

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

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

February 14, 2018  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman  
Francis Sweeney, Vice Chairman  
Blair Hamilton  
Chris Jarrell  
Brandon Dynes

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector

**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 Concord Township for February 28 -- 2018 is  
4 now in session. I would like to introduce my Board. To my  
5 far left is Skip Sweeney and Brandon Dynes. I am Ivan  
6 Valentic. To my right is Chris Jarrell and Blair Hamilton.  
7 To our far right is Heather Freeman, our Zoning Inspector.

8 Under the advice of our legal counsel, we ask that  
9 anyone speaking tonight must be sworn in. If you plan on  
10 speaking, please stand and raise your right hand.

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

12 CHAIRMAN VALENTIC: Thank you. Please be seated.

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

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

18 MS. FREEMAN: Yes, they were.

19 CHAIRMAN VALENTIC: Okay, great.

20 Tonight we have one conditional use permit and one  
21 variance appeal. A three-vote majority is required to either  
22 approve or deny your appeal. If your request is denied, you  
23 have the right to file an appeal.

24 Okay. First on the agenda is Conditional Use Permit  
25 2018-10, Mr. Vic Patel, of G&S Development Corp., is  
26 requesting a conditional use permit in accordance with  
27 Section 13.20 to operate a counter service restaurant, Subway,  
28 at 7641 Crile Road and being Permanent Parcel Number  
29 08-A-019-0-00-025-0.

30 Mr. Patel, if you could please come up and present

1 your case.

2 MR. PATEL: We are looking at opening a new Subway  
3 restaurant at that location.

4 CHAIRMAN VALENTIC: Again, for the record, can you  
5 confirm that you've been sworn in and state your name and  
6 address?

7 MR. PATEL: Yes, I've been sworn. My name is Vic  
8 Patel. And we are applying for the counter service license  
9 there at the Crile Road location. I've been living in Concord  
10 Township for about 12 years now and own about 12 Subways in  
11 this neighboring area. And we're looking at opening up this  
12 new location here in the Concord Township development and  
13 we're applying for a counter service license.

14 There is one correction that needs to be made on  
15 that listing. It's not G&S Development. That is the  
16 development agent of Subway for the east side. They're the  
17 development agents. This is an individually owned and  
18 operated operation, so my corporation is Urmilaben, Inc., and  
19 that correction needs to be made.

20 CHAIRMAN VALENTIC: Okay. Heather, is there  
21 anything we need to do then? Should we have -- Should he get  
22 you anything on that? I'm looking at the permit. Should the  
23 application be updated with that because the applicant says  
24 "G&S Development Corp."

25 MS. FREEMAN: Let's see the legal notice.

26 MS. JARRELL: Mr. Patel, would you go ahead and  
27 spell the, spell the entity out for us so we could write it  
28 down?

29 MR. PATEL: Yeah. So the corporation is to be  
30 determined yet but right now, as default, we will do

1 Urmilaben, Inc., which is U-r-m-i-l-a-b, as in boy, e-n, Inc.

2 MS. JARRELL: Okay, great. Thank you.

3 CHAIRMAN VALENTIC: Okay. We will have you follow  
4 up with Heather and see if there -- how we get that corrected  
5 on the application.

6 MS. FREEMAN: Yeah, I think we're okay. I think we  
7 will be okay because we have his name on the application, too.

8 CHAIRMAN VALENTIC: Okay.

9 MS. FREEMAN: We can just note the correction as  
10 part of this hearing this evening.

11 MS. JARRELL: When we approve it, just say the right  
12 name maybe.

13 MR. DYNES: When you read it back, just amend it to  
14 the other name.

15 CHAIRMAN VALENTIC: Okay, okay.

16 MS. JARRELL: Did you get it?

17 CHAIRMAN VALENTIC: Okay. Does anyone on the Board  
18 have any questions for Mr. Patel?

19 MR. SWEENEY: I am just curious. Do you own the  
20 Subway in the other commons?

21 MR. PATEL: Which location are you speaking?

22 MR. SWEENEY: Concord.

23 MR. PATEL: No, I don't have the Concord store.

24 MR. SWEENEY: Old Johnnycake there?

25 MR. PATEL: No, that is owned by another person. I  
26 own the stores in Painesville and Fairport in this area.

27 MR. SWEENEY: Okay.

28 MR. PATEL: So this will be, in Concord Township, my  
29 first location.

30 MR. SWEENEY: Okay.

1           CHAIRMAN VALENTIC:  Anyone else?  I don't have any  
2 questions.

3           MR. HAMILTON:  I guess we ought to follow up on the  
4 actual zoning.  Access drive shall be located as far as  
5 practical from existing intersection in order to maximum  
6 traffic safety and minimize congestion and constriction.  And  
7 based on this location, I would say that that is wholly met.

8           MS. JARRELL:  He doesn't have anything to do with  
9 the development.

10          MR. HAMILTON:  And the -- right -- applicant shall  
11 demonstrate to the satisfaction of the Board that the  
12 development will have minimal impact on traffic in adjacent  
13 residential districts.  I think that also holds true, so no  
14 questions.

15          CHAIRMAN VALENTIC:  Okay.  Chris, you're good?

16          MS. JARRELL:  Uh-huh.

17          CHAIRMAN VALENTIC:  Okay.  You can be seated.

18          MR. PATEL:  Thank you.

19          CHAIRMAN VALENTIC:  Is there anyone else that would  
20 like to come forward to speak for or against this appeal?  
21 Okay.  If there is no one else speaking for or against the  
22 appeal, the public hearing for Conditional Use Permit 2018-10  
23 is now closed to the public.  I will entertain a motion to  
24 approve Conditional Use Permit 2018-10.

25          MR. DYNES:  I so move to approve it with the  
26 applicant's amended name.

27          CHAIRMAN VALENTIC:  Okay.

28          MR. HAMILTON:  Second.

29          CHAIRMAN VALENTIC:  Okay.  Open for discussion of  
30 the Board.  Nothing?

1 MS. JARRELL: No.

2 MR. SWEENEY: No.

3 CHAIRMAN VALENTIC: Okay. I am going to call the  
4 motion to -- Let's see. The question is on the approval of  
5 the Conditional Use Permit Number 2018-10 with the amended --  
6 with the condition of the amended name. And how do you say  
7 it, Chris?

8 MS. JARRELL: Urmilaben?

9 MR. PATEL: Urmilaben.

10 MS. JARRELL: I am not going to try that again.

11 MR. PATEL: That's okay.

12 MS. JARRELL: But we have the right spelling.

13 MR. PATEL: And that may change as well. We're just  
14 keeping that is a default because the other Subways in this  
15 area are located in -- are incorporated in the same  
16 corporation.

17 CHAIRMAN VALENTIC: Okay. A yes vote is for the  
18 approval of the conditional use permit, a no vote denies the  
19 conditional use permit. Heather, please call the vote.

20 MS. FREEMAN: Ms. Jarrell?

21 MS. JARRELL: Yes.

22 MS. FREEMAN: Mr. Dynes?

23 MR. DYNES: Yes.

24 MS. FREEMAN: Mr. Sweeney?

25 MR. SWEENEY: Yes.

26 MS. FREEMAN: Mr. Hamilton?

27 MR. HAMILTON: Yes.

28 MS. FREEMAN: And Mr. Valentic?

29 CHAIRMAN VALENTIC: Yes. The ayes have it. Your  
30 conditional use permit has been approved.

1 MR. PATEL: Thank you.

2 CHAIRMAN VALENTIC: Okay. Next on the agenda is  
3 Variance Number 2018-25, Mr. Matthew L. Weber, agent for  
4 Unistar Hospitality, LLC, is requesting a variance from  
5 Section 22.04(I), Table 22.04 to allow for a principal  
6 building with a height of 45 feet, 5 and a half inches, in  
7 lieu of the maximum 40 foot permitted, for the property  
8 located at 11200 Gold Court and being Permanent Parcel  
9 Number 08-A-020-B-00-004-0.

10 Mr. Weber, you have been sworn in?

11 MR. WEBER: I have.

12 CHAIRMAN VALENTIC: Can you state your name and  
13 address for the record, please?

14 MR. WEBER: Yes. It's Matthew Weber, Weber  
15 Engineering Services, 2555 Hartville Road, Rootstown, Ohio.

16 CHAIRMAN VALENTIC: Thank you, sir. Please present  
17 the case.

18 MR. WEBER: Yes. We are requesting a height  
19 variance from Section 22.04, I believe it's (I), whereas, I  
20 believe the height, the maximum allowable height is 40 feet.  
21 And due to the configuration of the building and standards for  
22 these buildings with parapets and whatnot, the height of the  
23 building, the majority of the height of the building is around  
24 41 feet. The maximum height for hiding, you know, for kind of  
25 screening and whatnot is 45 feet, I think it's 5 and a half  
26 inches. So we're requesting that variance.

27 It sits on the back of the Gold Court cul-de-sac,  
28 which is behind the existing hardware store. And I think it  
29 should be pretty straightforward from there.

30 CHAIRMAN VALENTIC: So it's clear to everybody that

1 the additional five plus feet or so, that's screening the  
2 mechanical units on the roof?

3 MR. WEBER: Correct, yes.

4 CHAIRMAN VALENTIC: Okay. Anyone else have any  
5 questions?

6 MR. SWEENEY: So the mechanical units are above 40  
7 feet?

8 MR. WEBER: That is correct. There is actually an  
9 elevator. When you look at it, you will see an elevator shaft  
10 that has to protrude through the roof but that will all be  
11 screened from the about -- I want to say it's probably 20  
12 percent maybe of the building that you can see screened from  
13 the two sides to hide those units.

14 CHAIRMAN VALENTIC: Any other questions from the  
15 Board?

16 MR. HAMILTON: No.

17 CHAIRMAN VALENTIC: No, okay. You can be seated.

18 MR. WEBER: Okay.

19 CHAIRMAN VALENTIC: Is there anyone else speaking  
20 for or against this appeal that would like to come up?

21 MS. JARRELL: Little Skip.

22 CHAIRMAN VALENTIC: Little Skip. If there's no --

23 MR. SWEENEY: I object.

24 CHAIRMAN VALENTIC: That can be dangerous. If  
25 there's no further questions, the public hearing for Variance  
26 Number 2018-25 is now closed to the public. I will entertain  
27 a motion to approve Variance Number 2018-25.

28 MS. JARRELL: So moved.

29 CHAIRMAN VALENTIC: Second?

30 MR. DYNES: Second.



1 CHAIRMAN VALENTIC: Okay. Discussion? Anyone have  
2 anything they want to add? I think it makes sense. I would  
3 rather see that stuff covered up.

4 MR. HAMILTON: Yeah. It's a small variance. It  
5 does make sense, right.

6 MS. JARRELL: Agreed.

7 CHAIRMAN VALENTIC: Okay. The question is on the  
8 approval of Variance Number 2018-25. A yes vote approves the  
9 variance, a no vote denies it. Heather, please call the vote.

10 MS. FREEMAN: Mr. Hamilton?

11 MR. HAMILTON: Yes.

12 MS. FREEMAN: Mr. Sweeney?

13 MR. SWEENEY: Yes.

14 MS. FREEMAN: Mr. Dynes?

15 MR. DYNES: Yes.

16 MS. FREEMAN: Ms. Jarrell?

17 MS. JARRELL: Yes.

18 MS. FREEMAN: And Mr. Valentice?

19 CHAIRMAN VALENTIC: Yes. Your variance has been  
20 approved. Thank you.

21 MR. WEBER: Thank you all very much.

22 CHAIRMAN VALENTIC: Thanks. Good luck with your  
23 project.

24 MR. WEBER: Thank you.

25 CHAIRMAN VALENTIC: Next on the agenda is the  
26 approval of the minutes. I call for a motion to approve the  
27 minutes from January 10, 2018.

28 MS. JARRELL: So moved.

29 CHAIRMAN VALENTIC: Second?

30 MR. HAMILTON: Second.

1 CHAIRMAN VALENTIC: Is there any discussion  
2 regarding the minutes, additions or deletions from anyone?  
3 Skip, you were here, Blair, Chris, nothing?

4 MR. SWEENEY: No.

5 CHAIRMAN VALENTIC: Okay. Then the question is on  
6 the approval of the minutes for January 10, 2018. A yes vote  
7 approves the minutes, a no vote does not. All in favor of  
8 approving the minutes, the minutes as written say yes.

9 MR. DYNES: I'll abstain.

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

11 CHAIRMAN VALENTIC: Thank you. The minutes from  
12 January 10, 2018, have been approved as written.

13 Our next meeting is March 14, and the Board of  
14 Zoning Appeals for February 14, 2018, is now closed.

15 (Whereupon, the meeting was adjourned at 7:14 p.m.)  
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STATE OF OHIO )  
COUNTY OF CUYAHOGA )

CERTIFICATE

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 proceedings were 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 15th day of February 2018.

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Melinda A. Melton  
Registered Professional Reporter  
  
Notary Public within and for the  
State of Ohio  
  
My Commission Expires:  
February 4, 2023