the last second.

22 But I did have a discussion with Vince Urbanski,  
23 deputy director of Lake Metroparks, the author of that letter  
24 there, and he said that they would be open to a discussion with  
25 the Applicant on something that could be done to improve the  
26 riparian vegetation in the easement portion. So if the  
27 variance was granted to allow removal of vegetation up to that  
28 45 or so feet, that maybe you could improve the quality of the  
29 vegetation through tree plantings of native trees in that  
30 easement area that would, kind of, offset the loss that you're

1 getting in that area. So it's just something to consider as a  
2 way of mitigating some of that loss of the vegetation in that  
3 riparian setback area.

4 That will pretty well sum up my comments.

5 CHAIRMAN VALENTIC: Do you guys have any questions  
6 for Chad?

7 MR. CAMPOLA: I would like to comment.

8 CHAIRMAN VALENTIC: Yeah. When we are done with  
9 Chad, we will let you come up and comment as well, not a  
10 problem.

11 Do you guys have any other questions for Chad?

12 MR. ROWE: No. I think he laid it out, you know,  
13 pretty clear because we understand, you know, we are somewhat  
14 limited about the riparian and needing the required vegetation.  
15 If you're losing some, try to make up. That's a good point.

16 CHAIRMAN VALENTIC: Have you got anything?

17 MR. SWEENEY: I am just -- I am wondering, is there  
18 any set, sort of, standard that can be applied uniformly to  
19 water encroachment issues regardless of the stream size, depth,  
20 elevation changes, meanders, floodplains? Is there anything  
21 that you guys use uniformly? Do you know what I am trying  
22 to --

23 MR. EDGAR: Size of the watershed, the width?

24 MR. SWEENEY: Yeah, there are so many variables.

25 MR. EDGAR: Well, the plan view and the shape, the  
26 plan view being the width of the channel, the width that the  
27 meanders take of the channel, the size of the channel, that's  
28 all a function of the drainage area coming to that stream, the  
29 storms that are typical for that area and the geology of the  
30 area. So by applying a setback that encompasses a width based

1 on drainage areas, like the setback, that's the standard that's  
2 used.

3 MR. SWEENEY: So based upon the standards that you  
4 use in your, in your profession, I mean, do you have an opinion  
5 what, what the gross effect is going to be on this particular  
6 plot?

7 MR. EDGAR: No.

8 MR. SWEENEY: See, that's what I wish you would be  
9 able to tell me.

10 CHAIRMAN VALENTIC: He does, too, probably.

11 MR. EDGAR: If I did, yeah --

12 MR. ROWE: You would be looking for a raise.

13 MR. EDGAR: I'd be calling from my island.

14 MS. JARRELL: Yeah. What's the worst case scenario?

15 MR. SWEENEY: For example, yeah, we have this, the  
16 elevation in this area with the rainfall, this is what normal  
17 setback we have. Oh, great, well, then I can use that. I know  
18 it's hard.

19 MR. EDGAR: The setback distances that were developed  
20 were done to account for all of that and some, some of the  
21 filtering processes that you get out of having vegetation in  
22 the setback to prevent changes in water quality. But the  
23 flooding issues, the erosion issues, those are all accounted  
24 for in that riparian setback width. So we can't -- It would  
25 take far too much resources to look at every single reach and  
26 say, "Here is the line."

27 MR. SWEENEY: Yeah.

28 MR. EDGAR: So we come up with a range. And I say  
29 "we." It's the scientific community, not me, not our office,  
30 to develop those standards.

1 MR. SWEENEY: Well, we learn a lot from you just the  
2 same.

3 CHAIRMAN VALENTIC: Anyone else for Chad? No. All  
4 right. Thanks, Chad.

5 CHAIRMAN VALENTIC: You can come on up.

6 MR. CAMPOLA: Are you going to swear me in again?

7 CHAIRMAN VALENTIC: No.

8 MR. CAMPOLA: But I just want to say the vegetation  
9 back there, I am not touching the vegetation. It's already --  
10 That is already dirt from the original building site that's  
11 on -- That's already dirt from the building of the house. So  
12 even mine, you know, as far as vegetation growth in the back  
13 yard that I would be impairing on, I am not even near it. I am  
14 still not near it. It will never be touched. And the only  
15 spot I am on is right where the line of the now dirt is at. So  
16 there has been no vegetation or anything touched in the  
17 conservation zone, period.

18 As far as decorating it more, sure. I am good with  
19 that. I am going to have some landscaping. I would be happy  
20 to do that. But that would be imposing on the property line  
21 again, on the conservation line, but I will do it if they want  
22 me to do it. But as far as impairing on the vegetation,  
23 current vegetation now, there is none being harmed because  
24 there isn't any. It's dirt right now. I have to bring more in  
25 and lots of it, which is very -- This is going to be extremely  
26 costly and already has been, and timely.

27 And I can tell you it's not because I am not doing  
28 anything outside of borders of where I am allowed to be. I am  
29 not going to touch anything in the conservation zone, no issues  
30 with that. They can do the wall from the inside out. I talked

1 to plenty -- So that's all. I just wanted to make sure you all  
2 knew that the vegetation has been not harmed or touched or will  
3 be.

4 CHAIRMAN VALENTIC: No. And I don't think that's  
5 what Chad was saying. And, Chad, you don't need to come up.  
6 Maybe I'll try to interpret. I think what Chad was trying to  
7 say was that the existing vegetation within that 75 foot  
8 setback provides benefit to the stream.

9 MR. EDGAR: Exactly.

10 CHAIRMAN VALENTIC: And what you are doing is, with  
11 building the concrete and disturbing that earth, you are  
12 impacting that vegetation within the 75 feet. So what I heard  
13 was there is a potential that the Metroparks would like to see,  
14 because of vegetation outside of that easement isn't that  
15 great, if maybe there could be some work done to enhance that  
16 to offset the vegetation and the impact on your property.  
17 Fair?

18 MR. CAMPOLA: Sure. I would be happy to do that.

19 CHAIRMAN VALENTIC: Does that make sense? Yeah.

20 MR. CAMPOLA: I would love to.

21 CHAIRMAN VALENTIC: Okay.

22 MR. HOPKINS: I just want to make a comment.

23 CHAIRMAN VALENTIC: Come on up.

24 MR. HOPKINS: Okay. So Chad made a -- Some of the  
25 things he talked about, I am not familiar with. That's why he  
26 has his job and I have mine. But on the southeast side where  
27 the -- there is no pool. There is going to be -- There is yard  
28 there. That's where we're -- That's the closest spot that you  
29 will see on that site plan that would be close to that easement  
30 line, that circle line.



1           CHAIRMAN VALENTIC: Yeah.

2           MR. HOPKINS: That's the closest the wall will be. I  
3 think, I want to say it's 3 feet, 4 feet. Okay? We are going  
4 to -- Everything is going to be worked from the house side,  
5 like I mentioned. And it is easier to work on that side than  
6 it is on the other part of it. So we have two sides to come  
7 down on.

8           I don't understand something about vegetation. There  
9 is no vegetation on the house side of the easement. There is  
10 no vegetation there. There is nothing there.

11          CHAIRMAN VALENTIC: That's fine if there isn't  
12 anything there. But if you were to leave it as a conservation  
13 setback area, vegetation is eventually going to fill in through  
14 that whole area instead of a concrete pad and a pool, you know,  
15 because there is benefits that the vegetation provides within  
16 the riparian corridor. That's all they're saying.

17          MR. HOPKINS: So --

18          CHAIRMAN VALENTIC: So within the 75 feet, per the  
19 code, technically, you couldn't do -- build anything and you  
20 couldn't disturb the earth.

21          MR. HOPKINS: Got it.

22          CHAIRMAN VALENTIC: So there would be vegetation --

23          MR. HOPKINS: On his yard.

24          CHAIRMAN VALENTIC: Yes, yes, that's what they're  
25 saying. So -- And that there would be benefit to the stream if  
26 there was vegetation there. That's all.

27          MR. HOPKINS: I kind of understand.

28          CHAIRMAN VALENTIC: Okay. Quick question: That wall  
29 there.

30          MR. HOPKINS: Yes, sir.

1           CHAIRMAN VALENTIC:  If there -- Would it hurt if we  
2 took that wall and we changed the angle on it at that tail end  
3 towards the southeast corner?

4           MR. HOPKINS:  So what you are saying is, on the  
5 south side of the pool where you will see there is 4 feet of  
6 concrete --

7           CHAIRMAN VALENTIC:  Yeah.

8           MR. HOPKINS:  From that point to the southeast  
9 corner, what you are asking is, can we --

10          MR. HAMILTON:  Angle it.

11          MR. HOPKINS:  It slopes.  It slopes down.

12          CHAIRMAN VALENTIC:  It slopes down.  What I am asking  
13 is this:  This wall that gets really close to that easement  
14 line --

15          MR. HOPKINS:  Can we change that?

16          CHAIRMAN VALENTIC:  Can we just go like this so it's  
17 a little bit further?

18          MR. HOPKINS:  So, so what you are asking is if we can  
19 pull it in towards the house some?

20          CHAIRMAN VALENTIC:  Yeah.

21          MR. HOPKINS:  Away from the easement?

22          CHAIRMAN VALENTIC:  Yeah, slightly.  So then I  
23 believe you that we are not going to impact the easement.

24          MR. HOPKINS:  Okay.

25          CHAIRMAN VALENTIC:  But I am just trying to get to a  
26 point where everyone is feeling better about what we're trying  
27 to do here.

28          MR. HOPKINS:  Well, we want to make sure you guys  
29 feel comfortable.  That's what's important.

30          MR. SWEENEY:  Like an angle, angle cut almost.

1 MR. HOPKINS: So what you are asking is that, on the  
2 southeast corner by the pool, on the other side of the pool,  
3 bring -- so basically what he does is he loses some of his  
4 property.

5 CHAIRMAN VALENTIC: Some of the slope there.

6 MR. HOPKINS: Some of the slope.

7 CHAIRMAN VALENTIC: Some of the slope.

8 MR. HOPKINS: You know what?

9 CHAIRMAN VALENTIC: I don't know if --

10 MR. HOPKINS: It is not my home and I am not an  
11 engineer but I have communicated with the engineer quite a bit.  
12 I am sure that that can be accomplished.

13 CHAIRMAN VALENTIC: We got a letter from the  
14 Metroparks where there is some -- they have concerns with you  
15 guys encroaching as close as you are to that easement line. So  
16 I am just trying to alleviate that issue or that concern  
17 because they haven't, I mean, they haven't changed their stance  
18 with this new revised site plan.

19 MR. HOPKINS: So based on their stance but them not  
20 showing up --

21 CHAIRMAN VALENTIC: But they did give us a letter.

22 MR. HOPKINS: They did give you a letter.

23 CHAIRMAN VALENTIC: And I am trying to --

24 MR. HOPKINS: But that letter is based on, well, that  
25 letter is based on the original site plan.

26 CHAIRMAN VALENTIC: Correct.

27 MR. HOPKINS: It is not on the new site plan. They  
28 got the new site plan but they didn't respond.

29 CHAIRMAN VALENTIC: Their comment was they still have  
30 the same concerns.

1 MR. HOPKINS: I gotcha. Okay. I think that's what  
2 Heather said. Okay.

3 CHAIRMAN VALENTIC: Another question that I would  
4 have, just throwing something out there, so the east side of  
5 the wall where you're grading out, you've got to feather that  
6 out.

7 MR. HOPKINS: The east side of the wall, you mean the  
8 conservation side?

9 CHAIRMAN VALENTIC: Opposite the pool side, opposite  
10 the pool side, what is going to occur in this area here?

11 MR. HOPKINS: Between the, between the wall and the  
12 easement?

13 CHAIRMAN VALENTIC: Yeah.

14 MR. HOPKINS: Nothing. What's going to happen? What  
15 do you mean, what's going to happen?

16 CHAIRMAN VALENTIC: Yeah. Is it just turf?

17 MR. CAMPOLA: Grass.

18 MR. HOPKINS: It's just going to stay like it is.

19 MR. CAMPOLA: Grass.

20 CHAIRMAN VALENTIC: Grass.

21 MR. CAMPOLA: Yeah.

22 MR. HOPKINS: Or vegetation, whatever, I mean.

23 MR. EDGAR: Can I ask a question while he is up here  
24 so --

25 CHAIRMAN VALENTIC: Sure.

26 MR. EDGAR: On the first site plan --

27 MR. HOPKINS: Yes, sir.

28 MR. EDGAR: -- when the wall was here, there was no  
29 grading past the wall. The wall is moved back but now there is  
30 grading up to that line. Is that an engineering reason for

1 stability of that wall or is that just grading for aesthetics  
2 or --

3 MR. HOPKINS: Aesthetics.

4 MR. EDGAR: Aesthetics.

5 MR. HOPKINS: It's for aesthetics. It's nothing to  
6 do with the wall.

7 MR. EDGAR: So it could be, that grading could be  
8 completely removed from the --

9 MR. HOPKINS: From the wall back?

10 MR. EDGAR: From the wall back.

11 MR. HOPKINS: Yes, oh, sure.

12 MR. EDGAR: That would be a better condition.

13 MR. HOPKINS: That makes it better.

14 CHAIRMAN VALENTIC: Yeah. Then that helps your case  
15 here because then you're, again, you just reduced your impact  
16 to that riparian setback.

17 MR. HOPKINS: Right. We're not doing anything on  
18 the, on the easement side of the wall. It's going to basically  
19 stay the same as what it is according to -- yeah.

20 CHAIRMAN VALENTIC: But according to this plan, you  
21 are showing that you are filling and grading in there.

22 MR. HOPKINS: We are not going to.

23 CHAIRMAN VALENTIC: This is filling.

24 MR. HOPKINS: No.

25 CHAIRMAN VALENTIC: Okay. But, again, I am trying to  
26 help this along here. If you say you're -- that's, you know,  
27 that you can change that and not fill on that side, that  
28 reduces our impact to the 75 foot area.

29 MR. HOPKINS: Okay. That can be done, yeah. Nothing  
30 is going to be done -- You know what? I can't tell you exactly

1 why those lines are in there. I guess that is something like a  
2 grading issue, just like on the southeast side. But I --

3 MR. ROWE: It is grading because it slopes.

4 MR. EDGAR: Well, it changes the height of the wall.

5 MR. HAMILTON: It changes the wall height, correct.

6 MR. EDGAR: It changes the height of the wall if you  
7 don't add any fill, so those black lines are showing a change  
8 in topography. It is fill. So if you are adding material in  
9 there, it changes the height of the wall and that may make a  
10 difference in the design, the construction and the cost of that  
11 wall. So that's certainly a question that Aztec and Meyer  
12 or -- I didn't hear the name.

13 MR. HOPKINS: Kramer, the structural.

14 MR. EDGAR: Thank you. -- that Kramer would have to  
15 answer for certain. But if it's strictly an aesthetic  
16 purpose --

17 MR. CAMPOLA: I like cheaper. Cheaper is good.

18 MR. HOPKINS: Well, it's aesthetics, that's what I  
19 would tell you. I will tell you this: Originally, the wall  
20 was 11 foot when it went back that far.

21 MR. EDGAR: That's why, that's why I questioned if  
22 it's a lower wall, perhaps, because it's moved back. But if  
23 the reason that there was fill grading shown against is because  
24 of the design of the wall, because I know the Building  
25 Department engineers had some questions about that.

26 MR. HOPKINS: Okay.

27 MR. ROWE: It was like 4 feet.

28 CHAIRMAN VALENTIC: Yeah. But see this, Jim, this  
29 is -- So all this is impact within this. This grading on that  
30 side of the wall is all impact within that riparian setback.

1 MR. ROWE: Yeah.

2 CHAIRMAN VALENTIC: So it varies from this side is,  
3 what, about 15 feet of additional impact to almost, you know, a  
4 few feet. The question out there is, you know, if we eliminate  
5 this grading and then you eliminate additional impacts within  
6 that 75 foot, it just improves our condition.

7 MR. ROWE: Yeah.

8 CHAIRMAN VALENTIC: All right.

9 MR. HOPKINS: Is that it?

10 CHAIRMAN VALENTIC: Any other questions? We're good.  
11 Is there anyone else here speaking for or against  
12 this appeal that would like to come up? Would you like to come  
13 on up?

14 MR. LEE: The testimony is --

15 CHAIRMAN VALENTIC: Please confirm that you've been  
16 sworn and your name and address.

17 MR. LEE: Yes, Lee, and 11455 Viceroy Street, right  
18 next to his home. He is my new neighbor. So I just want to  
19 congratulate him, by the way. I haven't seen this map of  
20 the -- showing the pool. So I heard he is going to build the  
21 swimming pool, so I just want to take a look how beautiful it  
22 might be. That's why I am here, okay, the first time. I have  
23 been living in this Concord for the last 32 years but it is  
24 first time I got here. So all right, that's it. Nothing  
25 special, just want to look.

26 MR. SWEENEY: Do you want to see the pool?

27 MR. LEE: Thank you.

28 MR. ROWE: Mr. Lee, you can come over.

29 MR. SWEENEY: You live to the north?

30 MR. LEE: South.

1 MR. SWEENEY: To the south?

2 MR. LEE: Yeah.

3 MR. ROWE: To the right.

4 MR. LEE: Yes, right side, right. This drive, okay,  
5 this is -- My home is right over here. So that's, I heard  
6 swimming pool, where the swimming pool would be located. It is  
7 interesting. Thank you.

8 MR. SWEENEY: Okay.

9 CHAIRMAN VALENTIC: Okay. Anyone else here speaking  
10 for or against this appeal that would like to come up? Okay.  
11 Since we don't have anyone else, the public hearing for -- let  
12 me find my sheet now. It got lost in the shuffle. Which  
13 number is this? Oh, I got it here, Jim. Thank you -- for  
14 Variance Number 0117-1084 is now closed to the public. I would  
15 entertain a motion to approve Variance Number 1 -- or  
16 0117-1084.

17 MR. ROWE: So moved.

18 MR. HAMILTON: Second.

19 CHAIRMAN VALENTIC: Okay. It's been moved and  
20 seconded. It is open for discussion on the Board.

21 MR. ROWE: Right.

22 CHAIRMAN VALENTIC: Who wants to start?

23 MR. HAMILTON: Where to start?

24 MS. JARRELL: Do you want to start?

25 MR. HAMILTON: I think based on all the -- Sure, I'll  
26 start. It seems as though there will be several conditions  
27 attached to this, so I don't know our best way to hammer those  
28 out.

29 CHAIRMAN VALENTIC: I think we should list them up  
30 here and then have them come up and, you know, we hammer out



1 what they are, have them come up and, for the record, agree to  
2 those conditions, and then we can go to vote. Then we still  
3 have to vote and decide if we agree with the conditions to what  
4 we stated.

5 MR. HAMILTON: Exactly. I think starting from some  
6 of the last comments and working backwards that the grading on  
7 the back side of that wall into the 75 foot setback, as much of  
8 that that can being eliminated is beneficial.

9 CHAIRMAN VALENTIC: Yeah.

10 MR. HAMILTON: If they get rid of all of it, it is  
11 the best condition. If it is going to make the wall higher,  
12 how does that impact the engineering? And what condition do we  
13 set upon that?

14 CHAIRMAN VALENTIC: Yeah. I mean, if they're willing  
15 to do that, again, it just reduces that percentage of our  
16 impact within the easement.

17 MR. HAMILTON: Yeah.

18 CHAIRMAN VALENTIC: I mean, if they're showing the  
19 one section of wall that they made, sounds like 3 feet in front  
20 there, I would assume maybe we can just say they can grade out,  
21 do stuff in front of the wall but maybe limit it to 3 feet or  
22 restore it to natural conditions.

23 MR. HAMILTON: That would be the follow-up to that.  
24 Whatever does happen in that area with any grading or any  
25 disturbances would be, you know, would be improved with some  
26 native vegetation that helps to reduce the impact of the  
27 encroachment.

28 CHAIRMAN VALENTIC: Yeah. And that, what I  
29 understood, that landscaping would be even out on this whole  
30 area in here.

1 MR. HAMILTON: Uh-huh.

2 CHAIRMAN VALENTIC: And then maybe Chad will agree to  
3 work with them to help them select a native vegetation that can  
4 go out in that area, or the Metroparks.

5 Go ahead, Chad. Is Chad allowed to come up and  
6 comment?

7 MR. EDGAR: Closed it?

8 MS. LANDGRAF: No, he can't. I am sorry.

9 CHAIRMAN VALENTIC: Sorry, Chad.

10 MR. EDGAR: It's closed.

11 MS. JARRELL: It is hard to quantify exactly. Like  
12 the angle on the wall, everything, I think that's a good idea  
13 and it should be a condition and all the things that we're  
14 saying. And then, you know, bringing everybody together, all  
15 the different entities, you know, especially the Building  
16 Department and the Soil and Conservation, there are so many  
17 things going on in this case.

18 And we really don't know the magnitude of the  
19 original site work. I mean, that could have really affected  
20 this and we don't know the magnitude of it and this homeowner  
21 is going to be suffering the consequences from that. So I  
22 think that we need to handle it the best that we can by making  
23 these contingencies.

24 And, I mean, perhaps they need to come back and show  
25 us the new plan with the things that we've implemented and --  
26 or asked for, I should say, and knowing that these other  
27 entities are on board with everything, you know, the engineers,  
28 you know, how tall is the wall going to be? You know, how big  
29 is the footer? How big is the angle? You know, the grading?  
30 You know, what kind of foliage are we going to put out there?

1 MR. SWEENEY: Guys, guys.

2 MS. JARRELL: What else do I have? I think that's  
3 it, the angles, the grading, no grading outside the wall, and  
4 come back with a new plan because, you know, we have this site  
5 plan and, you know, we are thinking that a lot of grading is  
6 going to happen which we don't want to happen. It's  
7 unfortunate that you bought the house in November of '15 and  
8 then these went into effect July of '16, you know. It's, it's  
9 unfortunate that there is not a grandfather thing. We get  
10 that. I hope that, you know, we will be thoughtful of all of  
11 this. It's a lot.

12 But I think my, my opinion is that we should put  
13 these contingencies and kind of have him come back and we know  
14 that everybody is on the same page.

15 CHAIRMAN VALENTIC: Same page because, yeah --

16 MS. JARRELL: We can't quantify it.

17 CHAIRMAN VALENTIC: There is becoming to be a long  
18 list of contingencies and we can't say, you know, put in, say,  
19 10 trees out in there and the Metroparks will be okay. We  
20 don't know what that would --

21 MS. JARRELL: Right, right.

22 MS. LANDGRAF: Let me just say, as admirable as it  
23 is, the work with the Metroparks, it is not a condition you can  
24 impose on the Applicant to modify an easement that we're not a  
25 party to.

26 MS. JARRELL: Okay.

27 MS. LANDGRAF: So, I mean, you can certainly  
28 encourage them to work with the Metroparks but that cannot be a  
29 condition of the variance, you know. It can be --

30 MS. JARRELL: What about the Building Department?

1 MS. LANDGRAF: -- will work to reduce the  
2 deterioration of any vegetation but it can't be a requirement  
3 that they plant in the conservation easement for the  
4 Metroparks.

5 MS. JARRELL: What about the Building Department and  
6 Soil and Conservation?

7 MS. LANDGRAF: To work with them, you mean?

8 MS. JARRELL: Yes. I mean, can we put that as a --

9 MS. LANDGRAF: Well, this approval, they still have  
10 to get approval by the Building Department.

11 MS. JARRELL: Right.

12 MS. LANDGRAF: So for the structural integrity of the  
13 wall still has to go to the Building Department.

14 MS. JARRELL: So if we are making these  
15 recommendations and then have them come back with a more  
16 definitive plan and implementing some of the things --

17 MS. LANDGRAF: I would caution this Board to approve  
18 something on the condition that they come back with something  
19 in the future. I don't know. I don't know what you would be  
20 requesting that they come back with, just more information  
21 or --

22 CHAIRMAN VALENTIC: Or actually taking these, like,  
23 these conditions, if we're changing, if we're suggesting that  
24 they don't grade out there, give them the opportunity to  
25 confirm that, hey, we can build this without grading out there.  
26 So then we're reducing that impact in that 75 foot easement.

27 MS. LANDGRAF: If that's what you guys would like, I  
28 would suggest that the Applicant request that this be tabled  
29 and they come back with that information.

30 MS. JARRELL: Right.

1 MS. LANDGRAF: But if you are going to vote tonight,  
2 then it is going to be a vote on the one that's in front of  
3 you.

4 CHAIRMAN VALENTIC: With the conditions that we --

5 MS. LANDGRAF: With any modification that they would  
6 agree to.

7 CHAIRMAN VALENTIC: Okay.

8 MR. ROWE: Back to you, Mr. Chairman.

9 CHAIRMAN VALENTIC: Well, I mean, you know this is  
10 another tough case in front of us.

11 MS. JARRELL: Well, what are your thoughts? I  
12 mean --

13 MR. HAMILTON: My thought is that we'd like to see a  
14 final site plan that minimizes the impact in the setback area.

15 CHAIRMAN VALENTIC: I think we --

16 MR. HAMILTON: And that includes the grading.

17 MS. JARRELL: The angle.

18 MR. HAMILTON: The angle, making any changes to the  
19 wall. Otherwise, we're voting on this site plan, to approve or  
20 deny.

21 CHAIRMAN VALENTIC: So, right now, we have, well,  
22 reduce the grading outside of the wall to the west to maybe be  
23 within 3 feet of the wall, you know, all those contours. And  
24 then that's the area outside that wall that's between the  
25 easement and the wall, potentially, restore that as natural  
26 vegetation instead of turf and lawn, you know, maybe enhance it  
27 that way could be one of the -- that could be part of the  
28 stipulation there because that's not going into the Metroparks  
29 easement area.

30 And then I guess I already made that suggestion in

1 that southeast corner, if we pull that wall back, that gives a  
2 little bit of room between that easement line and the yard to  
3 try to get a little bit to ensure -- or try to reduce any  
4 potential for impact on the Metropark property and also  
5 provides another little area where we can reduce the impact.

6 MS. JARRELL: Agreed.

7 MR. ROWE: That's here, right?

8 CHAIRMAN VALENTIC: Yeah.

9 MS. JARRELL: I mean, it's 17 feet is what we're  
10 asking for, right, 17 feet, or are we clear on that?

11 MR. HOPKINS: Yeah, 17 1/2. Well, basically --

12 CHAIRMAN VALENTIC: Hold on. It's closed. I am  
13 sorry. I apologize. I am not trying to stop you.

14 MR. HOPKINS: Are we going to get to speak again?

15 CHAIRMAN VALENTIC: We would have to open it back up.

16 MS. JARRELL: Are we clear on that? Is it 17 feet?

17 CHAIRMAN VALENTIC: No. Heather, please clarify.

18 MS. FREEMAN: No. The total amount of variance  
19 requested this evening was all the way to the extent of the  
20 grading, so basically to the -- He's asking to go right up to  
21 the conservation easement, which includes the grading not just  
22 to the wall, it's all the grading beyond the wall. That's part  
23 of the variance request.

24 CHAIRMAN VALENTIC: And that's part of our discussion  
25 with them to try to reduce that grading and that reduces that  
26 variance request because, technically, they can't fill  
27 anything, even if it's for lawn, within the 75 foot easement.

28 MR. ROWE: Right.

29 CHAIRMAN VALENTIC: I am just -- Is it maybe like 25  
30 feet, maybe, if it's to scale, off on that corner or so?

1 MS. FREEMAN: From the wall to the conservation?

2 CHAIRMAN VALENTIC: No, from the, from the easement  
3 where they're grading up to, to our setback in this dimension  
4 here.

5 MR. HAMILTON: It's 35 feet.

6 MS. JARRELL: I am sorry. I am still unclear on the  
7 exact variance request. I am thinking that, you know, we're 17  
8 feet in the 75 foot riparian setback.

9 MS. FREEMAN: It's about 30 feet.

10 MS. JARRELL: It's 30 feet?

11 MS. FREEMAN: He's about 30 feet.

12 MS. JARRELL: Thirty feet.

13 MS. FREEMAN: He's 45.2 feet away.

14 CHAIRMAN VALENTIC: Yeah, you are like 30 feet right  
15 in here, so I'd say 30 feet in here.

16 MS. FREEMAN: This is a change in elevation. These  
17 are contour lines, grading.

18 MS. JARRELL: Okay. So that all has to be eliminated  
19 right here.

20 CHAIRMAN VALENTIC: All this back here.

21 MS. JARRELL: Yes, yes.

22 MS. FREEMAN: To the wall in this area.

23 CHAIRMAN VALENTIC: If we stopped it here --

24 MR. CAMPOLA: I didn't ask you to do that.

25 MS. FREEMAN: That's for the house.

26 MR. CAMPOLA: Oh, okay.

27 MS. FREEMAN: Just to put it on record to explain it  
28 to you, if this were to get approved and the homeowner was  
29 going to build this project, you are going to have to get the  
30 grading plans reapproved at Lake County Engineer's Office

1 because the house is still under construction. So they will  
2 have to get their final grade elevation changed and approved  
3 before they can even, you know, occupy the house, if they sign  
4 off on it. So that's still -- That's another approval that the  
5 Applicant is going to need.

6 MS. JARRELL: Okay.

7 MS. FREEMAN: Not only Lake County Building  
8 Department's approval on the wall but, actually, Lake County  
9 Engineer for the grading plan.

10 CHAIRMAN VALENTIC: The engineer. And who is --

11 MS. FREEMAN: The grading plan.

12 CHAIRMAN VALENTIC: The grading plan, okay. With the  
13 wall, who approves that? Is that the Building Department?

14 MS. FREEMAN: That is also Lake County Building  
15 Department but they will get advice from the County Engineer's  
16 Office.

17 CHAIRMAN VALENTIC: Okay. So one of our other  
18 contingencies is approval from the County Engineer and Building  
19 Department.

20 MS. FREEMAN: Yes.

21 MS. JARRELL: To revise the grading plan. I mean, we  
22 just we need a new plan.

23 MS. FREEMAN: The grading plan and the wall.

24 MS. JARRELL: Yes.

25 MS. FREEMAN: Yes.

26 CHAIRMAN VALENTIC: But their approval -- I mean, our  
27 approval is contingent on them getting that approval. This is  
28 what I am saying.

29 MS. LANDGRAF: Approval of the Engineer and the  
30 Building Department, is that what you are saying?



1 CHAIRMAN VALENTIC: Yes.

2 MS. JARRELL: Yes.

3 MS. LANDGRAF: Yes.

4 CHAIRMAN VALENTIC: Yes, sir.

5 MR. ROWE: In the letter, only one of the  
6 deficiencies that they knew is lack of Concord Township Zoning.

7 CHAIRMAN VALENTIC: Yeah. So, yeah, we need to  
8 approve it so it can go to them and they can say they have  
9 contingent approval and then they can review. It goes through  
10 their process and approval.

11 MR. ROWE: Okay.

12 CHAIRMAN VALENTIC: So really quick -- Sorry, Skip.  
13 What Chris is saying is her suggestion -- and I will let you  
14 guys agree or disagree -- she is suggesting that we ask them to  
15 table it and come back in with an updated site plan for our  
16 Board approval or we vote tonight based on this and our  
17 conditions and that's our vote.

18 MR. ROWE: I think tabling it is a -- makes sense.

19 MS. JARRELL: What do you think, Skip?

20 MR. SWEENEY: Well, it's up to the Applicant.

21 CHAIRMAN VALENTIC: Well, yeah, it's up to them  
22 regardless. It's their decision. But what I guess I am  
23 asking, should we ask -- Do we want to make that suggestion to  
24 them?

25 MR. SWEENEY: Well, I don't know that we have -- I  
26 don't know that that's our job. All right? They should know  
27 the law and they should know the procedure.

28 MS. JARRELL: Who? Who?

29 MR. SWEENEY: The Applicant. If they want to table  
30 it, they should know that they have the option to table it,

1 come back, reconfigure or whatever. Are you saying, should we  
2 suggest that to the Applicant?

3 CHAIRMAN VALENTIC: Well, I guess it's getting to the  
4 point -- and I would ask legal to weigh in on this -- we are  
5 putting so many, what I am hearing Chris saying is that we are  
6 putting so many conditions on here that she thinks it's  
7 beneficial for the Board to see the new plan so we clearly  
8 understand what we're approving.

9 MR. SWEENEY: Yeah. I mean, if we want, we can table  
10 it, right, ourselves? Can we?

11 MS. JARRELL: Yeah, right.

12 MS. LANDGRAF: Yes, you can.

13 MR. SWEENEY: Or do we have to vote on what's in  
14 front of us with the conditions?

15 MR. ROWE: Well, it's usually --

16 MS. LANDGRAF: It's usually the Applicant requests.

17 MR. ROWE: -- through the Applicant.

18 CHAIRMAN VALENTIC: The Applicant should request.

19 MR. SWEENEY: I just have a lot of questions.

20 CHAIRMAN VALENTIC: Go for it.

21 MR. SWEENEY: I've got, I've got a lot. I have some  
22 concerns here. Number one, essentially, what has turned -- a  
23 75 -- A riparian setback violation has turned into an analysis  
24 of an easement violation as well, correct?

25 MS. JARRELL: From the conservation easement?  
26 Because they're not in that.

27 MR. ROWE: They're out of that.

28 MS. JARRELL: They're out of that.

29 CHAIRMAN VALENTIC: They're saying that they're going  
30 to stay out of it.

1 MR. SWEENEY: Well, apparently, we're not out of it  
2 because we're talking about impacts.

3 MS. JARRELL: Because it's a riparian issue as well.

4 MR. ROWE: Riparian.

5 MR. SWEENEY: I understand that. But the impacts  
6 have been directed specifically at the easement.

7 MR. HAMILTON: No, no, no.

8 MR. ROWE: No.

9 MR. SWEENEY: That's what your questions have  
10 addressed.

11 MR. HAMILTON: No, no.

12 MR. SWEENEY: I think.

13 MR. HAMILTON: No. It's impacting the setback.

14 CHAIRMAN VALENTIC: Some of the questions --

15 MS. JARRELL: The 75 feet setback, the riparian  
16 setback, where that yellow line is.

17 MR. SWEENEY: All right. Then that brings up my next  
18 issue because we have received no guidance from an  
19 implementation of this new riparian code as to how to proceed.

20 MS. JARRELL: It's hard.

21 MR. SWEENEY: We get -- No one tells us you can  
22 grandfather, you can't grandfather, you have -- So what we're  
23 doing is we're superimposing laws upon each other and, and  
24 they're being applied -- I am not going to say improperly  
25 but --

26 MR. CAMPOLA: Yes.

27 MR. SWEENEY: -- unevenly. If this were just a 75  
28 foot setback issue, I would say he's grandfathered and impacts  
29 are minimal, as far as I am concerned. But there is one thing  
30 on top of another here and I am not sure how to go about

1 deciding.

2 And then, after all that, then you've got these  
3 competing interests with Lake County and the Metroparks, which  
4 is a wildcard as far as I am concern because their easement  
5 restrictions, I think, are more restrictive than anything the  
6 Township is contemplating. I mean, I could go on but this is  
7 just crazy.

8 MS. JARRELL: It's --

9 MR. HAMILTON: Wait a minute. I have to disagree.  
10 I mean, granting a variance on a riparian setback is spelled  
11 out in the zoning, things to consider.

12 MR. ROWE: Yeah.

13 CHAIRMAN VALENTIC: That was that 75.

14 MR. HAMILTON: Right.

15 MS. JARRELL: But they're not, they're not  
16 particularly measurable by any stretch. We say grading. What  
17 does that mean? What does that mean?

18 MR. SWEENEY: There is no guidance.

19 CHAIRMAN VALENTIC: Any filling is grading.

20 MS. JARRELL: No, I know. But we don't know -- You  
21 know, are you putting in, you know, 6 yards of dirt? Are you  
22 removing 6 yards of dirt? We don't know what that means.

23 CHAIRMAN VALENTIC: But if you put in an inch of  
24 dirt, you're filling. That's it.

25 MS. JARRELL: We don't know what has, what has  
26 transpired with the original site work. There is so -- There  
27 are so many things at play here. And I understand, you know,  
28 what we're trying to do but --

29 MR. SWEENEY: Then you talk about impact, which then  
30 draws the affected area even further back than the actual line.

1 Okay? So where do we start? Do we start from the street?

2 MR. ROWE: No.

3 MR. SWEENEY: I mean, where, you know, the impact --

4 CHAIRMAN VALENTIC: It starts at the setback, the  
5 impact. We have the 75 foot setback.

6 MR. SWEENEY: Right, right.

7 CHAIRMAN VALENTIC: That's where we start from.

8 MR. ROWE: Right there.

9 CHAIRMAN VALENTIC: And we're trying to find --

10 MR. SWEENEY: But the impact is like a moving target.

11 You could have an object right on the line which -- By the way,

12 it doesn't say that you have to be 5 foot from the line. You

13 can be right on the line and there is no impact there or you

14 could be pulled back 20 feet and there could be a greater

15 impact, depending on the conditions. So it's, like, I am

16 really confused.

17 MR. ROWE: You might be overengineering it a little  
18 bit.

19 MR. SWEENEY: Possibly.

20 MR. ROWE: But, I mean, we're working -- Their  
21 redesign has taken them out of the Metropark easement. It's a  
22 little close here but they're willing to, you know, yield or  
23 bend that a little bit.

24 CHAIRMAN VALENTIC: And we don't have any --

25 MR. ROWE: Technically, right now, it's out of it.

26 Most of the discussion now is this line, the 75 foot riparian.

27 MR. SWEENEY: Right.

28 MR. ROWE: And what this has to do with that and

29 you've got things going on in it. And there are the guidelines

30 far as, I mean, you can -- We can give, you know, a variance

1 to, you know, side lot setbacks, various sundry things. You  
2 can do that to this to a degree but you try to do it prudently  
3 and with some thought and so forth.

4 MR. SWEENEY: Yeah. And on a case by case.

5 MR. ROWE: On a case by case, absolutely.

6 CHAIRMAN VALENTIC: And if we would have it caught  
7 this -- Like I said, it's a shame we didn't catch this when we  
8 first gave him the 10 foot. I would have, I would have thought  
9 about maybe we can give them 15 or 20 so we are, you know, out  
10 of that, you know, looking at it differently and looking at  
11 what -- how they would have impacted the front yard, but that's  
12 neither here nor there right now.

13 MS. JARRELL: We don't know the true impact. You  
14 can't measure the impact either. We don't know what the worst  
15 case scenario is. So that's what makes it -- It's so nebulous  
16 with, with the requirements in the Resolution. I don't know  
17 how you make it measurable and do that. I think we need to do  
18 the best we can but, here, we've had significant site work.  
19 Heck, we've got storm sewers going to the creek.

20 MR. SWEENEY: Yeah.

21 MS. JARRELL: We don't -- There was, obviously, earth  
22 moved when that went in and, you know, we can't grandfather. I  
23 mean, there is so many things at play here, you know.

24 CHAIRMAN VALENTIC: So what we're trying to do is,  
25 with these conditions, is trying to reduce that perceived  
26 impact.

27 MR. ROWE: Yeah.

28 CHAIRMAN VALENTIC: And deciding if we vote on the  
29 plan with the conditions tonight as is, you know, that we have  
30 spelled out. The conditions are less grading on the east side

1 of the wall, keeping it to 3 feet or less within the wall;  
2 landscaping that area outside the wall that's not in the  
3 easement with native plants, trying to enhance that as natural  
4 vegetation; and then potentially pulling that wall angle back  
5 on the southeast corner, again, to try to reduce how much  
6 impact is back out within that 75 foot setback; and then the  
7 last one would be that our approval is contingent on them  
8 receiving approval from the County Engineer for the grading  
9 plan and the Building Department for the wall.

10 Again, I am not a structural engineer. I look at  
11 that wall, I'm like, you put in a pool behind it? I don't  
12 know. It seems to be crazy to me.

13 MS. JARRELL: Yeah.

14 CHAIRMAN VALENTIC: But let the structural guys work  
15 that out and figure all that stuff out. That's not really for  
16 us to decide, you know. They'll all handle that. The  
17 engineers will take care of that stuff.

18 MR. ROWE: Right.

19 MS. JARRELL: Fortunately, it is still February and  
20 we table it, you've got to, you know, just a month behind.

21 CHAIRMAN VALENTIC: Yeah. So, legal counsel, I just  
22 want to ask a question. If we were to open this to table this,  
23 we would -- it would be the Applicant that would need to table  
24 it. We would have to --

25 MS. LANDGRAF: You can do it on our own discretion.

26 CHAIRMAN VALENTIC: We can do that at our own  
27 discretion.

28 MS. LANDGRAF: You would have to make a motion to  
29 table.

30 CHAIRMAN VALENTIC: Do we still have to bring them up

1 to -- and kind of lay out the conditions? They have to agree  
2 to them as well?

3 MS. LANDGRAF: Correct.

4 CHAIRMAN VALENTIC: But they --

5 MS. LANDGRAF: If you proceed with the vote.

6 CHAIRMAN VALENTIC: If we proceed with the vote.

7 MS. LANDGRAF: Right.

8 CHAIRMAN VALENTIC: But our, as a group, we can  
9 decide to table this tonight as well.

10 MS. LANDGRAF: You can table it, yes, at the Board's  
11 discretion. There would have to be an affirmative vote to  
12 table it.

13 CHAIRMAN VALENTIC: Okay. So somebody would put a  
14 motion to table this and then second and then --

15 MS. LANDGRAF: Right, for additional information. I  
16 would spell out to the Applicant what the additional  
17 information is you are looking for.

18 CHAIRMAN VALENTIC: Okay.

19 MS. JARRELL: Didn't we do that? We have to do it  
20 again.

21 CHAIRMAN VALENTIC: So I would ask that -- I can't do  
22 this motion or can I?

23 MS. LANDGRAF: No.

24 CHAIRMAN VALENTIC: No, okay. Chris, if you would,  
25 Vice Chair, want to throw that motion out to the Board to table  
26 it and that -- asking the Applicant to revisit the grading  
27 outside of the wall, out to the east side of the wall,  
28 potentially enhancing his property that is not within the  
29 easement with native natural vegetation and looking at the  
30 angle of the wall on the southeast corner, then -- and coming



1 back with a new plan and then somebody can second and then we  
2 can go to a vote on the table.

3 MR. SWEENEY: So what he said.

4 MS. JARRELL: Right. I was just going to say --

5 CHAIRMAN VALENTIC: I know. That's why I asked.

6 MS. JARRELL: I call for a motion that we table this  
7 variance request contingent on the items that Ivan -- Can I say  
8 that?

9 MS. LANDGRAF: Not contingent.

10 MS. JARRELL: Not contingent.

11 MS. LANDGRAF: But you're tabling it and request that  
12 the Applicant provide certain information which Ivan maybe can  
13 summarize again for you.

14 MS. JARRELL: Okay. I call for a motion that we  
15 table this variance request based on the requirements that we  
16 have these -- Sir, can I? May I take this?

17 CHAIRMAN VALENTIC: Yes.

18 MS. JARRELL: -- that we get a revised site plan,  
19 hopefully, at the next meeting with the following items taken  
20 care of: One, that we address the grading outside of the wall  
21 to 3 feet or less; two, that the, that the landscaping with new  
22 foliage and native plants is --

23 CHAIRMAN VALENTIC: Outside the wall.

24 MS. JARRELL: -- outside the wall is planted and  
25 what's the plan for that; the third thing is that the wall, the  
26 corner that is on the southeast side, the southeast corner wall  
27 is angled back so it minimizes the effect on the riparian  
28 setback; and the fourth item is --

29 MR. ROWE: Chris.

30 MS. JARRELL: Did I miss something?

1 MR. ROWE: Yeah. That would be, that angling would  
2 be the impact on the --

3 MS. JARRELL: Conservation easement.

4 CHAIRMAN VALENTIC: And the riparian as well.

5 MS. JARRELL: And the riparian because they have a  
6 lot of the same requirements.

7 MR. ROWE: True.

8 MS. JARRELL: The fourth them is that you get  
9 approval from the County Engineering of this new site plan and  
10 the Building Department and we would look forward to seeing  
11 that. So I have made the motion to do that.

12 MR. SWEENEY: Second.

13 MS. JARRELL: Thank you.

14 MR. ROWE: Okay, moved and seconded.

15 CHAIRMAN VALENTIC: Okay, it's been moved and  
16 seconded. The question is on the approval of tabling Variance  
17 Number 0117-1084 based on the conditions that Chris just went  
18 through. A yes vote is for tabling this variance, a no vote  
19 denies it, tabling it.

20 Heather, can you please call the vote?

21 MS. FREEMAN: Mr. Hamilton?

22 MR. HAMILTON: Yes.

23 MS. FREEMAN: Mr. Sweeney?

24 MR. SWEENEY: Yes.

25 MS. FREEMAN: Ms. Jarrell?

26 MS. JARRELL: Yes.

27 MS. FREEMAN: Mr. Rowe?

28 MR. ROWE: Yes.

29 MS. FREEMAN: Mr. Valentic?

30 CHAIRMAN VALENTIC: Yes. Okay. Thank you. Thank

1 you, everyone, for their help.

2 MS. JARRELL: Yes.

3 CHAIRMAN VALENTIC: Gentlemen, if you leave, see  
4 Heather before you go if you have any questions.

5 All right. Next on our agenda is approval of the  
6 minutes. I call for a motion to approve the minutes from  
7 January 1st -- January 11, 2017.

8 MS. JARRELL: So moved.

9 MR. ROWE: So moved.

10 CHAIRMAN VALENTIC: Is there any discussion regarding  
11 the minutes?

12 MR. ROWE: No. They're all right.

13 CHAIRMAN VALENTIC: The question is on the approval  
14 of the minutes from January 11, 2017. A yes vote approves the  
15 minutes, a no vote does not. All in favor of approving the  
16 minutes as written say "aye."

17 (Four aye votes, no nay votes, one abstention.)

18 CHAIRMAN VALENTIC: The minutes have been approved  
19 for January 11, 2017. The Concord Township Board of Zoning  
20 Appeals meeting for February 8, 2017, is now closed.

21 (Whereupon, the meeting was adjourned at 8:58 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 1st day of March 2017.

\_\_\_\_\_  
Melinda A. Melton  
Registered Professional Reporter  
  
Notary Public within and for the  
State of Ohio  
  
My Commission Expires:  
February 4, 2018