

CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

November 8, 2017
7:00 P.M.

TRANSCRIPT OF PROCEEDINGS

BOARD OF ZONING APPEALS MEMBERS PRESENT:

IVAN VALENTIC, Chairman
FRANCIS SWEENEY, Vice Chairman
CHRIS JARRELL
BRANDON DYNES
BLAIR HAMILTON

ALSO PRESENT:

MICHAEL LUCAS, Legal Counsel;
HEATHER FREEMAN, Zoning Director/Zoning Inspector;
SYDNEY MARTIS, Planner/Assistant Zoning Inspector.

MELTON REPORTING
11668 Girdled Road
Concord, Ohio 44077

1 CHAIRMAN VALENTIC: Good evening. The Board of Zoning
2 Appeals for November 8, 2017 is now in session. I would like
3 to introduce the board. To my far left is Skip Sweeney and
4 Brandon Dynes. I am Ivan Valentic. To my right is Chris
5 Jarrell and Blair Hamilton. And to our far right is Heather
6 Freeman, our zoning inspector.

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

10

11 (All prospective speakers sworn in at this time.)

12

13 CHAIRMAN VALENTIC: Thank you. Please be seated. This
14 evening when presenting your case, please come to the
15 microphone and state your name and address for the record and
16 confirm that you've been sworn in; okay?

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

19 MS. FREEMAN: Yes, they were.

20 CHAIRMAN VALENTIC: All right. Thank you.

21 First on our docket is we have old business, a variance
22 from last month. I would like to ask for a motion to open up
23 that variance or untable that variance from last month.

24 MR. HAMILTON: So moved.

25 CHAIRMAN VALENTIC: Second anybody?

26 MS. JARRELL: Second.

27 CHAIRMAN VALENTIC: Okay. So, Heather, you can start
28 with that.

29 MS. FREEMAN: Take that vote then?

30 CHAIRMAN VALENTIC: What's that?

1 MS. FREEMAN: Take that vote then?
2 CHAIRMAN VALENTIC: Yes. Please call the vote.
3 MS. FREEMAN: Mr. Hamilton?
4 MR. HAMILTON: Yes.
5 MS. FREEMAN: Ms. Jarrell?
6 MS. JARRELL: Yes.
7 MS. FREEMAN: Mr. Valenttic?
8 CHAIRMAN VALENTIC: Yes.
9 MS. FREEMAN: Mr. Dynes?
10 MR. DYENS: Yes.
11 MS. FREEMAN: Mr. Sweeney?
12 MR. SWEENEY: Yes.
13 CHAIRMAN VALENTIC: Okay. So that case is now open
14 officially.

15 All right. Tonight we have four appeals. A three vote
16 majority is required to either approve or deny an appeal. If
17 your request is denied, you have the right to file an appeal
18 and Heather will help you if that happens.

19 The first one is Variance #2017-16: Mr. Michael
20 Beightol, RLA of Escape Designs is requesting a variance from
21 Sections 17.04(B)(3) and 17.07(A) to allow for soil disturbing
22 activities related to construction of a patio and fire pit
23 with a 32.5 foot riparian setback, in lieu of the 50 feet
24 required, for the property located at 9707 Little Mountain
25 Road, and being permanent parcel number 10-A-022-E-00-016-0.

26 MR. DYNES: Before we get started, I might add
27 Escape Designs is a client of my firm. I don't know you and
28 we've never met before. I think one of my partners may
29 represent you. I just want to make sure there's no appearance
30 of impropriety whatsoever. If Mr. Lucas feels otherwise, or

1 if you do, I will recuse myself.

2 MR. LUCAS: It's okay if you're comfortable.

3 MR. DYNES: Okay.

4 CHAIRMAN VALENTIC: Okay. You've been sworn in this
5 evening?

6 MR. BEIGHTOL: Yes.

7 CHAIRMAN VALENTIC: Please state your name and address
8 for the record.

9 MR. BEIGHTOL: Sure. My name is Michael Beightol --

10 CHAIRMAN VALENTIC: Okay.

11 MR. BEIGHTOL: -- with Escape Designs.

12 CHAIRMAN VALENTIC: Okay. Present the case.

13 MR. BEIGHTOL: Sure. So what we're looking to do is
14 to build an outdoor living environment on the east side
15 of an existing home. This is Mr. Doug Habe, owner of the
16 home. There is an existing stream that has a 50 foot setback.
17 The 50 foot setback is almost right to the east side of the
18 house. So anything that we would propose to do, we're going
19 to be pretty tight on that setback.

20 What we're proposing to do, full-blown plan is a covered
21 porch, a lower deck that's covered, and then a fire pit area
22 that would be made out of stone and a pathway to go with it.
23 The fire pit area and the connecting walkway to be made out of
24 stone are what's in question and what is into the riparian
25 setback. So that's what we're requesting a variance for.

26 CHAIRMAN VALENTIC: The existing area now is what? It's
27 all turf?

28 MR. BEIGHTOL: It's -- yes, it's turf, heavy slope,
29 leads right into a woods that are probably 20 feet off that
30 east side of the house.

1 CHAIRMAN VALENTIC: How close are you getting to that
2 woods line?
3 MR. BEIGHTOL: We are --
4 CHAIRMAN VALENTIC: Approximately.
5 MR. BEIGHTOL: -- probably five to eight foot off
6 the woodline.
7 CHAIRMAN VALENTIC: Are you -- is there any filling or
8 clearing of that woods line?
9 MR. BEIGHTOL: No.
10 CHAIRMAN VALENTIC: Okay.
11 MR. BEIGHTOL: Digging up the turf, putting in
12 gravel base for the patio and some retaining boulders to
13 retain some aggregate.
14 CHAIRMAN VALENTIC: Okay. Would you guys be open to
15 putting up some construction fence around the site so our
16 inspectors that come out, they can -- we can be sure that
17 you're not getting into clearing any vegetation --
18 MR. BEIGHTOL: Of course.
19 CHAIRMAN VALENTIC: -- as a way to help them when they
20 look at the site?
21 MR. BEIGHTOL: Of course. We can run it around the
22 whole woodline from north side of the house to south side of
23 the house.
24 CHAIRMAN VALENTIC: Okay. Anyone else have any
25 questions?
26 MS. JARRELL: No grading needs to happen at all?
27 MR. BEIGHTOL: The grading that would happen would
28 just be right around the patio and we would compensate a lot
29 of that with the boulders to retain that grade. But yeah,
30 there would be nothing on losing the woodline.

1 MS. JARRELL: Did you have a conversation with Chad
2 Edgar of Lake County Soil?

3 MR. BEIGHTOL: Yes.

4 MR. HAMILTON: His concerns -- one of his concerns
5 was about protection for future bank stabilization, what may
6 happen down the road. Did you discuss that with him? Was
7 there any conversation about what may or may not occur as a
8 result of doing this?

9 MR. BEIGHTOL: Not really, no, not that I recall. I
10 don't -- I don't recall any of that specifically.

11 MS. JARRELL: Is there a threat of erosion there,
12 do you think?

13 MR. BEIGHTOL: No. No. If we retain grade
14 appropriately, we should be fine. If all the base prep is
15 done appropriately, we will be fine.

16 MR. DYNES: I presume the existence of the
17 woodlands is somewhat of a buffer and creates some safe
18 harbor, for lack of a better word, then towards the stream?

19 MR. BEIGHTOL: Yeah. I mean, once -- one that lawn
20 hits the woodlands line, it's totally wooded then.

21 CHAIRMAN VALENTIC: Skip, do you have any questions for
22 them?

23 MR. SWEENEY: When did you move into the house?

24 MR. HABE: 2009, I believe.

25 MR. SWEENEY: How steep is that slope once it --
26 does it drop off once you enter that wooded -- where you see
27 in the pictures where it becomes wooded?

28 MR. HABE: A little bit, yeah. It's not a real
29 steep slope down to -- it's walkable, if that's what you're
30 asking.

1 MR. SWEENEY: All right.

2 MR. HABE: Yeah, it's not a -- it's not a
3 complete dropoff.

4 MR. SWEENEY: Okay. I was under the impression
5 from Chad's letter that it's very steep. And it's not?

6 MR. HABE: No.

7 MR. SWEENEY: Okay.

8 CHAIRMAN VALENTIC: I don't have anything else. Anyone
9 else? You guys are all good?

10 All right. Thank you. Please be seated.

11 Is there anyone else here this evening that's speaking
12 for or against this appeal that would like to come up?

13 Okay. If there's no further questions, the public
14 hearing for Variance #2017-16 is now closed to the public.

15 I will entertain a motion to approve Variance #2017-16.

16 MS. JARRELL: So moved.

17 MR. HAMILTON: Second.

18 CHAIRMAN VALENTIC: Thank you. Open for discussion of
19 the Board. Anyone want to say anything?

20 I mean, my comment would be it's already turf, they're
21 staying out of the woods, not going any further into the
22 wooded area. They're willing to put up some fencing. That
23 will, you know, help keep, you know, the contractors from
24 migrating out there and doing something, so --

25 MS. JARRELL: The property itself, it kind of
26 prevents, you know, alternatives.

27 MR. HAMILTON: This was planted prior to the zoning,
28 so...

29 CHAIRMAN VALENTIC: Yeah.

30 MR. DYNES: I agree.

1 MR. SWEENEY: Yes.

2 MR. DYNES: I'm all set.

3 CHAIRMAN VALENTIC: All right. So I want to add that,
4 you know, so the questions on approval of Variance 2017-16
5 states that they also put up the construction fence, you know,
6 during construction and that they construct what's provided in
7 the plans. A "yes" vote is for the approval of the variance,
8 a "no" vote denies the variance.

9 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: Mr. Valentic?

19 CHAIRMAN VALENTIC: Yes.

20 Congratulations, your variance has been approved.

21 MR. BEIGHTOL: Thank you very much.

22 CHAIRMAN VALENTIC: Thank you.

23 Okay. Next is Variance #2017-18: Mr. Jeff
24 Kanocz is requesting a variance from Sections 17.04(B) and
25 17.07(A) to allow for the construction of a deck with a 21
26 foot riparian setback, in lieu of the 75 foot required
27 setback, for the property located at 6445 Tulip Way, and being
28 permanent parcel number 08-A-015-E-01-010-0.

29 Come on up. Confirm your address and that you were sworn
30 in.

1 MS. FARRELL: 6445 Tulip Way, Colleen Farrell.
2 CHAIRMAN VALENTIC: You've been sworn in?
3 MS. FARRELL: Yes, I have.
4 MR. KANOCZ: 6445 Tulip Way, Jeffrey Kanocz.
5 CHAIRMAN VALENTIC: You've been sworn in, sir?
6 MR. KANOCZ: Yes.
7 MS. JARRELL: And, ma'am, what was your name?
8 MS. FARRELL: Colleen Farrell.
9 CHAIRMAN VALENTIC: Go ahead and present your case.
10 MR. KANOCZ: I'm constructing a deck with a 21
11 foot riparian setback, which was supposed to have been a 75
12 foot setback and have not disrupted any soil or any earth or
13 changed anything other than the grade of the land starts out
14 where the deck's constructed at zero degrees or at no feet and
15 goes out to a 22 foot height change.
16 CHAIRMAN VALENTIC: And when did you build the deck?
17 MR. KANOCZ: Started before the riparian setback
18 was in effect, which would have been around March of 2016.
19 CHAIRMAN VALENTIC: And then when did you finish?
20 MR. KANOCZ: It's not finished.
21 CHAIRMAN VALENTIC: Okay. A big project; huh?
22 MR. KANOCZ: Pardon?
23 CHAIRMAN VALENTIC: It's a big project?
24 MR. KANOCZ: It's a little bit of just keeping
25 myself busy in my spare time.
26 CHAIRMAN VALENTIC: Gotcha. How far along are you
27 building it?
28 MR. KANOCZ: Basically all that's built is the
29 deck and there's some poles -- some poles that come out of the
30 ground, that's all.

1 CHAIRMAN VALENTIC: Okay.

2 MR. KANOCZ: Pretty much -- I think there is a
3 picture somewhere. We have a picture.

4 MS. FARRELL: I think we have it.

5 MR. KANOCZ: Oh, they have it.

6 MS. JARRELL: Did you bring your pictures?

7 MR. KANOCZ: I also have pictures of my property.
8 I also have pictures of the deck too somewhere here.

9 CHAIRMAN VALENTIC: I don't think we got -- I didn't get
10 any pictures. If you have pictures, that would be helpful.

11 MR. KANOCZ: Yeah, this is -- these are my
12 pictures of my backyard and my property. And would you like
13 to see them?

14 CHAIRMAN VALENTIC: Yeah, start at the end.

15 MR. KANOCZ: Oh, here is one more. This is
16 actually my -- this is actually a shot from the deck.

17 CHAIRMAN VALENTIC: How far is it from the river?

18 MR. KANOCZ: How far is it from the creek?

19 CHAIRMAN VALENTIC: Yeah, the creek.

20 MR. KANOCZ: It is approximately 21 foot away from
21 the wall and that would be a five foot wall approximately,
22 maybe six foot wall. I can stand in the creek and the wall is
23 almost to my (pointing to his head), five foot.

24 MR. DYNES: It's a wood deck with posts?

25 MR. KANOCZ: Yes, sir.

26 CHAIRMAN VALENTIC: Yeah, everything before was turf in
27 this area too?

28 MR. KANOCZ: Pardon?

29 CHAIRMAN VALENTIC: It was all just turf grass in this
30 area?

1 MR. KANOCZ: That's correct, yes.

2 MS. JARRELL: This is a barn?

3 MR. KANOCZ: That's a shed. That's been there for
4 25, 30 years.

5 CHAIRMAN VALENTIC: So the setback for me -- the setback
6 comes all the way back to the back of the house?

7 MR. KANOCZ: That's correct.

8 MR. HAMILTON: In this photo am I looking at the
9 heading of the deck?

10 MR. KANOCZ: That's the wall. That's the
11 retaining wall for the creek.

12 MR. HAMILTON: All right. And the beam's going to
13 the wall?

14 MR. KANOCZ: No.

15 MR. HAMILTON: No?

16 MR. KANOCZ: Those -- those beams are supporting a
17 wall.

18 MR. HAMILTON: Okay.

19 MR. KANOCZ: Has nothing --

20 MR. HAMILTON: All right.

21 MR. KANOCZ: Not --

22 MR. HAMILTON: Not part of it?

23 MR. KANOCZ: We are talking about same different
24 -- different -- entirely different thing. That's been there
25 for many, many years.

26 CHAIRMAN VALENTIC: Did Chad go -- did Chad from Soil and
27 Water look at this thing?

28 MR. KANOCZ: Yes, he did.

29 MS. FREEMAN: Yeah, myself and Chad from Soil and
30 Water did a site visit on the homeowners --

1 MR. KANOCZ: That's correct, yes.

2 MS. FREEMAN: -- and they helped identify the high
3 water mark and that's where we determined the 21 foot variance
4 request based on the existing footprint for that.

5 CHAIRMAN VALENTIC: Did Chad --

6 MR. HAMILTON: When was the wall constructed? Was
7 that when the home was built or --

8 MR. KANOCZ: The wall?

9 MR. HAMILTON: Yeah.

10 MR. KANOCZ: 1980s, nineties.

11 MS. FARRELL: It held through the flood down there.

12 CHAIRMAN VALENTIC: Chad didn't provide a letter. Did he
13 have any comments for it, any consideration for us? He didn't
14 provide anything?

15 MS. FREEMAN: He wasn't able to give any additional
16 comments specific to this case.

17 CHAIRMAN VALENTIC: Okay.

18 MS. JARRELL: Did you turn yourself in on this one
19 or how did --

20 MR. KANOCZ: Pardon me?

21 MS. JARRELL: Did you turn yourself in or how did
22 the Township find out? Did they have a drone up there?

23 MR. KANOCZ: No. I was called -- we don't have a
24 homeowners association in the neighborhood, but when somebody
25 thinks they -- you know, there's --

26 MS. JARRELL: They reported you?

27 MR. KANOCZ: You know, there's always the person
28 in the neighborhood that --

29 MS. JARRELL: Yeah, I get it.

30 MR. SWEENEY: That will drop a dime on you.

1 MS. FARRELL: We don't know for sure.

2 MR. KANOCZ: Yes, we do.

3 MS. FARRELL: We don't know for sure.

4 CHAIRMAN VALENTIC: Boy --

5 MR. KANOCZ: Actually, it's probably going to help

6 the property more than it's going to hurt the property.

7 CHAIRMAN VALENTIC: So you need this and then you need to

8 get a permit because you didn't have a permit to build it.

9 MR. KANOCZ: That's correct.

10 MR. SWEENEY: How long have you lived there?

11 MR. KANOCZ: Colleen has lived there for 30 years.

12 MS. FARRELL: 32 years.

13 MR. KANOCZ: And I've lived there for 20 years, 21

14 years.

15 MR. SWEENEY: Was the -- the '06 flood, was that

16 the first thing you've ever seen?

17 MS. FARRELL: Yeah.

18 MR. KANOCZ: Yeah.

19 MS. FARRELL: It moved the shed. Well, that --

20 yeah.

21 MR. SWEENEY: So the water was up over the wall?

22 MS. FARRELL: It came in my house.

23 MR. SWEENEY: That must have been scary.

24 MS. FARRELL: It was scary. We were sitting in our

25 truck up on Gray Hill all night.

26 MR. KANOCZ: It only happens once every 100 years.

27 MS. FARRELL: It's not going to happen again. You

28 know, the bad part was I didn't have good windows. Now I have

29 those stained glass windows that are real quick.

30 MR. KANOCZ: Block windows.

1 MS. FARRELL: The block windows.

2 MR. KANOCZ: We changed a few things over the
3 years.

4 MS. FARRELL: To make it -- in case it happens
5 again, it shouldn't bust through. But we were down the
6 basement when it busted through, because I was like, "Oh, I'll
7 put this up on the table," you know, thinking a little water
8 was coming in and it was like, "Whoa, let's run."

9 MR. SWEENEY: There's a homeowner down the street
10 from you, after the flood he --

11 MR. KANOCZ: Joe.

12 MR. SWEENEY: Right on the corner when you -- right
13 before you cross the bridge to go up the hill.

14 MS. FARRELL: Yeah, that was bad

15 MR. SWEENEY: And if there's another flood like
16 that, the water will literally just blow out like walls that
17 have been made to blow out and it will just flow --

18 MS. FARRELL: Straight.

19 MR. SWEENEY: -- through his base -- well, it's not
20 a basement, but --

21 MS. FARRELL: Right, right.

22 MR. SWEENEY: Like a hurricane. Like a hurricane.

23 MS. FARRELL: Right. It makes sense to do that.
24 It could happen again. I don't know.

25 MR. KANOCZ: Not as long as we're alive.

26 CHAIRMAN VALENTIC: You guys have any more questions?

27 MR. SWEENEY: No.

28 CHAIRMAN VALENTIC: Board, you guys all good?
29 All right. Thank you. Please be seated.
30 Is there anyone else here this evening speaking for or

1 against this appeal that would like to come up?

2 Okay. If there's no further questions, the public
3 hearing for Variance #2017-18 is now closed to the public.

4 Okay. I'll entertain a motion to approve Variance
5 #2017-18.

6 MR. DYNES: So moved.

7 MR. SWEENEY: Second.

8 CHAIRMAN VALENTIC: Okay. Open for discussion by the
9 board?

10 MR. DYNES: So it's a wood deck from everything I
11 can tell. I struggle to see that the riparian setback
12 requirements would prevent this. I think it's a pretty
13 nonintrusive use. I don't think it's a problem. I would be
14 in favor of approving it.

15 CHAIRMAN VALENTIC: You got any questions?

16 MR. SWEENEY: What were the requirements prior to
17 the newest setback coordinates?

18 MS. FREEMAN: For a deck prior to adopting the
19 riparian setback, we only needed to worry about setbacks from
20 property lines, side yard, rear, front.

21 MR. SWEENEY: So as far as riparian setback, there
22 was none?

23 MS. FREEMAN: There was no setback requirement from
24 the stream, that's correct.

25 MS. JARRELL: And how far is the deck from the side
26 yard?

27 MS. FREEMAN: I didn't include it in your packet.
28 I have to reference that. It is 19 feet from the left side
29 and 95 feet from the right side, so it meets all the other
30 setback requirements.

1 MS. JARRELL: Yeah.

2 CHAIRMAN VALENTIC: I don't know, I struggle with it a
3 little bit. I mean, this is the point of the code is to try
4 to prevent people from the riparian zone, you know, but this
5 is --

6 MS. JARRELL: We have people coming for forgiveness
7 all too frequently and --

8 MR. HAMILTON: It goes right up to the back of the
9 lot.

10 MS. JARRELL: Yeah, sure.

11 CHAIRMAN VALENTIC: Yeah.

12 MS. JARRELL: But permits should have been gotten,
13 but it is what it is.

14 CHAIRMAN VALENTIC: Okay. You guys need anything else?

15 MR. HAMILTON: No. Except the comment that, you
16 know, the setback comes right to the back of the house, so
17 what are you going to do.

18 CHAIRMAN VALENTIC: The existing conditions, yeah.
19 Okay. The question's on approval then for Variance
20 #2017-18. A "yes" vote is for the approval of the variance, a
21 "no" vote denies it. Heather, please call the vote.

22 MS. FREEMAN: Ms. Jarrell?

23 MS. JARRELL: Yes.

24 MS. FREEMAN: Mr. Dynes?

25 MR. DYNES: Yes.

26 MS. FREEMAN: Mr. Sweeney?

27 MR. SWEENEY: Yes.

28 MS. FREEMAN: Mr. Hamilton?

29 MR. HAMILTON: Yes.

30 MS. FREEMAN: Mr. Valentic?

1 CHAIRMAN VALENTIC: Yes.

2 Your variance has been approved. Thank you.

3 Next is Variance #2017-19: Mr. Robert Kessler is

4 requesting a variance from Section 15.04(B) and Table 15.04-1,

5 to allow for the construction of an addition onto a single

6 family dwelling with a side yard clearance of 12 feet, in lieu

7 of the 15 feet required, for the property located at 10392

8 Prouty Road, and being permanent parcel number

9 08-A-030-A-00-016-0.

10 Mr. Kessler, come on up.

11 MR. KESSLER: Robert Kessler, 10392 Prouty, and

12 yes, I've been sworn.

13 CHAIRMAN VALENTIC: Thank you, sir. Go ahead and present

14 your case and we will follow up with questions if we have any.

15 MR. KESSLER: Yeah, I'm looking to do an addition,

16 master bedroom, master bath, full basement. I'm going to

17 encroach of the side yard setback about three feet and then

18 it's going to taper in immediately back from -- 11 foot mark

19 it will come back into the property line, because the way the

20 house sits on the property and that's why I'm requesting the

21 variance, so I can go ahead with my addition. It's a small

22 little bungalow built in '52. I just want to make it a little

23 larger.

24 MR. HAMILTON: So based on the angle of the house,

25 the only encroachment occurs on that front corner of the

26 addition; is that correct?

27 MR. KESSLER: Correct, correct, and it immediately

28 then starts tapering back. Around 11 feet it will come back

29 into the property line. The setback, I mean.

30 CHAIRMAN VALENTIC: Yeah, so it's that little triangle.

1 MS. JARRELL: Your neighbors okay?

2 MR. KESSLER: Yes.

3 CHAIRMAN VALENTIC: I don't have any other questions for
4 you.

5 Okay. Anyone else?

6 You can be seated.

7 MR. KESSLER: Thank you.

8 CHAIRMAN VALENTIC: Thank you.

9 Is there anyone else here speaking this evening for or
10 against this appeal that would like to come up?

11 Mr. TANGO: Richard Tango. I live across the
12 street from Robert.

13 CHAIRMAN VALENTIC: You've been sworn in, sir?

14 MR. TANGO: Yes, I have. I know -- I've known
15 Bob just for -- you know, not too many, maybe a couple years
16 since he's moved in. Since he moved in I know that he put
17 that house back into really nice shape and he keeps his yard
18 up really nice. Whatever he does, it improves the house. You
19 know, it's going to look nice. There's quite a bit of
20 distance between the houses, so, you know, the variance he
21 wants isn't really that intrusive, plus there's a garage in
22 between his house and the neighbor's house and I think
23 whatever he puts on the house is going to look -- is going to
24 look really nice. I live right across the street from him, so
25 I thought I would come up tonight and put in a good word for
26 it.

27 CHAIRMAN VALENTIC: Okay.

28 MR. TANGO: That's it. Thank you.

29 CHAIRMAN VALENTIC: Thank you.

30 MS. JARRELL: It was nice of you to do that.

1 CHAIRMAN VALENTIC: I appreciate you coming out and doing
2 that.

3 Okay. If there is no further questions, the public
4 hearing for Variance #2017-19 is now closed to the public.

5 I will entertain a motion to approve Variance #2017-19.

6 MR. DYNES: So moved.

7 MS. JARRELL: Second.

8 CHAIRMAN VALENTIC: Okay. Open for discussion. I just
9 -- I'll sum it up. It's a small variance and just for a
10 sliver of a corner and there was positive feedback so I don't
11 have an issue with it.

12 MR. DYNES: Agreed.

13 CHAIRMAN VALENTIC: Okay. So the question's on approval
14 of Variance #2017-19. A "yes" vote is for the approval of the
15 variance, a "no" vote denies it.

16 Heather, please call the vote.

17 MS. FREEMAN: Mr. Valentice?

18 CHAIRMAN VALENTIC: Yes.

19 MS. FREEMAN: Mr. Hamilton?

20 MR. HAMILTON: Yes.

21 MS. FREEMAN: Mr. Sweeney?

22 MR. SWEENEY: Yes.

23 MS. FREEMAN: Mr. Dynes?

24 MR. DYNES: Yes.

25 MS. FREEMAN: Ms. Jarrell?

26 MS. JARRELL: Yes.

27 MS. FREEMAN: Passed.

28 CHAIRMAN VALENTIC: Your variance has been approved.
29 Good luck with your addition.

30 MR. KESSLER: Thanks.

1 CHAIRMAN VALENTIC: All right. Next item on the agenda
2 is Variance #2017-20: Mr. Don Plunkett of Studio One Design
3 Group, Inc., is requesting a variance from Section 29.12 to
4 allow for parking 20.21 feet from the public
5 right-of-way sideline, in lieu of the 25 feet required, for
6 the property located at 8109 Crile Road, and being permanent
7 parcel number 08-A-021-0-00-044-0. A second variance is being
8 requested from Section 38.04(A), to allow for a planting area
9 of 3 feet 4 inches, in lieu of the five feet required.

10 Heather, do we vote on these separately or this is just
11 one variance but there are two -- it's one variance number,
12 but we --

13 MS. FREEMAN: Two votes.

14 CHAIRMAN VALENTIC: Two separate votes.

15 MR. LUCAS: Two separate motions.

16 CHAIRMAN VALENTIC: Okay. All right. We can talk about
17 both and then -- you guys can present both, we'll ask
18 questions about both, but we're going to go through roll and
19 approve one or then the other or deny approval on the other;
20 okay?

21 MR. PLUNKETT: Yeah. Good evening. I'm Don
22 Plunkett with Studio One Design Group. I'm the architect.

23 MR. GIORGI: And I'm Mark Giorgi with Route 44,
24 LLC, 8109 Crile Road.

25 CHAIRMAN VALENTIC: You've both been sworn in?

26 MR. PLUNKETT: Yes.

27 MR. GIORGI: Yes.

28 CHAIRMAN VALENTIC: Thank you.

29 MR. PLUNKETT: The two issues, they're tied together
30 quite a bit. What we want to do here was to have a double row

1 of parking in front of the existing building. Currently
2 there's a single row and with the hardware store moving in at
3 this location, we wanted to get a little more parking there.

4 So what we did was -- and you can see the old line where
5 the existing parking was. And it was put in -- actually, it
6 was noncompliant previously, if you didn't know that. But
7 what we did was we kind of -- and if you follow that down, we
8 kind of straightened it out so it follows the property line
9 and it's 21.21 feet off. And then with our required parking
10 sizes, we wanted to have a five foot sidewalk. And what
11 happens is it's not parallel to the building so while we have
12 3 foot 4 down at this end, we're like 6 foot 8 at this, which
13 averages right around 5 feet, I think a little over. But,
14 regardless, we wanted to maintain a 5 foot sidewalk. They
15 will be coming down -- previously we came for approval for the
16 propane tank that's down here, but customers will come back
17 here to get their tanks filled.

18 So, again, with the parking lot, the way they work, they
19 over -- you know, cars overhang 18 inches, so, again, that was
20 kind of the reason for the 5 foot sidewalk. And, again, so
21 that variance, even though they are two separate, they are
22 kind of tied together with the parking lot establishing where
23 our landscape area is.

24 Any questions?

25 And, again, the neighbor, who's 84 Lumber, their parking
26 is actually in front of ours currently. You know, it's up to
27 their fence. And, again, we're not using that for
28 justification. We would like just to have a double row of
29 parking in front of the building. And, again, where the
30 existing building is in relationship to the parking lot, it

1 kind of dictates how far we have to be.

2 MR. HAMILTON: So the sidewalk at one portion almost
3 -- it's almost at the corner of the building and then it --

4 MR. PLUNKETT: Yes.

5 MR. HAMILTON: And then it moves away --

6 MR. PLUNKETT: Right.

7 MR. HAMILTON: -- to 6 feet at the far end?

8 MR. PLUNKETT: Yeah, it was about 6 feet 9. This
9 drawing isn't accurate. The actual dimensions we got off the
10 surveyor's. I don't know why surveyors are more accurate
11 than us architects. But, anyway, the actual dimensions are --
12 we're 3 foot 4 and 6 foot 9 at the far end.

13 MR. HAMILTON: You said the parking lot follows the
14 property line?

15 MR. PLUNKETT: We rotate -- originally it didn't.
16 You can see it was kind of skewed.

17 MR. HAMILTON: Uh-huh.

18 MR. PLUNKETT: And what we tried to do is rotate it,
19 which helps us maintain that sidewalk also.

20 MR. HAMILTON: Uh-huh.

21 MR. PLUNKETT: So originally it was almost 23 feet
22 up in this corner, but what we've done is taken kind of our
23 closest point, rotated it so it's parallel with the property
24 line, and then established our parking spaces and our -- our
25 drive out.

26 CHAIRMAN VALENTIC: Question. Again, so with the parking
27 coming closer to the road, it was never conforming, it should
28 be technically 5 feet to the east, there's some landscaping
29 being proposed up, I guess, along Crile, but there's some like
30 areas where we're not putting any landscape. Is there an

1 opportunity -- I know your landscape architect isn't here. Is
2 there an opportunity to -- are you willing to add some more
3 landscaping along the front of the road to soften that parking
4 lot or how it's viewed from Crile Road, because some of the
5 headlights would be 5 feet closer to Crile than they would
6 have been previously.

7 MR. PLUNKETT: I thought we pretty much had a
8 continuous --

9 CHAIRMAN VALENTIC: Well, if I'm looking at the plan
10 correctly, only one of the sheets have been provided, we
11 didn't get both of them, and I'd say there's a pretty long gap
12 with nothing in here in this enlargement. This side, there's
13 no enlargement on this side, but this is just your -- you're
14 not touching this over here; correct? This is your only work
15 in this area.

16 MR. PLUNKETT: Correct. We are adding some spaces
17 to the back of this to get our required parking.

18 CHAIRMAN VALENTIC: Gotcha. Gotcha. So, like I said, my
19 comment is is there an opportunity to add a little bit more
20 along here?

21 MR. PLUNKETT: You're talking north of the first
22 drive in? Yeah, yeah.

23 CHAIRMAN VALENTIC: Yeah, this area right here. So south
24 of -- this is your parking that needs the variance.

25 MR. PLUNKETT: Okay.

26 CHAIRMAN VALENTIC: All the cars are going to be five
27 feet closer to the road. Can we get a little bit more
28 landscaping along the edge to provide a little bit of a
29 buffer?

30 MR. GIORGI: Are they going to be five feet closer

1 or are they going to be where they're at right now?

2 CHAIRMAN VALENTIC: They're not going to be -- they're
3 not going to be where they are at right now. It sounds like
4 you want --

5 MR. PLUNKETT: We're going a little further west.
6 Basically almost from nothing to like two more feet, but we
7 can add some more landscaping if that's -- you're talking
8 about -- there is some existing that's there that I don't
9 think she's shown.

10 CHAIRMAN VALENTIC: That might be possible.

11 MR. PLUNKETT: But, I mean, I don't like spending my
12 owner's money, my client's money, but I would say we can add
13 some landscaping.

14 MS. JARRELL: I don't -- I don't necessarily agree
15 that they have to do that, go that extra length, but --

16 CHAIRMAN VALENTIC: I'm just asking.

17 MR. PLUNKETT: I mean, what the landscape designer's
18 put in here, I mean, it's a nice upgrade. She's gone to more
19 grasses and things like that that are going to be more
20 durable. Because, again, with the being by the parking lot, I
21 don't care whose parking lot it is, you get snow pushed on it
22 in the winter and after that first year, you know, it's a
23 maintenance thing. So she's tried to use materials that are
24 going to be a little more durable.

25 CHAIRMAN VALENTIC: Yeah.

26 MR. PLUNKETT: So in five years hopefully it's still
27 looking very good. Will we have to replace something? I'm
28 sure, probably.

29 CHAIRMAN VALENTIC: Do you guys have any other questions?

30 MR. DYNES: No. No, I don't.

1 CHAIRMAN VALENTIC: Blair, anything?

2 MR. HAMILTON: Nothing.

3 CHAIRMAN VALENTIC: All right. Thanks, guys.

4 Is there anyone else speaking for or against this appeal

5 that would like to come up?

6 Okay. If there's no further questions, the public

7 hearing for Variance #2017-20 is now closed to the public.

8 I will entertain a motion to approve Variance #2017-20.

9 MS. JARRELL: So moved.

10 MR. HAMILTON: Second.

11 CHAIRMAN VALENTIC: Okay. Discussion from the board?

12 Anybody?

13 MR. HAMILTON: I'll only say that we've had a long

14 list of variances and requests for this property and they've

15 always come forward and been forthright, you know, with what

16 their requirements are. I will applaud that.

17 MS. JARRELL: Agreed.

18 MR. SWEENEY: I think it's reasonable.

19 CHAIRMAN VALENTIC: Okay. All right. Heather, the

20 question is on approval of Variance Appeal #2017-20. I guess

21 a "yes" vote is for approval of the variance, a "no" vote

22 denies the variance. Heather, please call the vote.

23 MS. FREEMAN: Mr. Chairman, can we be clear we're

24 voting on Section 29.12?

25 CHAIRMAN VALENTIC: Oh, I'm sorry. Thank you for

26 reminding me.

27 So we are voting -- yeah, the question is on approval on

28 Variance Appeal #2017-20 for a variance from Section 29.12 to

29 offer parking 20.21 feet away from the public right-of-way

30 sideline, in lieu of the 25 feet required. A "yes" vote is

1 for the approval of that variance and a "no" vote denies that
2 request.

3 Please call the vote.

4 MS. FREEMAN: Mr. Hamilton?

5 MR. HAMILTON: Yes.

6 MS. FREEMAN: Mr. Sweeney?

7 MR. SWEENEY: Yes.

8 MS. FREEMAN: Ms. Jarrell?

9 MS. JARRELL: Yes.

10 MS. FREEMAN: Mr. Dynes?

11 MS. JARRELL: Yes.

12 MS. FREEMAN: Mr. Valentic?

13 CHAIRMAN VALENTIC: Yes.

14 Okay. Your first variance has been approved.

15 The next question is on approval of Variance Appeal
16 #2017-20. This time for the second variance requested from
17 Section 38.04(A), to allow for a planting area 3 feet 4
18 inches, in lieu of the 5 feet required.

19 A "yes" is vote for the approval of the variance and a
20 "no" vote denies the variance.

21 Heather, please call this vote.

22 MS. FREEMAN: Ms. Jarrell?

23 MS. JARRELL: Yes.

24 MS. FREEMAN: Mr. Dynes?

25 MR. DYNES: Yes.

26 MS. FREEMAN: Mr. Valentic?

27 CHAIRMAN VALENTIC: Yes.

28 MS. FREEMAN: Mr. Hamilton?

29 MR. HAMILTON: Yes.

30 MS. FREEMAN: Mr. Sweeney?

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MR. SWEENEY: Yes.

CHAIRMAN VALENTIC: Okay. Your second variance has been approved. Thank you.

MR. GIORGI: Thank you.

CHAIRMAN VALENTIC: Next Board of Zoning Appeals meeting is December 13, 2017. The meeting for November 8, 2017 Board of Zoning Appeals is now closed.

Thank you.

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(Meeting Concluded.)

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CERTIFICATE

I, Susan Goodell, hereby certify that the foregoing pages constitute a true and complete transcript of the testimony requested to be transcribed from my Stenograph notes, taken at the time and place designated herein.

WITNESS MY SIGNATURE THIS 15th day of November, A.D. 2017.

SUSAN GOODELL