

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

June 14, 2017
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Francis Sweeney, Jr., Vice Chairman
Blair Hamilton
Todd Golling, Alternate
James Rowe, Alternate

Also Present:

Michael Lucas, Esq., Legal Counsel
Heather Freeman, Zoning Director/Zoning Inspector
Sydney Martis, Planner/Assistant Zoning Inspector

Melton Reporting
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Concord, Ohio 44077
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7:00 p.m.

CHAIRMAN VALENTIC: Good evening. The Board of Zoning Appeals for Concord Township on June 14, 2017, is now in session. I would like to introduce the Board. To my left, far left is Skip Sweeney and Jim Rowe. I am Ivan Valentic. To my right is our newest member, Todd Golling, and Blair Hamilton. To our far right is Heather Freeman, our Zoning Inspector.

Under the advice of counsel, we ask that anyone speaking tonight, that they must be sworn in, so we ask that you please stand and raise your right hand.

(Whereupon, the speakers were sworn en masse.)

CHAIRMAN VALENTIC: Thank you. Please be seated. Tonight when presenting your case or commenting, please be sure to come up to the microphone and, for the record, state your name and address.

Heather, were the legal notices submitted in a timely manner?

MS. FREEMAN: Yes, they were.

CHAIRMAN VALENTIC: Thank you. Tonight we have one variance appeal and two conditional use permits. A three-vote majority is required to either approve or deny the appeal. If your request is denied, you have the right to file an appeal. If this is the case, Heather can help you with the details.

Okay. First is the Amended Conditional Use Permit Number 51, Application Number 2017-3, Mr. Elie Chamoun, representing B2B Concord LLC, is requesting an amendment to Conditional Use Permit Number 51 for outside dining, in accordance with Section 13.33, for Burgers 2 Beer, for the property located at 7669 Crile Road and being Permanent Parcel Number 08-A-019-0-00-025-0.

1 Good evening.

2 MR. CHAMOUN: Good evening. I've been sworn in. I
3 am Elie Chamoun, 231 Legacy Drive, Highland Heights, Ohio
4 44143.

5 CHAIRMAN VALENTIC: Do you want to give us an update?

6 MR. CHAMOUN: I mean, the Fire Department, you know,
7 with the landlord plans moving that door on the inside where
8 they wanted it was, by Ron, accepted and that part of the, of
9 the Fire Department issues were resolved.

10 CHAIRMAN VALENTIC: And just for the record so it's
11 clear to everybody up here, how were you able to resolve that
12 Fire Department issue?

13 MR. CHAMOUN: Well, Ron suggested to put an interior
14 door on the inside with the same key that is for the front
15 door.

16 CHAIRMAN VALENTIC: Okay.

17 MR. CHAMOUN: And a lock box outside.

18 MR. HAMILTON: So you now have two access points into
19 that room. So it's really the only --

20 MR. CHAMOUN: One from the patio, one from inside the
21 restaurant.

22 MR. HAMILTON: So that interior door is the only
23 change and the access to it?

24 MR. CHAMOUN: Yeah.

25 MR. HAMILTON: All right. Understood.

26 CHAIRMAN VALENTIC: Okay. So, well, you are here --
27 So we've gotten past that issue. That was a hang-up. I am
28 glad we were able to resolve that.

29 MR. CHAMOUN: Thank you.

30 CHAIRMAN VALENTIC: But you are here for an amendment

1 for the amount of area you need.

2 MR. CHAMOUN: Well, you know, looking at, you know,
3 I've been around the whole city here. We've got Panini's,
4 you've got Redhawk and all these other places that have outdoor
5 patios, much larger patio seating, probably twice the size of
6 my patio, if not bigger. And, you know, we need to be, you
7 know, in the area where I can compete with these other, you
8 know, businesses.

9 So we decided to, from the previous original
10 approval, was to expand the patio to be able to fit a bar on
11 the outside. So we went further out several feet to, with
12 Lance's approval, which is the landlord, and we plan on
13 building an outdoor bar to accommodate an outdoor bar for the
14 area. Nothing had changed in general in the previous plans,
15 the ones that were originally approved for the patio, but the
16 only difference is it went wider by several feet to accommodate
17 the bar on the out -- the outdoor.

18 MR. HAMILTON: So looking at, looking at the site
19 plan, so you've gone five feet out further from the building
20 and it would appear you're now more than halfway across that
21 open area between the two buildings.

22 MR. CHAMOUN: Yeah. The other side of the building
23 that they are putting, what Lance has suggested is that whoever
24 is going to take that corner spot will not be a restaurant, so
25 it will not have to be forced to put a patio on that side.

26 CHAIRMAN VALENTIC: Okay. This, your patio, you are
27 planning live music. I think we talked about that before.

28 MR. CHAMOUN: I mean, it's, it's in the air. We
29 don't know what the live music is going to be, like a hard rock
30 band or, you know, rap or anything like that. We are going to

1 have, you know, maybe a one-man show on certain nights, jazz,
2 you know, maybe -- nothing that's going to be very loud. And
3 it's going to be, if that, it is going to be during the summer
4 and when the weather is nice and during, like, Saturday or a
5 Friday night.

6 Other than that, it's just sports TVs. We're mainly
7 like an advanced, high tech -- I don't want to say high tech --
8 high design sports bar, if you want to consider it that way. I
9 mean, if we do have any live music outside, it will be very
10 minimal.

11 CHAIRMAN VALENTIC: So live music, you're thinking,
12 is on the weekends?

13 MR. CHAMOUN: Yeah. There isn't going to be anything
14 on the weekdays, like outdoor, like, music. Friday, Saturday
15 mainly, if that.

16 CHAIRMAN VALENTIC: Okay.

17 MR. CHAMOUN: And it's one of those two days, not
18 both days, unless you guys enjoy it a lot and you request for
19 more.

20 CHAIRMAN VALENTIC: You never know.

21 MR. ROWE: Hey, do it right, it could happen.

22 CHAIRMAN VALENTIC: You know, one of the, I guess, a
23 follow-up would be, do you think the -- I think it was in your
24 letter. What are the, for the Board, what's the operation, do
25 you think, for the music? Because it's the one thing -- You
26 know, I think the patio component fits with the uses here but,
27 you know, when you start to add the band and live music, it
28 starts to change the use a little bit.

29 MR. CHAMOUN: Well, let me explain. We're in
30 Concord. Okay? Now, if you are telling me we're in downtown

1 Cleveland, I would say, okay, 2:30 in the morning would be. We
2 close most of our restaurants, even the one in Lakewood that is
3 pretty, you know, a metropolitan area with a lot of people
4 there, we shut down at 12:00 on weekends.

5 CHAIRMAN VALENTIC: Okay.

6 MR. CHAMOUN: You know, if there is a game going on
7 and the Cavs are winning and the people are having fun and the
8 place is still crowded at 12:30, past 1:00, we would stay open,
9 I mean, for those special events. We're planning on, right
10 now, we are not planning on -- I don't think, right around
11 here, you are going to have a lot of people going out after
12 12:00 at night unless you have a special event where people are
13 going to be, you know, coming purposely for that reason. But
14 other than that, most of our businesses is over between 11:00
15 and 12:00.

16 CHAIRMAN VALENTIC: Okay.

17 MR. CHAMOUN: I am not going to say that we might not
18 -- We might open on a Friday Saturday until 2:30 because we
19 have a D-5 license, which allows us to do that, but I am going
20 to try it out and see. If I don't see anything, why should I
21 waste my money on labor and electric, you know.

22 CHAIRMAN VALENTIC: Yeah.

23 MR. ROWE: Did I see in here somewhere that you said,
24 even though it could go to 2:00 or 2:30, that music would stop
25 at 12:00?

26 MR. CHAMOUN: Yeah, I don't think we are going to
27 have anything. I mean, anything that happens after 12:00 isn't
28 good. Okay? So it's true.

29 MR. ROWE: Oh, I don't know.

30 MR. CHAMOUN: You know, my father always told me if

1 anything happens after 12:00, 90 percent of the time it's not
2 good. So we try to stay in the area. We want to keep our
3 reputation where it is like we are in Highland Heights and
4 Lakewood. We're known more of a family sports bar. We are not
5 a -- We might be the hangout where people come in and have a
6 few drinks after work. It's not going to be where it's going
7 to be like a rowdy nightclub or a rowdy place where -- We don't
8 want that. You know, when that happens, we stop it
9 immediately. You know, Concord is a respectable area. I mean,
10 I am not going to turn it into a place where you guys are going
11 to be against me after a few weeks, you know.

12 CHAIRMAN VALENTIC: Would you be willing to make that
13 some -- one of the conditions, that the music would be limited
14 to the weekends and till midnight?

15 MR. CHAMOUN: We can do that.

16 CHAIRMAN VALENTIC: Yeah, okay. And just in 13.33 --

17 MR. CHAMOUN: Music, like, the live bands.

18 CHAIRMAN VALENTIC: The live music.

19 MR. CHAMOUN: Yeah. I can have my speakers on.

20 CHAIRMAN VALENTIC: Yeah.

21 MR. CHAMOUN: I am not going to turn them on loud.

22 CHAIRMAN VALENTIC: The live music.

23 MR. GOLLING: Would they not have any music during
24 the week though?

25 CHAIRMAN VALENTIC: The live music during the week,
26 if he doesn't want it --

27 MR. GOLLING: All right.

28 CHAIRMAN VALENTIC: -- we would limit it to the
29 weekend, yeah.

30 MR. CHAMOUN: That's perfectly fine with me. I

1 wasn't planning on having it any other nights unless you want
2 me to do a country night on Thursday.

3 CHAIRMAN VALENTIC: I am good with that.

4 MR. CHAMOUN: Get one of those, you know, bulls.

5 MR. GOLLING: The only reason I mention is because
6 Redhawk normally has live music during the week as well but
7 they, they wrap up about 9:30.

8 MR. CHAMOUN: Yeah, 9:30?

9 MR. GOLLING: Yeah.

10 MR. CHAMOUN: I mean, you can put a limitation, no
11 live music during the week past 10:00 or 11:00, and then no
12 live music -- I mean, live music on weekends allowed past that
13 point, and I would be okay with that.

14 CHAIRMAN VALENTIC: Okay. I just, looking at a lot
15 of the sections of the 13.33, that was just the one that jumped
16 out at me that I just wanted to talk through.

17 MR. CHAMOUN: Absolutely.

18 CHAIRMAN VALENTIC: Anyone else have any other
19 questions?

20 MR. CHAMOUN: No.

21 MR. HAMILTON: No.

22 MR. CHAMOUN: It's a fair thing to do.

23 MR. ROWE: Pretty well laid out.

24 CHAIRMAN VALENTIC: Is this thing going to be open?
25 What happens in the winter with everything out there?

26 MR. CHAMOUN: It's going to be fun.

27 CHAIRMAN VALENTIC: Are you going to stay open, parts
28 of it?

29 MR. CHAMOUN: Well, it's -- I was speaking to Heather
30 earlier that the actual awning company that's doing the

1 exterior design is out of Columbus, Ohio. And they're sourcing
2 all the -- The first time in Ohio, actually, they're sourcing
3 the first canopy design -- but it's not an actual fabric --
4 from Italy and it will be here in Concord and they're using my
5 store as a model to actually take pictures and then use it on
6 their website to sell the new technology.

7 And it's a retractable rooftop, so it closes down
8 when it's raining and it seals water shut and there is a
9 drainage system to it, and it opens up when it's nice and
10 sunny. And then the side, the sides have plastic covers. If
11 it's really rainy, the plastic cover will come down so the
12 people don't get splashed. High tech, all fans on the inside,
13 lighting. You can hang TVs. It's a really, really heavy
14 structure.

15 CHAIRMAN VALENTIC: Okay.

16 MR. CHAMOUN: Only in Concord.

17 CHAIRMAN VALENTIC: Well, if that's it --

18 MR. CHAMOUN: There is a certain area that we're not
19 going to cover, which is where -- the one area we're going to
20 put an outdoor, all-weather pool table for, you know, people
21 that want to go play pool when the weather is nice. We are not
22 going to put any games inside the restaurant. That's it.

23 CHAIRMAN VALENTIC: Okay. I think that's -- You're
24 all set.

25 MR. CHAMOUN: Thank you.

26 CHAIRMAN VALENTIC: Please be seated. Let's see. Is
27 there anybody else speaking against or for this appeal that
28 would like to come up? If there is no further questions, the
29 public hearing for Conditional Use Permit Number 51 is now
30 closed to the public. I will entertain a motion to approve

1 Conditional Use Permit Number 51.

2 MR. ROWE: So moved.

3 MR. SWEENEY: Second.

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

6 MR. LUCAS: Mr. Chairman.

7 CHAIRMAN VALENTIC: Yes.

8 MR. LUCAS: Not to interrupt the proceeding but I
9 just want to make sure we reflect the conditions that we just
10 talked about and the approval of the conditional use permit as
11 amended reflects those additional conditions both set forth and
12 discussed by you regarding the outdoor dine -- outdoor music
13 and that. All right?

14 CHAIRMAN VALENTIC: Yeah. So when we pass the
15 motion, that the motion includes the --

16 MR. LUCAS: Agreed upon conditions as agreed to by
17 the Applicant, number one, and also as set forth in the letter
18 that was submitted by him to Heather Freeman regarding
19 questions about the outdoor dining and outdoor music.

20 CHAIRMAN VALENTIC: Okay. Thank you, Mike.

21 MR. LUCAS: And then, lastly, as part of the
22 conditional use permit as amended, the current site plan that
23 was submitted on May 30, 2017, be incorporated as one of the
24 conditions, which is what he submitted.

25 CHAIRMAN VALENTIC: Yeah, the site plan that was in
26 our package.

27 MR. LUCAS: Yes, which is what we're dealing with in
28 terms of the amendment.

29 CHAIRMAN VALENTIC: Yeah. Because -- So this will
30 be, this drawing that's A1 and I think it has a last revised

1 date of 11/18/16, will be the limits of the conditional use
2 permit that's provided.

3 MR. LUCAS: Right.

4 CHAIRMAN VALENTIC: For the patio.

5 MR. LUCAS: Right.

6 MR. ROWE: Do you want to express it was in the
7 letter?

8 CHAIRMAN VALENTIC: Yeah.

9 MS. FREEMAN: Excuse me, Mr. Chairman. Could you
10 clarify that just for the Applicant so he understands what you
11 are saying?

12 CHAIRMAN VALENTIC: Sure. So we have three things
13 that we are, you know, going to amend your approval for. One
14 is that you are going to meet all the conditions that are in
15 the letter that you provided.

16 MR. CHAMOUN: Which is, oh, the condition -- Oh, the
17 letter?

18 CHAIRMAN VALENTIC: Yeah.

19 MR. CHAMOUN: Okay.

20 CHAIRMAN VALENTIC: That you are going to meet all
21 those requirements. The second is that music would be, live
22 music during the week would cease at 10:00.

23 MR. CHAMOUN: Okay.

24 CHAIRMAN VALENTIC: And on the weekends would cease
25 at midnight.

26 MR. CHAMOUN: Fine.

27 CHAIRMAN VALENTIC: And then that this is the
28 approved plan by this Board going forward.

29 MR. CHAMOUN: This is the most recent one I gave you?

30 MR. LUCAS: Yes.

1 MR. CHAMOUN: May 3rd, yeah.
2 MS. FREEMAN: And the door.
3 MR. CHAMOUN: Yeah. Well, that's the most recent one
4 I gave you, yeah.
5 CHAIRMAN VALENTIC: Yeah. With the two doors, yeah.
6 That ties you down to, you know, this dimension and this size
7 of patio.
8 MR. CHAMOUN: Okay.
9 CHAIRMAN VALENTIC: That's why that needs to be part
10 of --
11 MR. CHAMOUN: Yeah, exactly the same. I won't go an
12 extra half foot more.
13 CHAIRMAN VALENTIC: Mike is going to be watching you.
14 MR. CHAMOUN: I will just have the wrong measuring
15 tape.
16 CHAIRMAN VALENTIC: Okay. You're agreeable to all
17 those terms?
18 MR. CHAMOUN: I am.
19 CHAIRMAN VALENTIC: Okay. Thank you, Mike, for your
20 assistance.
21 MR. LUCAS: You are welcome.
22 CHAIRMAN VALENTIC: So Board discussion?
23 MR. ROWE: No, none here.
24 MR. SWEENEY: No. It looks like a nice design.
25 CHAIRMAN VALENTIC: Anything on this side?
26 MR. GOLLING: No.
27 CHAIRMAN VALENTIC: Blair?
28 MR. HAMILTON: Nothing to add, no.
29 CHAIRMAN VALENTIC: Okay. With that said, I am going
30 to -- The question is on the approval of Appeal Number -- I am

1 sorry -- Conditional Use Permit Number 51 with the conditions
2 we just stated, that the Applicant will meet all the
3 requirements that they stated in their letter, that the live
4 music will cease at 10:00 during the week and cease at midnight
5 on the weekend, and that the plan that was submitted today is
6 the approved limits for the conditional use permit. These are
7 all -- That map is included in the packet this evening. A yes
8 vote is for the approval of the conditional use permit, a no
9 vote denies the conditional use permit.

10 Heather, please call the vote.

11 MS. FREEMAN: Mr. Sweeney?

12 MR. SWEENEY: Yes.

13 MS. FREEMAN: Mr. Hamilton?

14 MR. HAMILTON: Yes.

15 MS. FREEMAN: Mr. Rowe?

16 MR. ROWE: Yes.

17 MS. FREEMAN: Mr. Golling?

18 MR. GOLLING: Yes.

19 MS. FREEMAN: Mr. Valentic?

20 CHAIRMAN VALENTIC: Yes. Congratulations, your
21 conditional use permit has been approved.

22 MR. CHAMOUN: Thank you.

23 CHAIRMAN VALENTIC: Thank you. Thank you for your
24 patience.

25 MR. CHAMOUN: Appreciate it. Hope to see you there
26 soon.

27 MR. SWEENEY: For sure.

28 CHAIRMAN VALENTIC: Before you leave, see Heather
29 before you go today. Let's see. Get this one out of the way.

30 All right. Next on the agenda is Variance Number

1 2017-11, Mr. Dan DeRubertis, representing Riga Restaurant
2 Group, Ltd., dba Pizza Roto, is requesting a variance from
3 Section 13.33(E) to allow for an outside dining area to have a
4 capacity, a seating capacity that is 67 percent of the
5 restaurant seating capacity indoors, in lieu of the maximum 25
6 percent allowed, for the property located at 7685 Crile Road
7 and being Permanent Parcel Number 08-A-019-0-00-025-0.

8 Good evening.

9 MR. DeRUBERTIS: Hi. I've been sworn in. My name is
10 Dan DeRubertis, 5801 South Ridge Road in Madison, Ohio.

11 CHAIRMAN VALENTIC: So the first -- We're going to go
12 through your variance, if you want to just walk us through that
13 request.

14 MR. DeRUBERTIS: Yeah, from 13 and a half people to
15 38, 36 or 38. I don't know what I wrote down. It's been a
16 while. Twenty-five percent of my interior seating, which is 54
17 people, is what you were showing in your Resolution. I would
18 like more than the -- than 13.

19 CHAIRMAN VALENTIC: How many total square feet is the
20 interior?

21 MR. DeRUBERTIS: It's 2,840. I believe I am allowed
22 up to -- How many, Heather, 180? The plans set 180.

23 MS. FREEMAN: For your occupancy?

24 MR. DeRUBERTIS: Yes.

25 MS. FREEMAN: I'm not sure. The Building Department
26 would have dictated that.

27 MR. DeRUBERTIS: Yeah. We have 54 seats on the
28 interior.

29 CHAIRMAN VALENTIC: Okay.

30 MR. DeRUBERTIS: We have no live music or anything.

1 We eat pizza.

2 MR. HAMILTON: Were you, were you aware of the zoning
3 prior to choosing this location for your restaurant knowing
4 that there would be restrictions on outdoor patio?

5 MR. DeRUBERTIS: No. We were told that we could have
6 an outside patio. Nobody said that there was a 25 percent
7 restriction on the seating. I think that some landlords and
8 people should be made aware of that. And I don't know how,
9 whether they should know or they should be made aware but I
10 think that, as we signed the agreement, nobody said, "Hey, by
11 the way, you can only have 13 people on your patio." We
12 haven't changed the plans for it at all either. It's what was
13 originally in the plans, the civil drawings.

14 CHAIRMAN VALENTIC: You know, I guess when I looked
15 at this section of that 13, I guess, 13.33, my only concern, I
16 guess my interpretation is (B) on that section, it says, "No
17 outdoor dining areas shall be permitted to occupy or interfere
18 with traffic circulation, required parking areas or pedestrian
19 access." So when I look at the plan that was provided, I guess
20 my concern could be there is a few parking spaces right along
21 that patio area.

22 MR. DeRUBERTIS: There are.

23 CHAIRMAN VALENTIC: And their, probably, their
24 immediate ingress and egress to the restaurant would be along
25 the side of Pizza Roto. Is there any way to pinch the, or
26 squeeze the patio space so that you could still keep a small
27 walkway at the end of the parking areas?

28 I mean, the other concern is, if you have it fenced,
29 that the cars are going to overhang and potentially damage your
30 fence.

1 MR. DeRUBERTIS: We are going to put -- Lance said he
2 would put bumper blocks out there to keep the cars from going
3 in too far in there, in that area so the, so the front bumpers
4 won't go into the patio area or hit his fence which will be on
5 the perimeter of it.

6 CHAIRMAN VALENTIC: Okay. So do you -- But do you
7 think you could tighten up that area, maybe expand it, make it
8 a little bit longer so you could get a walkway up along there
9 so, if somebody parks at the end of that aisle, they could walk
10 along the sidewalk?

11 MR. DeRUBERTIS: Well, I was -- Making the area
12 longer and narrower would require civil drawings, my
13 understanding. I don't have a problem with that at all if I
14 can make it longer. I would have to check with the landlord to
15 find out if he wants to, to do that.

16 CHAIRMAN VALENTIC: Okay.

17 MR. DeRUBERTIS: Or I would have to pay for the extra
18 concrete, which would cut into the landscape planting area,
19 which is all green.

20 CHAIRMAN VALENTIC: Yeah. We don't have the
21 landscape plan with us, so I can't remember --

22 MR. DeRUBERTIS: It's grass.

23 CHAIRMAN VALENTIC: -- what it all looked like
24 before.

25 MR. DeRUBERTIS: It's grass on that south side of the
26 building, from the end of the patio to the end of the building.

27 MR. HAMILTON: I had that same concern regarding the
28 parking area being directly adjacent with cars facing right
29 into the patio. I am trying to think of other areas in Concord
30 where that's a situation that's somehow been addressed.

1 MR. SWEENEY: Sunny Side, is there something similar
2 at Sunny Side with the patio? That seems to me --

3 MR. ROWE: Yeah, I think you're right.

4 MR. SWEENEY: You know what I'm talking about?

5 MR. ROWE: Yeah.

6 MR. SWEENEY: But I think, I think there is a
7 measurable walkway there.

8 MR. GOLLING: Yeah, there is a sidewalk there.

9 MR. SWEENEY: Yeah, yeah, I think there is a little
10 separation but it's the same type of, if I recall --

11 MR. HAMILTON: I agree with our chairman that I would
12 like to see some buffer or something between the parking lot
13 and where the tables are established for it right adjacent.

14 MR. DeRUBERTIS: Okay.

15 MR. SWEENEY: Do we have any measurements? Like
16 what's the width of this patio and the length of the patio?

17 MR. ROWE: It's 15 by 40.

18 MR. DeRUBERTIS: It's 15 by 40.

19 MR. SWEENEY: All right. So that's 15 --

20 MR. ROWE: It comes out to 585 square feet.

21 MR. DeRUBERTIS: It's 15 wide, 40 feet following the
22 building.

23 CHAIRMAN VALENTIC: So you would have to pinch it to
24 maybe 12 feet wide.

25 MR. SWEENEY: So 15 is probably, like, from me to the
26 wall, I'm thinking. And you want -- and you've got four tops
27 over there and four tops right here.

28 MR. DeRUBERTIS: I was having square tables, four
29 tops along, along as I am showing there.

30 MR. SWEENEY: Yeah.

1 MR. DeRUBERTIS: It's possible I could pinch. I
2 would have to go back to the drawing board and see if we could
3 pinch it. If you want me to, to start at the edge and bring
4 the fencing in 3 feet from the edge, is that what you're
5 talking about?

6 CHAIRMAN VALENTIC: Yeah, so there is a clear path
7 there, yeah. I think you would have to have somebody --

8 MR. SWEENEY: Do you have an outdoor -- I am sorry.

9 CHAIRMAN VALENTIC: No. Go ahead.

10 MR. SWEENEY: Do you have outdoor at other, at your
11 other locations?

12 MR. DeRUBERTIS: I do.

13 MR. SWEENEY: Patios?

14 CHAIRMAN VALENTIC: I do.

15 MR. SWEENEY: Anything comparable?

16 MR. DeRUBERTIS: The parking lot is parallel to it,
17 nothing parks into it.

18 MR. SWEENEY: Okay. Sorry.

19 CHAIRMAN VALENTIC: No. I mean, that just jumped out
20 at me. I think we -- I think there should be some kind of
21 buffer there, a walk, so somebody that parks in one of those
22 ten spaces can get out, walk along this edge and come in to
23 shop or eat at the any of the locations. If it means you need
24 to go longer, then --

25 MR. DeRUBERTIS: Three of those spaces are, three of
26 those spaces are dedicated to us for pizza pickup.

27 CHAIRMAN VALENTIC: Even more, I mean, my opinion,
28 even more reason to be able to get out of there and get into
29 the restaurant to pick up, right?

30 MR. SWEENEY: So just pizza pickup parking spots

1 only?

2 MR. DeRUBERTIS: Not all of them.

3 CHAIRMAN VALENTIC: Three of them.

4 MR. DeRUBERTIS: Three of them. So are we talking
5 about number of people at this point or are we talking
6 conditional use permit at this point? Where are we on this?

7 MR. LUCAS: Yeah. Just so we're clear --

8 MR. DeRUBERTIS: I am a little lost myself.

9 MR. LUCAS: Well, yeah. I think a lot of the
10 concerns that the Board is addressing now, although they're
11 triggered by the outdoor seating, the seating and that, they're
12 going to be within the conditional permit portion of this.

13 MR. DeRUBERTIS: Sure.

14 MR. LUCAS: Because I was about to ask you because,
15 right now, we're here for that variance portion of it.

16 MR. DeRUBERTIS: Right.

17 MR. LUCAS: Which notwithstanding the suggestions and
18 dialogue regarding changes and that, that still does not affect
19 and remains constant, your 67 percent request, correct?

20 MR. DeRUBERTIS: Right.

21 MR. LUCAS: Okay. I just want to make sure we're
22 clear on that. By the way, those changes that they're
23 discussing which are going to ultimately be included in the
24 conditional use process --

25 MR. DeRUBERTIS: Right, I understand.

26 MR. LUCAS: Those changes don't have any impact at
27 all on the percentage that you're requesting a variance for; is
28 that correct?

29 MR. DeRUBERTIS: Right. I probably would be able to
30 get the same amount of people on that, and if I could talk to

1 the landlord about extending the length of patio to make it
2 longer.

3 MR. LUCAS: Okay.

4 MR. DeRUBERTIS: Once again, to operate and have that
5 out there, there needs to be some seating and we'd like to keep
6 it in that range.

7 MR. LUCAS: All right.

8 MR. DeRUBERTIS: We see that the Concord, Concord
9 people do like to sit outside. It's very, very -- It's out
10 there. We see it at all the places. I mean, they do like to
11 sit outside. And so we're finding in Madison, at our other
12 location, that they're seating outside as well. I can't
13 believe you would sit outside in 88 degrees and eat a pizza.
14 It just doesn't sit right with me but that's what they're
15 doing, and so we're just trying to give them benefit for both
16 of us, benefit both of us.

17 MR. LUCAS: I apologize, Mr. Chairman. I just wanted
18 to clarify that for the record, the separate components.

19 CHAIRMAN VALENTIC: No. So, Mike, when we approve
20 this, we're not approving it based on the plan that was
21 submitted. We're approving it on the request for the 67
22 percent variance and the approximately 585 square feet.

23 MR. DeRUBERTIS: Right.

24 MR. LUCAS: That's correct. And then the next
25 portion, item enumerated Paragraph 3, is the permit itself and
26 that's when we're going to be talking about the plan and the
27 changes that you are proposing.

28 CHAIRMAN VALENTIC: Okay. Thank you.

29 Does anyone else have any other questions here on the
30 Board?

1 MR. ROWE: No.

2 MR. HAMILTON: No.

3 CHAIRMAN VALENTIC: Okay. Thank you. You can be
4 seated.

5 MR. DeRUBERTIS: Am I coming back up in a minute?

6 CHAIRMAN VALENTIC: Yeah. We have to do them one at
7 a time. I apologize but that's how it goes.

8 MR. ROWE: You can rest for a couple minutes.

9 CHAIRMAN VALENTIC: Yeah, take a break.

10 Is there anyone else that's here speaking for or
11 against this appeal -- or this variance? If not, then this
12 is -- So Variance Number 2017-11 is now closed to the public.
13 Is there any further discussion from the Board? I think we
14 hashed it all out.

15 MR. ROWE: All hashed.

16 CHAIRMAN VALENTIC: Okay. So I'll entertain a motion
17 to approve Variance Number 2017-11.

18 MR. HAMILTON: So moved.

19 MR. ROWE: Second.

20 CHAIRMAN VALENTIC: The Variance Number 2017-11 has
21 been moved and seconded. I guess now we're supposed to discuss
22 it. I am going to -- The question is on approval of Variance
23 Number 2017-11. A yes vote is for the approval of the
24 variance, a no vote denies it. The variance is not changing.
25 It's as submitted. It's the 67 percent with the approximate
26 square footage that equates to about 585 square feet.

27 MR. HAMILTON: Right.

28 CHAIRMAN VALENTIC: Heather, please call the vote.

29 MS. FREEMAN: Mr. Golling?

30 MR. GOLLING: Yes.

1 MS. FREEMAN: Mr. Rowe?

2 MR. ROWE: Yes.

3 MS. FREEMAN: Mr. Sweeney?

4 MR. SWEENEY: Yes.

5 MS. FREEMAN: Mr. Hamilton?

6 MR. HAMILTON: Yes.

7 MS. FREEMAN: Mr. Valentic?

8 CHAIRMAN VALENTIC: Yes.

9 MS. FREEMAN: It has passed.

10 CHAIRMAN VALENTIC: Your variance has been passed.

11 Thank you.

12 All right. Next on the agenda is Conditional Use
13 Permit 2017-4, Mr. Dan DeRubertis is representing Riga
14 Restaurant Group, Ltd., dba Pizza Roto, is requesting a
15 conditional use permit for outside dining in accordance with
16 Section 13.33 for the property located at 7685 Crile Road and
17 being Permanent Parcel Number 08-A-019-0-00-025-0.

18 Please come back up. Again, you've been sworn in?

19 MR. DeRUBERTIS: I've been sworn in. My name is Dan
20 DeRubertis, 5801 South Ridge Road, Madison, Ohio, representing
21 Riga Restaurant Group.

22 CHAIRMAN VALENTIC: All right. You never know when
23 Mike is going to hit me with something. So --

24 MR. DeRUBERTIS: Getting back to where we were.

25 CHAIRMAN VALENTIC: Where we were. So on the
26 conditional use permit, we have approved the amount, the
27 variance. So now when we go through 13.33, when I looked at
28 it, is the outdoor dining contiguous with the principal
29 building? Yes. You hit, in my opinion, they were all met.
30 The excessive noise, you talked about that. That's taken care

1 of. The one that jumped out to me was again, B, which required
2 pedestrian access.

3 MR. DeRUBERTIS: Okay.

4 CHAIRMAN VALENTIC: I feel like the patio that is
5 shown interrupts that pedestrian access.

6 MR. DeRUBERTIS: If that's a problem, then we'll,
7 we'll shrink the patio or lengthen the patio. We'll shrink it
8 towards the building. The square footage, the concrete is
9 still going to be there at 15 feet.

10 CHAIRMAN VALENTIC: Yes.

11 MR. DeRUBERTIS: To follow the plans, okay. And the
12 parking area is going to be over there. There is probably
13 still going to be bumper blocks over there, too.

14 MR. ROWE: Oh, yeah.

15 MR. DeRUBERTIS: It would be, it would be not good if
16 you had the parking there and had this walkway and there were
17 cars there. So we are still going to probably have to put the
18 bumper blocks there. Leaving a 3 foot wide access along that
19 way is what you are looking for, and I am willing to do that
20 and I am sure that the landlord is willing to do that.
21 Lengthening the patio, the only thing I can say is I will ask
22 them. But are you in approval of me doing that?

23 CHAIRMAN VALENTIC: Yeah, I would be in approval as
24 long as it doesn't exceed the variance amount we provided.
25 Your patio amount, that 585 square feet, is only the concrete
26 that's in the fenced area. That's considered your patio.

27 MR. DeRUBERTIS: Correct.

28 CHAIRMAN VALENTIC: So if you elongate it, elongate
29 it as long as you want.

30 MR. DeRUBERTIS: To meet that square footage.

1 CHAIRMAN VALENTIC: To meet that square footage.
2 Does that make sense?

3 MR. DeRUBERTIS: That makes sense.

4 CHAIRMAN VALENTIC: Okay. You agree to that
5 condition?

6 MR. DeRUBERTIS: If I can get the landlord to agree,
7 which I am sure he will. The question is, who is paying for
8 the concrete? That will be the question and that's between him
9 and I, unless everyone wants to chip in. No?

10 CHAIRMAN VALENTIC: Any takers?

11 MR. GOLLING: This is a short week for me.

12 MR. HAMILTON: It's a Go Fund Me.

13 MR. DeRUBERTIS: So, you know, we'll -- I can discuss
14 that with him tomorrow. It will either be lengthened or the
15 patio area will be smaller.

16 CHAIRMAN VALENTIC: Okay. Anyone else have anything,
17 comments or questions?

18 MR. ROWE: No.

19 CHAIRMAN VALENTIC: Okay.

20 MR. DeRUBERTIS: We are good?

21 CHAIRMAN VALENTIC: We're good. I am going to ask if
22 there is anyone else speaking for or against this appeal, which
23 there doesn't seem to be, so the public hearing for Conditional
24 Use Permit Number 2017-4 is now closed to the public. I will
25 entertain a motion to approve Conditional Use Permit 2017-4
26 with the additional condition that the patio will be shrunken
27 to provide a 3 foot clear access along the curb line but may be
28 extended into the lawn area but will not exceed the 67 percent
29 that was approved in the variance.

30 MR. DeRUBERTIS: You mean the 585?

1 MR. HAMILTON: Square foot, yeah.

2 CHAIRMAN VALENTIC: The 67 percent, which is 585
3 square feet.

4 MR. DeRUBERTIS: The 67 percent isn't 585, 67 is the
5 people.

6 MR. ROWE: Sixty-seven percent is the people.

7 MR. HAMILTON: The seating.

8 CHAIRMAN VALENTIC: Okay. I am sorry.

9 MR. LUCAS: Right, yeah. Just for the record, again,
10 the 67 percent deals with the seating capacity.

11 CHAIRMAN VALENTIC: Okay.

12 MR. LUCAS: And not the spacial area itself.

13 CHAIRMAN VALENTIC: Okay, the 585 square feet. Thank
14 you.

15 So that is -- So, again, I am going to entertain a
16 motion to approve Conditional Use Permit 2017-4 with the
17 condition that the area will be shrunken and that the patio
18 will be expanded and will still meet the variance request of
19 585 square feet provided --

20 MR. HAMILTON: Mr. Chairman, can we modify that to
21 just stipulate that we have a 3 foot walkway between the
22 parking area, end of the parking lot and where the patio
23 begins, and that he can make it any length that he wants as
24 long as it stays within the total square footage previously
25 prescribed in his plan?

26 MR. LUCAS: And provides that walkway.

27 MR. HAMILTON: And provides the walkway, correct.

28 CHAIRMAN VALENTIC: Okay. So the condition will be
29 that the Applicant will provide a 3 foot walkway along -- a 3
30 foot clear walkway along the curb line and then the length of

1 the patio is at his discretion but the total square footage
2 will meet the previous variance that was approved.

3 MR. HAMILTON: Right.

4 CHAIRMAN VALENTIC: Okay. Is there a motion to
5 approve?

6 MR. ROWE: So moved.

7 CHAIRMAN VALENTIC: Second?

8 MR. HAMILTON: Second.

9 CHAIRMAN VALENTIC: All right. We have a motion and
10 a second. Any further discussion from the Board?

11 MR. ROWE: No.

12 CHAIRMAN VALENTIC: If not, we are going to push this
13 forward. Okay. The question is on the approval of Conditional
14 Use Permit 2017-4, with an additional amendment as we just
15 described a few times. A yes vote is for the approval of the
16 conditional use permit, a no vote denies the conditional use
17 permit.

18 Heather, please call the vote.

19 MS. FREEMAN: Mr. Sweeney?

20 MR. SWEENEY: Yes.

21 MS. FREEMAN: Mr. Rowe?

22 MR. ROWE: Yes.

23 MS. FREEMAN: Mr. Valentic?

24 CHAIRMAN VALENTIC: Yes.

25 MS. FREEMAN: Mr. Hamilton?

26 MR. HAMILTON: Yes.

27 MS. FREEMAN: Mr. Golling?

28 MR. GOLLING: Yes.

29 CHAIRMAN VALENTIC: Thank you. Your conditional use
30 permit has been approved.

1 MR. DeRUBERTIS: Thank you very much, gentlemen.

2 CHAIRMAN VALENTIC: Thank you.

3 Next on the agenda is approval of minutes. I call
4 for a motion to approve the minutes from July 12, 2017.

5 MR. SWEENEY: So moved.

6 CHAIRMAN VALENTIC: Second, anyone?

7 MR. HAMILTON: Second. We were the only ones that
8 were here, right?

9 CHAIRMAN VALENTIC: Well, do you two have any
10 discussion in regards to the minutes? Mike wasn't here either,
11 so he doesn't have anything.

12 MR. HAMILTON: No.

13 MR. SWEENEY: Not unless Blair does.

14 CHAIRMAN VALENTIC: All right. The question is on
15 the approval of the minutes for July 12th. A yes vote approves
16 the minutes, a no vote does not. All in favor of approving the
17 minutes say "yes."

18 MS. FREEMAN: Mr. Chairman.

19 MR. GOLLING: Did you say July 12th?

20 CHAIRMAN VALENTIC: Oh, I'm sorry.

21 MR. HAMILTON: May 10th.

22 MR. GOLLING: May 10th.

23 CHAIRMAN VALENTIC: May, yes.

24 MR. GOLLING: Copy and paste.

25 CHAIRMAN VALENTIC: I don't know what I was thinking,
26 May. I am trying to get through this.

27 MR. ROWE: One more.

28 CHAIRMAN VALENTIC: The question is for the approval
29 of the minutes from May. A yes vote approves the minutes, a
30 not vote does not. All in favor of approving the minutes as

1 written say "yes."

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

3 CHAIRMAN VALENTIC: All right. The minutes have been
4 approved for May 2017 as written.

5 Our meeting for June 14, 2017, for the Board of
6 Zoning Appeals is now closed. Thank you.

7 (Whereupon, the meeting was adjourned at 7:40 p.m.)
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1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA)

CERTIFICATE

3 I, Melinda A. Melton, Registered Professional
4 Reporter, a notary public within and for the State of Ohio,
5 duly commissioned and qualified, do hereby certify that, to
6 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.

7
8 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.

9
10 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.

11
12 IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal of office this 29th day of June 2017.

13
14
15 Melinda A. Melton
Registered Professional Reporter

16 Notary Public within and for the
17 State of Ohio

18 My Commission Expires:
February 4, 2018
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