

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

July 13, 2016
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

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

Also Present:

Bruce Bullard, Zoning Inspector

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

7:02 p.m.

CHAIRMAN VALENTIC: Good evening. The Board of Zoning Appeals for Concord Township meeting, July 13, 2016, is now in session. I would like to introduce my Board. To my far left is Skip Sweeney and Jim Rowe. I am Ivan Valentic. To my right is Chris Jarrell and Blair Hamilton, and to my far right is Bruce Bullard, our zoning inspector.

Under the advice of our counsel, we ask that anyone speaking tonight must be sworn in. If you plan on speaking, please stand and raise your right hand. Okay. Everyone is standing and got their hands up.

(Whereupon, the speakers were sworn en masse.)

CHAIRMAN VALENTIC: Thank you. Please be seated.

Tonight when presenting your case, please come to the microphone and state your name and address for the record. Thank you.

Bruce, were the legal notices published in a timely manner?

MR. BULLARD: Yes, they were.

CHAIRMAN VALENTIC: Okay. Great. Thank you.

Tonight we have three appeals. A three-vote majority is required to either approve or deny the appeal. If the request -- If a request is denied, you have the right to file an appeal. If this is the case, Bruce can help you.

All right. First on the docket is Appeal Number 0616-1073, Mr. Mario Ferritto, of Ferritto Homes, is requesting a variance for the property located at 11447 Viceroy Street and being Permanent Parcel Number 08-A-012-J-00-076-0, to locate a dwelling within a 40 foot front yard building setback, in lieu of the minimum 50 foot, 50 feet as set forth

1 in Section 15.04(B), Table 15.04-1 of the Zoning Resolution.

2 Please come forward and present your case.

3 MR. FERRITTO: Good evening.

4 CHAIRMAN VALENTIC: Have you been sworn in?

5 MR. FERRITTO: I am sorry?

6 CHAIRMAN VALENTIC: Have you been sworn in?

7 MR. FERRITTO: Yeah. I just raised my right hand.

8 CHAIRMAN VALENTIC: Okay. Just, we need it for the
9 record. Thank you. Again, just give your name and address for
10 the --

11 MR. FERRITTO: Mario Ferritto. And I am here trying
12 to explain about this, this lot here. Mike Campola here is the
13 owner and he plans on building a house there. And I guess,
14 when he purchased it, he was looking for an ideal location for,
15 actually, it's a gorgeous home that he plans on building. And
16 he wanted a walk-out basement, which this obviously has.

17 Well, when he brought me these plans, went to the
18 engineer and he said, "You realize that there is a conservation
19 easement. You are going to be very close to the point of where
20 it's going to make it almost impossible to build on."

21 So, basically, what we're asking is to move the house
22 up 10 feet. And I submitted a bunch of -- I guess everybody's
23 got a piece of these. So the first thing, if we want to look
24 at the color Google map I pulled off of so you can get a better
25 perspective rather than these lines. Sometimes it's easier to
26 see here. By moving the house up 10 feet -- The problem is
27 that the cul-de-sac so big here and, when it juts out, it
28 actually pushes the house way back. If it was a straight
29 street, this house would have been moved up another 20 feet
30 but, obviously, that's not the case.

1 And so I tried to draw a line to show you that it's
2 not going to be sitting in front of anybody. It is going to --
3 It will still be behind both houses to the both right and left
4 of it. And you can see that on the topo that's included, which
5 basically shows that the front of this house, which is the
6 garage, would be starting right about halfway point of the
7 other, the property to the right's garage, where it says
8 "existing home," to the right of it.

9 So, basically, it's not going to be an eyesore. It
10 is not like we're going to move the house in front of anybody.
11 I feel that we could easily move that much.

12 And the biggest problem is the lot drops so
13 drastically that, when you get to the back of the house where
14 it needs to be set without a variance, there is literally no
15 space to drop down to the easement, I mean, the environmental
16 easement, which cannot be touched. So by giving that extra 10
17 feet, at least, we can grade enough. As you can see, I tried
18 to do a grading in the one with the side elevation of the
19 homes, this picture here.

20 CHAIRMAN VALENTIC: Yeah.

21 MR. FERRITTO: So, basically, you can see that the
22 grading would be really drastic, probably, retaining walls or
23 whatever trying to stay out of the easement.

24 So if you guys got any question for me, I don't know
25 what else I could --

26 MR. CAMPOLA: Also, the front house will be even with
27 -- a much more even look at the house in line with the neighbor
28 on either side. If not, the front of the house will actually
29 be in their back of their house, which will be an eyesore to
30 them, including everybody. If that 10 feet, the way that the

1 cul-de-sac lines up around the corner, it will make it look
2 like it's a perfect circle, not impeding, most importantly,
3 into the conservation by 10 feet, leaving that danger zone, I
4 guess you could say. I don't want to go into that at all. But
5 being so close, you know, we want to put a pool and make it --
6 It's going to be beautiful. But it will make it so in back of
7 these folks' house it won't -- it's going to be a big problem
8 for them. I didn't know that until lining up with that --

9 MR. FERRITTO: Until we went to the engineer and,
10 basically --

11 MR. CAMPOLA: Right.

12 MR. FERRITTO: -- had a site plan drawn. And because
13 when I was looking at the dimension of the house, I go, "This
14 house is going to extend way down there. Let's get a topo and
15 see where it actually lays."

16 MR. HAMILTON: So you were not aware at the time of
17 purchasing the property that these restrictions would prevent
18 you from doing what you want to?

19 MR. CAMPOLA: No. And, you know, I didn't -- Well,
20 most importantly, the conservation area and that being set, I
21 thought -- I wasn't sure, because of the cul-de-sac and the way
22 the lot lines up. When you look, the front of the lot is,
23 like, next to the -- where the garage and that would or should
24 be. It actually sits the house that much further back which
25 makes it a huge detriment to that.

26 MR. FERRITTO: So the easement --

27 MR. HAMILTON: Was the conservation area pointed out
28 to you at the time of purchase?

29 MR. CAMPOLA: It was but it's so, like, you can't
30 really tell because it's a ravine. And so until you really get

1 down and in the ravine, you can then, you know -- With
2 overgrown brush, I didn't put that part of it together. But
3 that will ease up that whole back of that and make it easier
4 for him to actually level it and make it so it's not any
5 problem for the people next to me. The worst thing I want to
6 do is go put a, you know, call it a \$600,000 house back there
7 and have hating neighbors on both sides of me because why
8 didn't you -- why did you do this to us?

9 MR. FERRITTO: Well --

10 MR. CAMPOLA: I don't want that to start.

11 MR. FERRITTO: That would be easy. I would say blame
12 me.

13 MS. JARRELL: What's the blue line?

14 MR. FERRITTO: That's -- On the, on the topo?

15 MS. JARRELL: Hu-huh.

16 MR. FERRITTO: Basically, I do drew, like, a line
17 from the front corner of the house on either side of it to see
18 where --

19 MS. JARRELL: Oh, okay.

20 MR. FERRITTO: In other words, if you drew a line,
21 we're still behind it. Actually, when we first started at
22 this, I said we should ask for 15 feet. But the engineer,
23 everybody told me, says, "Well, they rarely ever go for more
24 than 20 percent, so I wouldn't." Otherwise, we would have ask
25 for 15 feet because it would still make it very appealing and
26 very within --

27 MR. SWEENEY: How is the 40 foot measured? Bruce,
28 how do we measure that? Where is it --

29 MR. BULLARD: Do you see --

30 MR. SWEENEY: From what point?

1 MR. BULLARD: You see your 50 feet radius?

2 MR. SWEENEY: I am sorry. The 50 foot requirement is

3 measured from --

4 MR. FERRITTO: From the --

5 MR. SWEENEY: From the center of the street or the

6 cul-de-sac?

7 MR. FERRITTO: No, no, no. It's from the outside

8 curve of the street.

9 MR. BULLARD: It's the outside curve of the street.

10 MR. SWEENEY: So the curve?

11 MR. BULLARD: The right -- No. The right-of-way of

12 the road and the cul-de-sac as it is created in a development.

13 MR. FERRITTO: Basically, you got 40 feet from here

14 to here. Okay? This is the 50 foot. This is where --

15 MR. SWEENEY: Right.

16 MR. FERRITTO: -- it's supposed to be built.

17 MR. SWEENEY: I am trying to figure out, what is

18 this?

19 MR. FERRITTO: It's probably, like, a utility

20 easement or something along the road.

21 CHAIRMAN VALENTIC: Yeah.

22 MR. BULLARD: Right.

23 MR. SWEENEY: How big is it? Is this section right

24 here, is that on the road or is that on the grass?

25 MR. FERRITTO: That's on the grass.

26 MR. SWEENEY: Okay. So then --

27 MR. FERRITTO: Because there is a light pole right

28 here.

29 MR. SWEENEY: Okay. So there is, in addition to the

30 40 foot, there is another, what, 3 foot easement?

1 MR. FERRITTO: According to this, it looks more like
2 10.

3 MR. BULLARD: It looks like 10 foot.

4 CHAIRMAN VALENTIC: Ten, yeah, ten.

5 MR. SWEENEY: Okay. So there is another 10 foot
6 easement.

7 MR. FERRITTO: Roughly. I mean, I don't have the
8 measurement on it.

9 MR. SWEENEY: So then --

10 MR. FERRITTO: I mean, I just drew this to show
11 perspective.

12 MR. SWEENEY: Right. So that's not, that's not
13 accurate.

14 MR. FERRITTO: This is the accurate one the engineer
15 drew.

16 MR. SWEENEY: Right.

17 MR. FERRITTO: So 40 foot is to there.

18 MR. SWEENEY: So you've got 40 foot, then you have an
19 additional until you get to the street.

20 MR. FERRITTO: Yeah. See, that's about 15 foot
21 there, so at least 10 foot.

22 MR. SWEENEY: Right. So, visually, there is more
23 land there.

24 MR. FERRITTO: Right.

25 MR. SWEENEY: Okay. Because it's not reflected in
26 this. That's the point I am trying to make.

27 MR. FERRITTO: On the drawing. This Google map, I
28 just printed out so you could see, like, a view where,
29 actually, the houses are.

30 MR. SWEENEY: And then do we know, do we know what

1 the setback is of the house next door?

2 MR. FERRITTO: They're both 50 foot.

3 MR. SWEENEY: That looks pretty --

4 MR. FERRITTO: They're on the 50 foot line. If you
5 look at the --

6 CHAIRMAN VALENTIC: This one is on the 50 foot line.
7 Right there, that's the 50 foot line.

8 MR. SWEENEY: Okay. He's right on it.

9 CHAIRMAN VALENTIC: The garage is over but the house
10 is actually maybe 60 feet away.

11 MR. SWEENEY: Right, gotcha.

12 MR. FERRITTO: See, this is --

13 MR. SWEENEY: Because that doesn't look like 50, that
14 looks about the same.

15 MR. FERRITTO: See, this is the 50 foot building
16 line.

17 MR. SWEENEY: Yeah.

18 MR. FERRITTO: See how it juts back as it comes up to
19 this lot?

20 MR. SWEENEY: Yeah.

21 MR. FERRITTO: So they're at 50 foot and this would
22 have to actually be way back here to be at 50 foot.

23 MR. SWEENEY: So what is the actual encroachment of
24 the house? How much are we talking about from, from here.

25 MR. FERRITTO: It's this corner right here.

26 MR. SWEENEY: Yeah. So how much is that?

27 MR. FERRITTO: Ten foot.

28 MR. SWEENEY: That's ten feet?

29 MR. FERRITTO: Yes.

30 MR. SWEENEY: At the, at the longest point.

1 MR. FERRITTO: Right. It's --
2 MR. SWEENEY: And then it gets further and further
3 away.
4 MR. FERRITTO: It gets less and less as you come this
5 way.
6 MR. SWEENEY: So the point is at 10 feet.
7 MR. FERRITTO: Right.
8 MR. SWEENEY: The rest of the property -- or the rest
9 of the foundation is further and further away.
10 MR. FERRITTO: Right.
11 MR. SWEENEY: Okay.
12 MR. FERRITTO: I mean, it's down to zero at this end.
13 MR. SWEENEY: Right. Okay. Thank you.
14 MR. FERRITTO: So literally, like you said, it's just
15 like a corner of the garage. It's probably, literally -- I
16 don't know -- 10 feet of the garage on one side.
17 MR. CAMPOLA: It's not that much.
18 MR. FERRITTO: Say, like, this much.
19 MR. SWEENEY: In terms of square feet, how much?
20 It's like, what, the size of half this table or something.
21 MR. FERRITTO: It's literally, like, say from the
22 flag to here.
23 MR. SWEENEY: Yeah, yeah.
24 MR. FERRITTO: Not even that.
25 MR. SWEENEY: In terms of total square foot that is
26 not compliant.
27 MR. FERRITTO: Right.
28 MR. SWEENEY: Yeah.
29 MR. CAMPOLA: But it will make a big difference in
30 the overall --

1 MR. SWEENEY: Sure.

2 MR. CAMPOLA: -- appearance to the whole neighborhood
3 and the house setback. The closer you get to that 10 foot
4 makes a big difference in the back and in the front in
5 visibility and to the conservation line in the back of it,
6 which I do not want to impair on. That, it makes -- It would
7 make everything happy.

8 MR. FERRITTO: If the conservation easement was back
9 a little bit or wasn't there, I mean, it would be absolutely no
10 problem, no need to even be here.

11 MR. CAMPOLA: I don't want to even mess with that
12 either. That's the whole premise of that whole development is
13 Nature Preserve. So that would be the last thing I want to
14 even get near and this will really put me close and I don't
15 want to do that.

16 MR. SWEENEY: The neighbors, obviously, do they have
17 any problem?

18 MR. CAMPOLA: I mean, I think if they -- if left the
19 way that the zoning has it set, I think they would.

20 MS. JARRELL: Did you talk to them?

21 MR. CAMPOLA: No. But if it's set up like we want to
22 do it, we have zero problem because it will line up with their
23 house and it won't be impairing on them.

24 MR. SWEENEY: Did they received notice?

25 MR. BULLARD: All the neighbors received notice and I
26 did have communication with the neighbor to the south of them.
27 He happens to travel to China a lot and I did have information
28 I gave him and explained the location of the house. And his
29 only concern at the time when I had the conversation with them
30 is, he was under the impression there would be more of the

1 house sitting down in front of his garage and everything. And
2 I received no communication from him after he -- He received
3 hard copy from me at his home, besides an electronic copy when
4 he was traveling. So --

5 CHAIRMAN VALENTIC: Okay.

6 MR. CAMPOLA: That just leads into my point of that's
7 what he is concerned about is being so set back.

8 MR. SWEENEY: Right.

9 MR. CAMPOLA: Set up, we have no issue on any of
10 the --

11 MR. SWEENEY: Okay.

12 CHAIRMAN VALENTIC: I don't have any more questions.
13 Does anyone else?

14 MR. ROWE: No.

15 MR. HAMILTON: No.

16 CHAIRMAN VALENTIC: Thank you, gentlemen. You can
17 please have -- be seated.

18 Is there anyone else here speaking for or against
19 this appeal that would like to come up? Okay. If there is no
20 further questions, the public hearing for Appeal Number
21 0616-1073 is now closed to the public. I will entertain a
22 motion to approve Appeal Number 0616-1073.

23 MR. ROWE: So moved.

24 MR. HAMILTON: Second.

25 CHAIRMAN VALENTIC: We have it moved and seconded.
26 Approval of Variance Number 0616-1073 has been moved and
27 seconded. It's open for discussion on the Board.

28 MS. JARRELL: I think this little site plan right
29 here is a really good visual because it shows that this
30 particular lot is shorter than the rest of them and so it's

1 going to be more difficult to place a structure on that lot
2 without impeding on, you know, getting into the easement or
3 needing a variance.

4 Plus, you know, they've got the side entry garage.
5 This might all be avoided by doing a front entry garage.
6 However, if you look at the neighbor, it's interesting because
7 my house is set exactly like your neighbor here. And I ended
8 up putting an 8 foot tall, 250 foot long fence because, when I
9 came out of my garage, I was in my neighbor's front yard and
10 that is a terrible feeling. So I just think that this lot
11 already, you know, it has specific issues with it and that I
12 think we would be helping the neighbor if we approved this and
13 we certainly would be helping the property owner. And I --
14 That's my opinion.

15 MR. ROWE: Yeah. This graphic here, I mean, the
16 lineup relative to the other two homes is fine. It's a good
17 layout.

18 MR. HAMILTON: I think, if you follow the practical
19 difficulty standards, in this case, most of those are met, not
20 all of them.

21 MS. JARRELL: Yeah, agreed.

22 MR. HAMILTON: You're looking at a 20 percent
23 variance, which we have done before. I think it maintains the,
24 you know, the overall nature and the feel of the neighborhood.

25 CHAIRMAN VALENTIC: Yeah, exactly.

26 MS. JARRELL: Absolutely.

27 MR. SWEENEY: Yeah. I think most of the Duncan
28 Standards, I think, are met.

29 CHAIRMAN VALENTIC: Okay. If there's no more
30 discussion from the Board, the question is on the approval of

1 Appeal Number 0616-1073. A yes vote is for the approval. A
2 vote -- no vote denies the variance. Bruce, please call the
3 vote.

4 MR. BULLARD: Mr. Hamilton?

5 MR. HAMILTON: Yes.

6 MR. BULLARD: Mr. Sweeney?

7 MR. SWEENEY: Yes.

8 MR. BULLARD: Ms. Jarrell?

9 MS. JARRELL: Yes.

10 MR. BULLARD: Mr. Rowe?

11 MR. ROWE: Yes.

12 MR. BULLARD: Mr. Valentic?

13 CHAIRMAN VALENTIC: Yes.

14 MR. BULLARD: It so passed.

15 MR. CAMPOLA: The ayes have it. You've been
16 approved. If you wish to leave, see Bruce before you go.

17 Okay. Next on the agenda is Appeal Number 0616-1074,
18 Mr. Jason Carroll, of Daugherty Construction, is requesting a
19 variance for the property located at 7385 Amanda Place and
20 being Permanent Parcel Number 10-A-029-J-00-002-0, to have a
21 covered porch that encroaches the front building setback, in
22 lieu of an uncovered porch that encroaches the front building
23 setback, as set forth in Section 15.04(A)(2)(b)(iv) of the
24 Zoning Resolution.

25 Mr. Carroll, thank you.

26 MR. CARROLL: Sure. Jason Carroll, Daugherty
27 Construction, on behalf of Mr. and Mrs. Righi at 7385 Amanda
28 Place.

29 CHAIRMAN VALENTIC: And you've been sworn in?

30 MR. CARROLL: Yes, I have, sir.

1 CHAIRMAN VALENTIC: Thank you.

2 MR. CARROLL: They send their apologies that they
3 couldn't be here. This happened to fall on their family
4 vacation week, so that's why they're not here this evening.

5 CHAIRMAN VALENTIC: Okay. Go ahead.

6 MR. CARROLL: Okay. Essentially, what we're looking
7 to do is build a roof and column structure over their front
8 porch. And per the discussion Bruce and I had, which I did not
9 know at the time, the house is set back 50 feet and you're
10 allowed to have an uncovered porch come into that 50 foot area,
11 but it specifically states uncovered and not covered. And as
12 the homeowner and I went around the neighborhood and looked
13 around, pretty much, everybody in that whole area, every other
14 house has a covered porch. So didn't think it would be a
15 problem.

16 The pictures I have, the one picture is their
17 existing house. And then I took a black and white picture of
18 one of the neighbors and that's, essentially, what he's looking
19 to do, basically, just build a cover.

20 MR. ROWE: Is that on Barchester, by any chance?

21 MR. CARROLL: That is not. That is on Chipmunk
22 Ridge --

23 MR. ROWE: Oh, okay.

24 MR. CARROLL: -- and Amanda Place, so it's right
25 around the corner of this house, from his house. So that's
26 what we're looking for.

27 MR. HAMILTON: Bruce, we've been through this before
28 in this same neighborhood, right?

29 MR. BULLARD: We've heard similar ones to this, yes,
30 correct.

1 MR. ROWE: We acted on the one on Barchester without,
2 you know -- it was approved and okayed and no --

3 MR. CARROLL: My mother actually lives on Bentley,
4 down the road off of South Meadow, and she has a covered porch.
5 So I am not sure where it changed or --

6 MR. HAMILTON: That's a good question. Was there,
7 was there any zoning changes that it used to be like this?

8 MR. BULLARD: No, no. I would have to look at the
9 date on when that text was put in. In fact, I can do that real
10 quick, if you want. I have the update. We didn't change that
11 part. It's been something that we've looked at from time to
12 time. Part of the difficulty comes back, if you look at Ryan
13 Homes, they build everything flush, flush to the property line.
14 And since everything that they do is streamlined for the
15 structure of the house, they make -- they would make a stoop in
16 front of all the houses.

17 We see that, in the text, it says you can have an
18 uncovered porch, you know, it says 10 feet wide. We are not
19 sure if they really meant 10 feet deep. But you can have an
20 uncovered but, you know, you may not have a covered porch when
21 you're building the house. And I think the intent really was
22 to discourage people from, quote, creating something that would
23 eventually become a living space encroaching in the front.

24 Now, this goes probably back, you know, before my
25 time, I am sure, and so it's not something that's been, you
26 know, changed. But until it's been changed, it's what's in the
27 text. And so if you are going to cover the porch, it
28 specifically says "uncovered." And the physical encroachment
29 footprint of the house by covering the porch is not going to
30 change. I mean, the front porch is there. He's not building

1 anything more but the process is he has to be here.

2 MR. CARROLL: We're trying to make their house look a
3 little nicer. They're doing new siding, putting a new deck on
4 it. You know, aesthetically, it is going to be a lot more
5 pleasing than the plain front Ryan home is what they're looking
6 for.

7 CHAIRMAN VALENTIC: Makes sense.

8 MR. HAMILTON: So what will the dimensions of this
9 porch be?

10 MR. CARROLL: You will --

11 MR. HAMILTON: Is that what I am looking at on the
12 last page?

13 MR. CARROLL: Because it's just the existing porch.
14 Where is that?

15 CHAIRMAN VALENTIC: So would it be four feet deep and
16 then the 6 foot wide?

17 MR. CARROLL: Correct, yes. I've got so many papers.

18 MR. BULLARD: It's six by four foot.

19 MR. CARROLL: Yeah.

20 CHAIRMAN VALENTIC: Yeah. Okay.

21 MR. ROWE: Very good.

22 MR. CARROLL: Does anyone else have any more
23 questions for Mr. Carroll?

24 MR. ROWE: No, I don't.

25 CHAIRMAN VALENTIC: Blair, you good?

26 MR. HAMILTON: No. I'm good.

27 CHAIRMAN VALENTIC: Thank you.

28 MR. CARROLL: Thank you, folks.

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

1 Okay. If there's no further questions, the public hearing for
2 Appeal Number 0616-1074 is now closed to the public. I will
3 entertain a motion to approve Appeal Number 0616-1074.

4 MR. ROWE: So moved.

5 MR. SWEENEY: Second.

6 CHAIRMAN VALENTIC: We have -- We have a nomination
7 and a second. It's open for discussion to the Board. Is there
8 anything? I mean, it's minimal.

9 MR. ROWE: My discussion would be it's not a problem.
10 I mean, it's been done.

11 MR. HAMILTON: Right.

12 MR. ROWE: And I mean, particularly, the one on
13 Barchester, fine. There was no, no neighbor whatever. There
14 it is.

15 CHAIRMAN VALENTIC: Yeah.

16 MR. SWEENEY: It's actually -- The aesthetic
17 difference is more than I would expect. It looks really nice,
18 you know, to put that on, a roof on there. So it will be nice.

19 CHAIRMAN VALENTIC: Okay. All right. The question
20 is on the approval of Appeal Number 0616-1074. A yes vote is
21 for the approval of the variance. A no vote denies it. Bruce,
22 please call the vote.

23 MR. BULLARD: Ms. Jarrell?

24 MS. JARRELL: Yes.

25 MR. BULLARD: Mr. Rowe?

26 MR. ROWE: Yes.

27 MR. BULLARD: Mr. Sweeney?

28 MR. SWEENEY: Yes.

29 MR. BULLARD: Mr. Hamilton?

30 MR. HAMILTON: Yes.

1 MR. BULLARD: Mr. Valentic?

2 CHAIRMAN VALENTIC: Yes.

3 MR. BULLARD: So passed.

4 CHAIRMAN VALENTIC: Congratulations. You've been --
5 You passed.

6 MR. CARROLL: Thank you very much.

7 CHAIRMAN VALENTIC: Thank you. If you wish to leave,
8 see Bruce before you go.

9 The last appeal on the docket tonight is Appeal
10 Number 0616-1075, Mr. Bryan Carty is requesting a variance for
11 the property located at 7366 Ravenna Road and being Permanent
12 Parcel Number 08-A-013-0-00-017-0, to park a commercial vehicle
13 in their driveway that exceeds the allowed vehicle weight of
14 10,000 pounds, as set forth in Section 29.13(C)(2) of the
15 Zoning Resolution.

16 Mr. Carty, please come forward.

17 MR. CARTY: How are you guys doing?

18 CHAIRMAN VALENTIC: Good. Please confirm that you've
19 been sworn in and state your name and address for the record.

20 MR. CARTY: Yes, I have. My name is Bryan Carty. I
21 reside at 7366 Ravenna Road in Concord, Ohio.

22 CHAIRMAN VALENTIC: Thank you. Go ahead.

23 MR. CARTY: I work for King's Towing. I actually
24 relocated my family out here from Wickliffe about, say, about
25 three months ago -- I think it was April -- for employment with
26 King's Towing. I drive a commercial flatbed. We respond for
27 several police departments, highway patrol and sheriffs for
28 accident scenes, DUIs, enforcement arrests, from Fairport all
29 the way out to Madison. We are allotted, basically, 20 minutes
30 to get there from the time we are dispatched. Part of that is

1 bringing the truck home with me when I am on call at night so I
2 can get to the scene within that 20 minutes.

3 The vehicle that I bring home has a gross vehicle of
4 25.5, I believe it is. It's in some of the pictures I gave you
5 guys. The vehicle actually weighs about 15,000. I took it to
6 the scale house. It does not come home loaded. There is never
7 a vehicle on the bed. It's only there for me to get to the
8 scene.

9 The nearest lot that we use is actually on Blackmore
10 Road in Perry. It takes me about 16 minutes to get there. So
11 if I have to pass the state trooper sitting at 44 and 90 to go
12 get a truck to come back, it's going to take me over the
13 allotted time.

14 Basically, I am just asking to be able to park the
15 truck there. I park it back far enough, you can see from the
16 pictures, you can't even see it unless you are stopped right in
17 front of my driveway. My landlord has given me permission. He
18 knows I use it for work. There is times I get called out 2:00,
19 3:00 in the morning. The vehicle might be big but it is quiet.
20 It doesn't make a lot of noise. The lights are not overly
21 obstructing to the neighbors. In fact, the one neighbor right
22 next to me didn't even know I had it.

23 The other thing that I have noticed with the issue is
24 the weight. I mean, I can park a fifth wheel motor home or a
25 big RV there and those things weigh 26,000 pounds loaded. I
26 guess, I am just trying to get approval to park a commercial
27 vehicle so I can support my family.

28 CHAIRMAN VALENTIC: Have you -- You mentioned one
29 neighbor didn't know it was there. Do you have any opposition
30 or support from the neighbors, any documentation?

1 MR. CARTY: The one I talked to, she says she would
2 give me a letter. But I really didn't want to draw her into
3 it. You know, I am trying to keep it as quiet as possible. I
4 don't need neighbors feeling like I am encroaching on them. I
5 did talk to a couple of the commercial vehicle -- properties
6 across the street. I could try to park over there but the
7 problem is -- I talked to, I think it's Sapphire. Is that it,
8 Bruce?

9 MR. BULLARD: Yeah.

10 MR. CARTY: Sapphire said that, with their insurance
11 policy, I couldn't park it there. And the lady right next
12 door, Ann, I believe her name was, her driveway is narrow, too.
13 And driving down Ravenna Road, the truck would be like a sore
14 thumb sitting in her driveway. Like I said, driving from
15 either direction on Ravenna, I had the vehicle parked back far
16 enough that you can't even see it unless you are sitting dead
17 center on my driveway.

18 So, I mean, I have talked to the neighbors. The guy
19 on the left of me, Jeff, doesn't have an issue with it, you
20 know. So I don't believe there is any neighbors but, again,
21 the couple that I have talked to didn't have a problem.

22 MR. ROWE: You said --

23 MR. SWEENEY: Go ahead, Jim.

24 MR. ROWE: You said many nights you have to. I mean,
25 do you have it there every night or --

26 MR. CARTY: Well, my days vary. I don't have a set
27 schedule. So I could be, like, this weekend, I am supposed to
28 work. I had to wait to tell my boss if I could bring the truck
29 home because we were waiting to find out if I get approved.
30 He's actually contemplating letting me go because of the fact

1 that I can't bring the truck home because I can't respond to
2 the calls on time if it's not approved.

3 But like I said, the nights, like, I would have it
4 Friday night, Saturday night and Sunday night and I might be
5 off Tuesday, Wednesday or Monday, Wednesday. It varies. So I
6 really don't have a set day of when the truck would be there.

7 MR. ROWE: Yeah. But, basically, it's not every
8 night.

9 MR. CARTY: No, it's not a 24/7, 365.

10 CHAIRMAN VALENTIC: But is the truck there 24 --
11 Like, is the truck there every night? Or if there's a night,
12 you know, you're not working, do you --

13 MR. CARTY: No. If I am off, like tonight, I have my
14 personal vehicle. The truck is not there.

15 CHAIRMAN VALENTIC: It's in Perry or whatever?

16 MR. CARTY: Or the other driver has it, yes.

17 CHAIRMAN VALENTIC: Okay.

18 MR. CARTY: So, basically, if I am on call that
19 night, the truck will be in the driveway. If I get called out,
20 I go do the call, come back home. If it's in the middle of the
21 night, go to bed, get up in the morning, go into the shop. The
22 truck doesn't sit there all day unless it's Saturday or Sunday
23 because we don't go into the lot. So weekends, basically, yes,
24 it would be there most of the day unless I go out or if I get
25 called out or if I do personal stuff, you know, I have to take
26 that truck with me.

27 But like I said, it is never loaded. I don't even
28 stop to have lunch with a vehicle on the bed. It's never -- It
29 never has anything on it.

30 MR. SWEENEY: Directly across the street from where

1 the truck is parked, I'm trying to picture it. That auto
2 repair shop, I think, is to the right of that; is that right?

3 MR. CARTY: That's actually about a half mile down
4 the road. I am directly across from the Greenway Corridor.

5 MR. SWEENEY: Oh, well, then I --

6 MR. CARTY: I believe, if I could approach here --

7 MR. SWEENEY: Oh, I have it upside down, I think.
8 Wait a second.

9 MR. CARTY: See that one?

10 MR. SWEENEY: I mean, if you look out the window, you
11 can almost see it from here.

12 MR. CARTY: Yeah, you can. In fact --

13 MR. SWEENEY: What I am saying is that's, that's like
14 a commercial --

15 MR. CARTY: This is, this is all commercial.

16 MR. SWEENEY: Yeah, this all across the street from
17 you.

18 MR. CARTY: Yeah. Right here is Sapphire. This is
19 Ann.

20 MR. SWEENEY: And this is that horse farm.

21 MR. CARTY: Actually, the horse farm is on the other
22 side.

23 MR. SWEENEY: Yeah, right here.

24 MR. CARTY: Right where your finger is.

25 MR. SWEENEY: Now, the red, is that, is that a
26 separate parcel, that red?

27 MR. CARTY: Yes. That's the parcel I'm on. Then
28 you've got Jeff and then you've got the horse firm.

29 MR. SWEENEY: Okay. So this Jeff, he doesn't care.

30 MR. CARTY: Nope.

1 MR. SWEENEY: All right. Then you have the rear of
2 all the residents on --

3 MR. CARTY: Yes. There is five houses.

4 MR. SWEENEY: Is that Riding Trail?

5 MR. CARTY: Yes.

6 MR. SWEENEY: Okay.

7 MS. JARRELL: And there's a fence.

8 MR. SWEENEY: And there's a fence there.

9 MR. CARTY: Yes, there is a fence. In fact, if you
10 look in the photos here --

11 MR. SWEENEY: No. I know this house. I mean, you
12 could, it's --

13 MR. CARTY: The truck is actually in the driveway
14 there.

15 MR. SWEENEY: I drive past this every day. I never
16 noticed it.

17 MR. CARTY: Yeah, that's what I am saying. You can
18 see the truck in the driveway. I'm standing, basically, in the
19 driveway of the Greenway Corridor.

20 MR. SWEENEY: Yeah. Is that your personal vehicle?

21 MR. CARTY: That's -- I actually just got rid of that
22 have one but I have another Expedition that my wife drives.

23 MR. SWEENEY: So you've actually been parking it
24 there for how long now?

25 MR. CARTY: I want to say I moved in the second week
26 of March or April and I've been there since.

27 MR. SWEENEY: All right. I never noticed it.

28 MR. CARTY: Yeah.

29 MR. SWEENEY: And I drive past there all the time.

30 MR. CARTY: It's back far enough that it cannot be

1 seen, like I said, unless you are literally sitting in front of
2 my driveway looking at it.

3 MR. SWEENEY: Okay. Thank you.

4 CHAIRMAN VALENTIC: You've reached out to two
5 commercial properties across the street?

6 MR. CARTY: Yes. Ann, directly across the street,
7 right next to the Greenway Corridor. I believe that's her
8 name. Is that right?

9 MR. BULLARD: I believe so.

10 MR. CARTY: She, like I said, her driveway literally
11 can barely fit her two vehicles and you can see it plain as day
12 driving towards Girdled Road. There is no trees, no blockage.
13 It's just an open lot. And then right next to her is Sapphire
14 Construction.

15 CHAIRMAN VALENTIC: But you haven't, you haven't
16 attempted to speak with anybody else, like, on that corridor or
17 on your way out to 44 who might have a commercial property that
18 you could store it on?

19 MR. CARTY: No, because the issue that I run into,
20 like I said, I get called out in the middle of the night and
21 trying to cross over Ravenna Road at 2:00 in the morning, with
22 how dark that road is, I don't want to take a risk of getting
23 hit.

24 MS. JARRELL: Plus, it creates an insurance issue for
25 the other property owners. He is going to have to pay rent.
26 He moved here to, you know, start a new life with his family,
27 you know.

28 MR. CARTY: I mean, I have six children at home. I
29 am not -- It's not that I am trying to feed one mouth, it's six
30 kids, plus my wife, who just transferred to urgent care here in

1 Concord. So we both have, kind of, brought everything out
2 here.

3 MR. SWEENEY: Okay.

4 CHAIRMAN VALENTIC: Jim, do you have anything
5 further?

6 MR. ROWE: No.

7 MR. HAMILTON: No questions.

8 CHAIRMAN VALENTIC: No questions.

9 MR. BULLARD: Ivan.

10 CHAIRMAN VALENTIC: Yes?

11 MR. BULLARD: A stipulation.

12 CHAIRMAN VALENTIC: Yeah. If we do approve this, the
13 stipulation would be that it would only be for the time that
14 he's a resident there. It wouldn't carry with -- to the
15 homeowner, because he doesn't own the home, going forward to
16 the next person. If somebody else were to move in, they can't
17 park, like, a rig or something else there.

18 MR. CARTY: I have spoke to Ray Poyer about that.
19 He's completely fine. That's why he wrote the letter stating
20 that it's okay that I do it and whatever stipulation is fine.

21 CHAIRMAN VALENTIC: Okay. And that you would be okay
22 with that?

23 MR. CARTY: Yeah. No, no problem.

24 CHAIRMAN VALENTIC: Okay.

25 MR. CARTY: I just want to be able to support my
26 family and do what I love to do. You know, I'm a diabetic.
27 It's kind of hard to go back to the police academy, what I
28 wanted to do. And I've got bad ankles. I can't, I can't do
29 it. So, you know, being a first responder as a tow truck
30 driver doesn't seem like much but, you know, we're out there

1 with them. So --

2 CHAIRMAN VALENTIC: Thank you.

3 MR. SWEENEY: Is this -- It's sort of a modern truck.
4 It's a flatbed?

5 MR. CARTY: Yeah. It's a --

6 MR. SWEENEY: It's got a winch on it, like, a winch
7 that you would --

8 MR. ROWE: I saw it today.

9 MR. CARTY: Yeah. Actually --

10 MR. SWEENEY: There is not a wrecking arm. It's a
11 winch, right?

12 MR. CARTY: No. It's a flatbed. It's got a 21 foot
13 bed. I've got a picture of it.

14 MR. SWEENEY: It's probably -- I mean, I have heard
15 some of these. They're not really that loud.

16 MR. CARTY: No. This thing is -- It's got, it's got
17 a Cummins engine in it but it's a 2017 -- or 2016
18 International.

19 MR. SWEENEY: I mean, it's not as loud as a Harley.

20 MR. CARTY: No. I mean, the most you hear, when I am
21 backing up, there is a backup beeper and it's really not that
22 loud. Let's see.

23 MR. SWEENEY: I think I know what it looks like, I'm
24 pretty sure.

25 MR. CARTY: Yeah. I am not bringing the big semi
26 home. I am a CDL driver. I could bring a semi but that's not
27 what I am trying, you know. It's a regular little flatbed.

28 MR. SWEENEY: That's fine. You don't need to look
29 for any pictures.

30 MR. CARTY: Actually, here.

1 MR. SWEENEY: Yeah, that's what I saw.
2 MR. CARTY: It's a clean truck.
3 MR. SWEENEY: Yeah, it is.
4 MR. CARTY: There is no damage to it.
5 MR. SWEENEY: It's relatively new.
6 MR. ROWE: I saw the truck today.
7 MR. CARTY: Oh, you did?
8 MR. ROWE: Yeah. I don't know. This afternoon, I
9 was running errands.
10 MR. CARTY: Yeah. I mean, I've been off the last few
11 days.
12 MR. ROWE: I just saw it. Oh, curious, there it is.
13 MR. CARTY: It's not, you know, a beat-up truck
14 that's loud and obnoxious. It's -- so.
15 CHAIRMAN VALENTIC: Okay.
16 MR. SWEENEY: Okay. Thank you.
17 CHAIRMAN VALENTIC: Well, thank you.
18 MR. CARTY: Thank you.
19 CHAIRMAN VALENTIC: Is there anyone else here
20 speaking for or against the appeal? Please come up. Come on
21 up. You've been sworn in?
22 MR. POITRAS: Yes, I have.
23 CHAIRMAN VALENTIC: Please state your name and
24 address for the record.
25 MR. POITRAS: Leo Poitras, last name is
26 P-o-i-t-r-a-s, 11591 Riding Trail.
27 CHAIRMAN VALENTIC: Thank you.
28 MR. POITRAS: We're the first house when you turn off
29 of Ravenna Road on the right-hand side. We're the ones that
30 have the fence in the back yard. When Bryan, when he parks his

1 truck, we can see the top of his truck and the exhaust stack
2 from our family room and our bedroom. Okay? We bought the
3 house March 31st. At the time we bought the house, the truck
4 was not there. Shortly after we bought the house, we start
5 seeing the truck and it was night after night after night after
6 night. Every day that I would go over to that house, that
7 truck would be there in the yard.

8 Now, when he starts that diesel, all of the exhaust
9 fumes come right toward my house. The only way that I can stop
10 it is to put up an 8 foot fence or higher. And if I do that,
11 then the fence gets covered in exhaust fumes. Who is going to
12 take care of it? Who is going to clean it? I can put trees in
13 there. The exhaust fumes would kill the trees.

14 So I don't want to deny him from making a living to
15 support his family, but he has to take into consideration my
16 needs, also. And if he gets called out at 2:00 in the morning
17 and he starts that diesel up, I am going to hear it because my
18 bedroom is on -- facing that fence.

19 MS. JARRELL: Have you heard it?

20 MR. CARTY: Huh?

21 MS. JARRELL: Have you heard it?

22 MR. POITRAS: Have I heard it?

23 MS. JARRELL: Yes.

24 MR. POITRAS: Yes, I have. Over there in the daytime
25 when he had that truck in the yard, he would start it up. I
26 could hear it. Okay? Because I am in there working, trying to
27 paint the house and get it ready so we can move in the 1st of
28 August. Okay? I have heard that truck.

29 Now, in the wintertime, a diesel is hard to start.
30 Okay? He is going to be out there cranking that thing to start

1 it. He is going to be using ether. Because I worked 40 years
2 for R. W. Sidley. I know what it's like to start a diesel that
3 had been sitting in the cold. Now, if he wants to park it
4 there, I have no problem with him backing it up further so that
5 my neighbors can see it instead of me. But -- And then if he
6 comes home at 2:00 in the morning after going and getting a car
7 and he's backing it into the driveway, I am going to hear that
8 beep, beep, beep, beep, beep.

9 MS. JARRELL: Have you heard it?

10 MR. CARTY: No, I haven't heard it. I have --
11 Because he hasn't backed it up when I was over there. But I
12 have heard him start it and drive out the driveway.

13 MS. JARRELL: Bryan, have you left the house with
14 your truck in the middle of the night and you put it in
15 reverse?

16 MR. POITRAS: No, I am not talking the middle of the
17 night, ma'am. I am talking in the daytime when I am over there
18 working.

19 CHAIRMAN VALENTIC: Wait. You're not --

20 MR. POITRAS: We are not moving in there until
21 August 1st.

22 MR. SWEENEY: He's not living there yet.

23 MR. ROWE: August 1st.

24 MS. JARRELL: Oh, okay. I misunderstood.

25 MR. CARTY: This is a clean exhaust running truck.
26 It does have a DEF system in it. It does not blow black soot.

27 MS. JARRELL: Would that kill bushes?

28 MR. CARTY: It's got the electric heater block on it,
29 so it won't give you an issue of starting in the winter. It is
30 a brand new truck.

1 CHAIRMAN VALENTIC: Okay. Thank you. Do you have
2 anything else, sir?

3 MR. POITRAS: Well, if you grant him the variance to
4 park that truck there, what stops him from leaving King Towing
5 and go get a job driving a semi and bringing that semi over
6 there and parking it in that yard?

7 MR. CARTY: We can leave it with the stipulation
8 as --

9 MR. POITRAS: With a 40 foot, 50 foot trailer?

10 CHAIRMAN VALENTIC: Excuse me, Bryan. Let him, let
11 him finish.

12 MR. POITRAS: With a 48 or a 53 foot trailer on it
13 and he parks it in that yard. What's going to stop him if you
14 give him the variance?

15 CHAIRMAN VALENTIC: Well, what I think maybe Skip was
16 going to say is there is a stipulation already that it would be
17 limited to this, to while Bryan lives there for this vehicle
18 only. So we would limit any future vehicles. If it is
19 approved, we can put stipulations in place to prevent larger
20 vehicles coming in or additional trailers.

21 MR. POITRAS: So you can put a stipulation on it that
22 it would only be King's Towing truck?

23 CHAIRMAN VALENTIC: Yes.

24 MR. POITRAS: That he could --

25 CHAIRMAN VALENTIC: A flatbed for car, for --

26 MR. POITRAS: He could not go to work for some other
27 towing company and bring another truck in there?

28 CHAIRMAN VALENTIC: If we put, if we said King only
29 truck or if we said, you know, we could be more generic and
30 call it a flatbed, you know, diesel, blah, blah, blah, et

1 cetera, et cetera. But that's, you know, we can put any
2 stipulation that he agrees to in the approval if we approve the
3 variance.

4 MR. POITRAS: Okay.

5 CHAIRMAN VALENTIC: And if you want to request such
6 a -- any stipulations, I guess, you can make any suggestions
7 that you want while you are up there and if you have any
8 further comments. We can see, also, if there is any questions
9 from the Board for you as well.

10 MS. JARRELL: You do realize you moved in right
11 across the street from a General Business District.

12 MR. POITRAS: Yes.

13 MS. JARRELL: So if there were trucks over, you would
14 be hearing everything over there.

15 MR. POITRAS: Right. And I remember when Solid Rock
16 was in there and they had semis coming in and out of there,
17 especially early in the morning when they were taking
18 excavators and dozers and stuff out to the job site. Yes, I
19 know that that's commercial property over there, yes. And I, I
20 hear commercial trucks going up and down Ravenna Road.

21 MS. JARRELL: Uh-huh, sure.

22 MR. POITRAS: Yeah. So -- But I don't appreciate
23 sitting in my family room trying to enjoy a nice evening,
24 watching television or whatever, and look out my window and see
25 a truck. I mean, would you like it in your yard?

26 MS. JARRELL: No.

27 MR. POITRAS: Okay. Well, that's what I am trying
28 to, you know, I mean --

29 MS. JARRELL: If the truck were under 10,000
30 pounds -- And the question I have for you, Bruce, is the first

1 bit of verbiage here says the commercial vehicle or trailer
2 shall be limited to two vehicles. And then Number 2 is the
3 gross vehicle weight of the commercial vehicle. It doesn't say
4 "vehicles." What does that mean? It's kind of nebulous. Is
5 it per vehicle?

6 MR. BULLARD: Per vehicle.

7 MS. JARRELL: Okay. So you could have two trucks
8 sitting there that are under 10,000 pounds and we wouldn't be
9 sitting here.

10 MR. POITRAS: Right. But it's over 10,000 and that's
11 why we're here.

12 MR. HAMILTON: Those trucks would be have the size.

13 CHAIRMAN VALENTIC: Yeah. Does anyone else -- Do you
14 have any other comments or questions for him?

15 MR. SWEENEY: Well, I --

16 MR. ROWE: No.

17 CHAIRMAN VALENTIC: Skip.

18 MR. SWEENEY: I would -- I mean, I don't want to
19 discount your concerns but I am just thinking of the situation
20 in my own head. I mean, I live right down the street. And it
21 would seem to me that Ravenna Road would be much louder than an
22 occasional start in the morning if, in fact, that occurs, of a
23 diesel. And I am just -- And I think Chris addressed this.
24 When you moved in, you were aware of not only the business
25 district across the street which can, pretty much, do anything
26 they want with vehicles even larger.

27 MR. POITRAS: Right.

28 MR. SWEENEY: Much larger than this.

29 MR. POITRAS: Right.

30 MR. SWEENEY: Number one. And number two, your house

1 is very close to Ravenna Road. I know it's right on the
2 corner, correct?

3 MR. POITRAS: Right. Yes, it is. And we have a lot
4 of trees planted.

5 MR. SWEENEY: And there are massive vehicles,
6 especially with the new construction going on in the township,
7 vehicles constantly, loud vehicles.

8 MR. POITRAS: Right.

9 MR. SWEENEY: And you were aware of that as well.
10 Okay.

11 MR. POITRAS: During the daytime.

12 MR. SWEENEY: So I am trying, I'm trying to pinpoint
13 your chief concern here. Is it, is it the view or is it the
14 noise or is it a little bit of both?

15 MR. POITRAS: It's a little bit of both. My biggest
16 concern is that he's getting called all hours of the night.
17 Okay? He's going to be starting that diesel. Okay? They make
18 noise. They are louder than a car. Do we agree upon that?

19 MR. SWEENEY: I'm not sure if it is. I am not going
20 to say -- I am not going to disagree with you. But -- And,
21 again, we wouldn't even be here if he had, say, a Harley, as I
22 mentioned before. Harley is extremely loud, especially when
23 they're starting. He could do that all night every night and
24 there is nothing we could do about it, nothing anyone could do
25 about it. He could go out there and start it every hour on the
26 hour all night long every single night. Would you agree?

27 MR. POITRAS: Yeah, I agree.

28 MR. SWEENEY: I am just -- I am just trying to
29 reconcile it.

30 MR. POITRAS: But see --

1 MR. SWEENEY: I don't want to discount your concerns
2 at all.

3 MR. POITRAS: But don't you have a noise ordinance in
4 this county -- I mean, in this township?

5 MR. SWEENEY: I believe so.

6 MR. POITRAS: Yes. Okay. So if he went out there
7 with a Harley and started it every hour on the hour and revved
8 it up, you could call the sheriff and have him cited.

9 MS. JARRELL: He was just making a point.

10 MR. SWEENEY: Yeah.

11 MR. POITRAS: No. But I'm --

12 MS. JARRELL: Let's not take it to the nth degree of,
13 you know, literalism, you know. He was just making a point.

14 MR. SWEENEY: I am just making comparisons just
15 for -- just so I can understand better. That's all.

16 MR. POITRAS: Well, I am just making a comparison,
17 too.

18 MR. SWEENEY: Yeah.

19 MR. POITRAS: That there is a noise ordinance that
20 would cover that.

21 MR. SWEENEY: It may, it may not. I don't know. I
22 am just --

23 CHAIRMAN VALENTIC: Okay.

24 MR. SWEENEY: -- just trying to understand.

25 CHAIRMAN VALENTIC: Blair, did you have any other
26 questions for Mr. --

27 MR. HAMILTON: No, I don't. I do not.

28 CHAIRMAN VALENTIC: Thank you, sir.

29 Bryan, did you want to come back up and say anything?

30 MR. CARTY: Yeah. I mean, to not contradict what you

1 guys are saying but, again, I could have a fifth wheel or a
2 giant motor home, like the guy next door here has sitting in
3 the driveway, and it would be a bigger eyesore. I mean, this
4 thing would be 45 feet long, 25 feet tall. You would see it
5 sitting outside, you know. I understand their gripe to it. I
6 mean, but, again, I keep it as close to the garage. It's not
7 close to the fence. Again, it's a clean running truck. It
8 doesn't blow black smoke like the old diesels do. It's got the
9 DEF added into it, you know. It's a newer model truck that's
10 going to -- It runs cleaner and quieter than any truck I've
11 ever driven. So --

12 MS. JARRELL: Is it possible to pull the truck back
13 further?

14 MR. CARTY: I am actually right at the grass line
15 when I back it in.

16 MS. JARRELL: Is that, is that the property line?

17 CHAIRMAN VALENTIC: I think it needs to be on --

18 MR. BULLARD: It has to be on improved surface.

19 CHAIRMAN VALENTIC: -- on improved surface.

20 MR. CARTY: It's the gravel driveway and I put the
21 back tire right to the line as far back as possible. I mean,
22 I've got video that can show you guys. I am actually almost
23 two-thirds of the way past their house. I am more in the next
24 neighbor's back yard.

25 MS. JARRELL: Okay.

26 MR. POITRAS: No.

27 CHAIRMAN VALENTIC: Okay.

28 MR. CARTY: I mean, I can pull out video.

29 CHAIRMAN VALENTIC: Does anyone want to see the
30 video?

1 MR. SWEENEY: I don't think that's necessary.
2 MS. JARRELL: No.
3 MR. ROWE: No.
4 CHAIRMAN VALENTIC: I don't think it's necessary. We
5 don't need to see it.
6 MR. CARTY: Okay.
7 CHAIRMAN VALENTIC: Okay. Is there any other
8 questions from the Board? No?
9 MR. ROWE: No.
10 MS. JARRELL: I have a question.
11 CHAIRMAN VALENTIC: Sure.
12 MS. JARRELL: I went by the house but I really didn't
13 pay that much attention to how far back the driveway goes.
14 MR. CARTY: I could fit two, possibly, three of these
15 trucks in my driveway nose to nose.
16 CHAIRMAN VALENTIC: Nose to nose.
17 MR. CARTY: Oh, yeah.
18 CHAIRMAN VALENTIC: How long is your truck, 40 or 30?
19 MR. CARTY: It's a 21 foot bed and probably another 8
20 feet, so about 30 feet long. Like I said, the driveway is, at
21 least, 90 feet. I mean, I could fit three. I have it as far
22 back as possible. I am all the way back. Again, the video --
23 MS. JARRELL: Can we add that to the stipulation?
24 MR. CARTY: The video shows it.
25 MS. JARRELL: That he has to park at the, the very
26 end of the driveway?
27 CHAIRMAN VALENTIC: Yeah.
28 MS. JARRELL: So if you are parked at the very end of
29 the driveway, where are you in proximity to their yard?
30 MR. CARTY: The video, where I have it parked in this

1 video will show you exactly.

2 MS. JARRELL: Okay. Let's see it.

3 MR. CARTY: This is from across the street. I'm
4 basically walking from Greenway Corridor. Where the Expedition
5 is is their yard and you see how far back I am.

6 MS. JARRELL: Okay. And your other neighbor hasn't
7 complained?

8 MR. CARTY: No, none of the three. Again, when I was
9 informed about this, I didn't even know they were moving in.
10 The house was vacant.

11 CHAIRMAN VALENTIC: When you rented the home, did you
12 know there was a stipulation from the Township?

13 MR. CARTY: No, I didn't not. I really did not. I
14 mean, you can see.

15 MS. JARRELL: Do you guys want to see this?

16 MR. SWEENEY: Yes.

17 CHAIRMAN VALENTIC: Why don't you bring it over here
18 and just play it.

19 MR. SWEENEY: And this is, okay, this is their house.

20 MR. CARTY: Yeah.

21 MR. SWEENEY: And this is parked where it's going to
22 be parked?

23 MR. CARTY: It's there right now and you literally
24 have to be at my mailbox to see the truck.

25 MR. SWEENEY: It looks to me like it's parallel with,
26 probably, in between, probably right on the property line
27 between the two houses.

28 MR. CARTY: Yeah. And you can see that just the top
29 and the stack is over their fence.

30 MR. POITRAS: Could I see the video?

1 MR. SWEENEY: I don't know. This truck might be
2 louder than that one.

3 MR. CARTY: Than the house.

4 MR. SWEENEY: Okay. I think --

5 CHAIRMAN VALENTIC: Bruce, we are going to have him
6 send this to you, submit it as part of our --

7 MR. SWEENEY: Chris, is this a use variance or an
8 area variance?

9 MS. JARRELL: It's not a use variance. It's an area
10 variance.

11 MR. HAMILTON: It's a use variance.

12 MS. JARRELL: How is it a use variance?

13 MR. SWEENEY: Is it use or area?

14 MR. BULLARD: What's the question?

15 MR. SWEENEY: Is this a use variance or an area
16 variance?

17 CHAIRMAN VALENTIC: Gentlemen, please be seated.
18 Thank you.

19 MR. BULLARD: The variance is on the size of the
20 vehicle being allowed to be parked.

21 MS. JARRELL: It's not changing the district usage.

22 MR. SWEENEY: So the requested variance is what type
23 of variance?

24 MR. BULLARD: Well, it's similar to a -- It's not a
25 use.

26 MS. JARRELL: It's not a use.

27 CHAIRMAN VALENTIC: Because they're not changing the
28 use.

29 MS. JARRELL: They're not changing the district.

30 MR. BULLARD: A 10,000 pound truck is allowed to be

1 parked there. So you are asking for a weight variance on the
2 size of the vehicle and dimensionally --

3 MR. SWEENEY: But I'm just -- I want to know what
4 standard I should apply.

5 MS. JARRELL: It's an area/weight variance.

6 MR. BULLARD: Yeah.

7 MS. JARRELL: How is that?

8 MR. BULLARD: Yeah.

9 MS. JARRELL: It's not a use variance, so we need to
10 use the --

11 MR. SWEENEY: So, so I still use the Duncan Factors?

12 MS. JARRELL: Yes.

13 MR. BULLARD: Right.

14 MR. SWEENEY: Okay. That's all I want to know.

15 MR. BULLARD: Yeah, you use the Duncan Factor, take
16 into consideration, you know, what district everything is in.

17 CHAIRMAN VALENTIC: Is there any further questions?
18 Okay. If there's no further questions, the public hearing for
19 Appeal Number 0616-1075 is now closed to the public. I will
20 entertain a motion to approve Variance Number 0616-1075.

21 MS. JARRELL: So moved.

22 MR. ROWE: Second.

23 CHAIRMAN VALENTIC: Approval of Variance Number
24 0616-1075 has been moved and seconded. It's open for
25 discussion on the Board.

26 MR. HAMILTON: It seems as though there are several
27 stipulations that need to be added to that if, if this is going
28 to be approved.

29 CHAIRMAN VALENTIC: Yeah. This --

30 MR. HAMILTON: And those should be called out in this

1 approval process. So --

2 CHAIRMAN VALENTIC: Yes, yeah, the stipulation that
3 this is the only truck that gets parked here and the size of
4 the vehicle, it's 30 foot long, flatbed truck to tow vehicles,
5 cars and trucks. Semi type vehicles aren't approved.

6 MR. HAMILTON: Since the zoning is very specific as
7 to the gross vehicle weight, I would suggest you add a limit to
8 the gross vehicle weight. This truck is over twice the
9 allotted gross vehicle weight of the zoning.

10 MS. JARRELL: How do you figure that?

11 CHAIRMAN VALENTIC: It's 15 --

12 MS. JARRELL: It's 15,000.

13 MR. HAMILTON: It's 25.

14 CHAIRMAN VALENTIC: That's right.

15 MR. CARTY: The gross vehicle weight is 25,000 but
16 the actual weight is 15.

17 MS. JARRELL: Oh, it's 25,000.

18 MR. ROWE: But it never --

19 MS. JARRELL: Where did I see 15?

20 MR. CARTY: It never comes loaded.

21 CHAIRMAN VALENTIC: He said 15.

22 MR. CARTY: So it never --

23 MR. ROWE: It's never loaded, so it's --

24 MR. HAMILTON: But the way the zoning is worded, it's
25 gross vehicle weight.

26 MS. JARRELL: So it's 25 when it's loaded, right?

27 MR. CARTY: Yes.

28 MS. JARRELL: So when it's not loaded, it's 15?

29 MR. HAMILTON: It doesn't matter. It's gross vehicle
30 weight in the zoning.

1 MS. JARRELL: Well, we make the stipulation. In the
2 variance request, we can put that stipulation in there that it
3 cannot be loaded in your driveway.

4 MR. CARTY: I will never bring it home loaded.

5 MS. JARRELL: Right. And that he's got it parked all
6 the way at the end.

7 MR. HAMILTON: No, no, no. I think you're missing
8 the point. The point is, he could go out and bring in a truck
9 that weighs 25,500 pounds.

10 CHAIRMAN VALENTIC: If you allow him for the gross
11 vehicle weight.

12 MR. CARTY: Again, you guys, I am not asking to bring
13 another truck. So if you need to stipulate this one truck to
14 being the only one on the variance --

15 MS. JARRELL: That's what we need to do.

16 MR. CARTY: I am completely fine with that.

17 MR. SWEENEY: We need to be specific.

18 MS. JARRELL: Yes, very specific.

19 MR. SWEENEY: If that's allowed.

20 MS. JARRELL: Is that a problem?

21 MR. BULLARD: Yeah, it's a -- I would say it's
22 probably a legal problem from the standpoint of King's Towing
23 may have more than one truck and you're going to stipulate a
24 truck. So now you are talking about, okay, am I going to get
25 plates and registration for a truck and he has to come back for
26 the next truck? I mean, I am not sure exactly how you would
27 want to, quote, police something like that if you are going to
28 do a stipulation like that.

29 CHAIRMAN VALENTIC: I mean, instead of gross vehicle
30 weight, can we use actual vehicle weight of 15,000 pounds?

1 MS. JARRELL: Why are we using a gross number when he
2 never brings it home loaded?

3 CHAIRMAN VALENTIC: Because that's what the zoning
4 code refers to it --

5 MR. ROWE: Because that's the code.

6 CHAIRMAN VALENTIC: -- as gross vehicle weight. And,
7 yeah, the other stipulation is that it cannot be loaded. And
8 then the other stipulation could be that it needs to be parked
9 at the end of the driveway.

10 MR. ROWE: The back end.

11 MR. CARTY: Yeah. I don't want to park it right up
12 at the nose.

13 MS. JARRELL: I think we're making every effort to
14 try to keep the peace here, you know, just because of the fact
15 that we've talked about that you moved on -- you're on Ravenna.
16 You're across from a business district. There is going to be
17 noise issues. There is a fence in your back yard. He can --
18 And by the fact that he parks at the end of the driveway, you
19 won't really have to see that. You could plant arbor vitae in
20 your back yard or maybe that's something that you guys could go
21 in on and do that together and that would be another way to
22 keep the peace. That's, that's from where I am coming on this
23 one.

24 MR. CARTY: Again, as you had mentioned, that day you
25 saw it, it was over closer. I will not park it there. I had
26 it there because I had to get the mower in and out and I had to
27 do something in the garage. I know which day you are talking
28 about. And what he means is I had it closer to the gate, to
29 his fence.

30 MR. SWEENEY: Well, I think you guys can work that

1 out later.

2 MS. JARRELL: Yeah.

3 MR. CARTY: Yeah. So --

4 MR. SWEENEY: We need to discuss this and vote on it.

5 CHAIRMAN VALENTIC: I will be honest with you. I
6 struggle with this one a lot. And I understand where Bryan is
7 coming from and what he's trying to do. But, you know, the
8 code is there for a reason and it's a residential district and
9 the commercial district is across the street.

10 MR. HAMILTON: Yes.

11 CHAIRMAN VALENTIC: So I struggle in the sense that
12 the intent is to protect that residential district.

13 MS. JARRELL: But it could be two recreational
14 vehicles sitting there that would be even more of an eyesore.

15 MR. CARTY: And I can, I can have a --

16 CHAIRMAN VALENTIC: Excuse me, Bryan.

17 MR. CARTY: I'm sorry.

18 CHAIRMAN VALENTIC: You can't speak at this point.

19 MR. HAMILTON: I don't think you can speak in
20 hypotheticals. You have to deal with the facts that are in
21 front of you for this case and this case only. And the zoning
22 is very clear, as you said. This is a residential district.
23 There are limitations within the residential district.

24 MS. JARRELL: And he is asking for a variance.

25 MR. HAMILTON: And he wants a variance that is over
26 twice what the zoning indicates.

27 MS. JARRELL: He's not -- We are going to minimize
28 that by making sure he doesn't bring it in loaded. We are
29 putting stipulations on it.

30 MR. HAMILTON: Going by the zoning, the zoning says

1 gross vehicle weight. The district is residential.

2 MR. SWEENEY: I think that our job, as the Board, is
3 to have knowledge of what the zoning code states; be aware of
4 what the intent of the zoning code is, was and is; apply the
5 standards to each individual case as they're presented to us;
6 and make a decision that may not -- that not all parties will
7 agree with and may not conform with the original intent
8 specifically and narrowly construed. And that's just the way
9 it is.

10 I don't, I don't see how else we could do our job.
11 Otherwise, otherwise, you might as well not file an appeal
12 because --

13 MS. JARRELL: Right.

14 MR. SWEENEY: Because Bruce has already made the
15 decision that, according to the intent and the narrowly
16 construed wording of the Code, you violate it. Do not pass go.
17 Do not collect \$200.

18 MS. JARRELL: Right.

19 MR. SWEENEY: Well, so why are we here?

20 MR. HAMILTON: We're here because the severity --

21 MR. SWEENEY: We're here to make a decision that may
22 not --

23 MR. HAMILTON: -- the severity or the amount of the
24 variance bears upon our decision. And as written, it's very
25 clear what the limitations are in this case.

26 MS. JARRELL: It is our job to look at each situation
27 individually.

28 MR. HAMILTON: Well, that's fine. I am just saying,
29 again, that it's clear --

30 MR. SWEENEY: And I think there are factors that the

1 Duncan case gives to us expand the intent of the statute to
2 allow variances which, which theretofore did not exist.

3 MR. HAMILTON: The very second factor is, and I will
4 read this, is the variance substantial?

5 MR. SWEENEY: Correct.

6 MS. JARRELL: There are also seven factors to
7 consider.

8 MR. SWEENEY: Correct.

9 MR. HAMILTON: Well, let's read them all. Will the
10 property yield a reasonable return or can there be a beneficial
11 use of the property without the variance? Yes.

12 MR. SWEENEY: Yes.

13 MR. HAMILTON: Will the essential character of the
14 neighborhood be substantial altered?

15 MR. SWEENEY: Wait. Number 2.

16 MR. HAMILTON: The answer to Number 2, is the
17 variance substantial, yes.

18 MR. SWEENEY: I don't answer that yes.

19 MR. HAMILTON: You don't?

20 MR. SWEENEY: No. My opinion is it's a no.

21 MS. JARRELL: I agree with --

22 MR. SWEENEY: So, see, this is --

23 MS. JARRELL: I agree with Skip if we put the
24 stipulations on the where and how the truck needs to be --

25 MR. HAMILTON: But you're ignoring the --

26 MS. JARRELL: -- and what truck.

27 MR. HAMILTON: You are ignoring the statute. It
28 indicates gross vehicle weight.

29 MS. JARRELL: Well --

30 MR. SWEENEY: Well, you are talking about each

1 individual's interpretation. That's why we have a Board here
2 and that's why we take a vote.

3 MS. JARRELL: And there are certain things in the
4 Resolution that may not always --

5 MR. HAMILTON: Gross -- I am sorry but gross vehicle
6 weight is gross vehicle weight. There is no interpretation.

7 MS. JARRELL: But you, you can't dispute the facts.

8 MR. SWEENEY: But we're past, Blair, we are past that
9 and we are on to the reason why we should go past the gross
10 vehicle weight.

11 MR. HAMILTON: Well, let's finish with these.

12 MR. SWEENEY: So let's finish what we're doing.
13 Number 3 --

14 MR. HAMILTON: To me, that's yes. Will the essential
15 character of the neighborhood be substantially altered or will
16 adjoining property suffer a substantial detriment if the
17 variance is granted?

18 MS. JARRELL: I say no to that.

19 MR. SWEENEY: I say no to that as well. I mean, the
20 whole entire across the street is, is commercial property in
21 which --

22 MR. HAMILTON: It's commercial property.

23 MR. SWEENEY: -- a myriad of things and noises and
24 vehicles can be utilized.

25 MR. HAMILTON: But you have someone in the same
26 residential area who thinks the answer to that is yes.

27 MR. SWEENEY: Well, there is a disagreement.

28 MS. JARRELL: There is a disagreement.

29 CHAIRMAN VALENTIC: But, Skip, also, they're not
30 backing up to the commercial or fronting the commercial strip.

1 That's on their side yard. Their main outdoor space --

2 MR. SWEENEY: Well, the essential character of the
3 neighborhood is part commercial, part residential. This,
4 ironically, is very symbolic, this truck, because it's part
5 commercial and it's parked on a residential property. So it's
6 very symbolic of what the entire neighborhood in that area
7 represents.

8 MR. HAMILTON: But you can't have commercial vehicles
9 in a residential area of that --

10 MR. ROWE: And that's a residential area.

11 MR. HAMILTON: -- of that type, weight.

12 MR. SWEENEY: If we were to read that statute and
13 decide based upon the words in that statute, which Bruce has
14 already done and that's why we are here. So why are we here?

15 MS. JARRELL: If we took every single word in the
16 Resolution, why are we here at all? We are assessing each
17 situation individually. That's our job. So let's continue.

18 MR. SWEENEY: And the rest of them, I don't, I don't
19 feel I would answer yes to.

20 MR. HAMILTON: You would answer no.

21 MR. SWEENEY: Right. I would answer no to Number 4.

22 MS. JARRELL: Will the variance adversely affect the
23 delivery of government services? No. Did the property owner
24 purchase the property with knowledge of the zoning
25 restrictions?

26 MR. SWEENEY: No. The testimony has been no.

27 CHAIRMAN VALENTIC: No.

28 MS. JARRELL: Can the problem be resolved by some
29 manner other than granting the variance?

30 MR. SWEENEY: Specifically, no.

1 MS. JARRELL: We discussed, you know, this man is
2 living in this house. There are -- He can have a vehicle.
3 It's just not jibing with the Resolution, so we are sitting
4 here assessing the situation. And -- Where was I going with
5 that? Oh, if you want to go across the street, he would have
6 to rent property and there is an issue over there with
7 insurance. So, you know, we're trying to resolve it other than
8 by granting a variance and it's going to be very difficult.
9 Can -- And then the last one, will the variance preserve the
10 spirit and intent of the Zoning Resolution and will substantial
11 justice be done by granting the variance? As long as we put
12 stipulations on this, I think that we're good.

13 MR. SWEENEY: And, honestly, I am regularly baffled
14 by what the spirit and intent of some of the Code sections that
15 we deal with represent and mean. And I don't, I don't
16 understand what the 10,000 gross vehicle weight means. What
17 does that mean? Does it mean that a vehicle like that is
18 inherently loud or visually disturbing or, or somehow not in
19 keeping with that, that area? I don't know. I wish we knew
20 and that's why we're here arguing.

21 MS. JARRELL: Right.

22 MR. HAMILTON: It's clear to me what it means,
23 I mean, commercial vehicles that exceed that weight.

24 MR. SWEENEY: Well, I mean, the words are clear to
25 me. The intent is not clear.

26 MS. JARRELL: We just, we just got a whole packet of
27 changes to the Zoning Resolution tonight because sometimes
28 things always don't jibe with what's going on out there in the
29 property world, so that's why we're here.

30 MR. SWEENEY: We should probably just take a vote.

1 MS. JARRELL: Yeah.

2 CHAIRMAN VALENTIC: Well, Jim, do you have --

3 MR. SWEENEY: I mean if everyone is one. I'm sorry.

4 CHAIRMAN VALENTIC: Yeah. I mean, Jim, did you want
5 to chime in?

6 MR. ROWE: Well, taking it back to the beginning,
7 this is one of those items that we faced for years and years.
8 If it had been checked out rather than, yeah --

9 MS. JARRELL: Checked out when the property was
10 purchased, is that what you are talking about?

11 MR. ROWE: When he --

12 MS. JARRELL: Rented the, rented the house?

13 MR. ROWE: Yeah. I mean, that's a big truck. And, I
14 mean, it is available. I mean, it's what Bruce gets the big
15 buck for when people call in to find out. I mean, it's
16 unfortunate. I am not saying -- But so often this meeting is
17 based on somebody that, oh, I didn't know I couldn't have that
18 fence, whatever, or so forth.

19 MR. SWEENEY: It happens all the time.

20 MS. JARRELL: Well --

21 MR. ROWE: It's just --

22 MS. JARRELL: I mean, he didn't have to get a permit
23 to do that. And just if you -- He's not in a development, like
24 the Quail Hollow development. He's on a main road and more of,
25 you know, across from the business area. Who would think
26 that -- I mean, I probably wouldn't have looked into that
27 either.

28 MR. ROWE: If he was still in Wickliffe, he wouldn't
29 have Chinaman's chance of ever putting it there.

30 MS. JARRELL: No, certainly not because it's way

1 denser there.

2 MR. ROWE: But we have stipulations and, I mean, I am
3 just -- It's a rash assumption, in a way, I mean, that
4 something like this would work.

5 MS. JARRELL: I understand what you are saying. One
6 of my gripes with this is that these people bought this house.
7 They're close to a business district. They're close to Ravenna
8 Road. We can put stipulations on this. We can try to make the
9 peace other ways and make everybody happy and not make this
10 family move out when he is trying to make a living with these
11 children, you know.

12 There's, there's so many things coming into play
13 here. We have gone over the Duncan Factors. And I just think
14 that we can come to an agreement between all of us to try to
15 minimize the impact of his, his vision out the back of his
16 house to see this truck. And, you know, maybe we can come to a
17 resolution some other way without putting the hammer down
18 saying that he can't keep the truck that is his livelihood on
19 his property, that his owner says he is okay with, that we're
20 not sure with what this Resolution actually means, we're all
21 interpreting differently, which is why we are here. Maybe it
22 needs to be changed. That's why we're here.

23 CHAIRMAN VALENTIC: I don't know. I mean, we have a
24 couple stipulations that we've come up with here. I don't know
25 if, like you said, if that's enough to make peace, those
26 resolutions or not, make peace. I mean, I would challenge the
27 Board maybe to throw that out. Is there anything more that we
28 could possibly suggest that might, you know, appease the
29 situation? Because like I said from the beginning, this is a
30 very difficult one for me and maybe more so than other people

1 on this Board. The fact that it isn't a semi, it is a -- we
2 will call it a vehicle, kind of, in-between style vehicle. But
3 at the same time, I don't agree with, you know, it doesn't
4 impact the neighborhood and there is an adverse impact to the,
5 to the neighbor.

6 MS. JARRELL: How much more -- Do we have any idea
7 how much lineal footage there is from the end of the driveway
8 to the end of the property line?

9 MR. BULLARD: Well, one, I don't believe that makes a
10 difference in what you are talking about.

11 MS. JARRELL: Well, if we make the driveway longer --

12 MR. BULLARD: You are putting it -- You're putting it
13 behind more people in the R-2 District. You have the same
14 problem --

15 MS. JARRELL: Well --

16 MR. BULLARD: -- that he's backing up. He's in the
17 R-1 District, backed up to the R-2 Residential District.
18 They're both residential districts. I don't care where you
19 move the truck backwards.

20 MS. JARRELL: The other neighbor is not here. You
21 sent out the notices, right?

22 MR. BULLARD: Based on that, the other neighbor is
23 not here, you don't have testimony from the other neighbor.

24 CHAIRMAN VALENTIC: We don't know where they stand.

25 MS. JARRELL: But you sent out notices.

26 MR. BULLARD: Yes. But when you send out notices,
27 you don't get a -- It's just like everything else. You send
28 out notes to vote. Everybody doesn't show.

29 MS. JARRELL: Well, they have an opportunity to come
30 up here and air a grievance.

1 MR. BULLARD: That's fine.

2 MR. SWEENEY: Well, I can tell you that that truck
3 has been there for over three months, four months. If it
4 bothered anyone else, you better believe that you would have
5 heard about it by now.

6 MS. JARRELL: Right.

7 MR. SWEENEY: And I don't -- I am a little bit
8 concerned because that I think what we're doing is we are
9 basing our decision based upon, with all due respect, the
10 objection of one resident. I don't think that's what our job
11 is.

12 MR. HAMILTON: My interpretation is strictly based on
13 the zoning.

14 MR. ROWE: But if this resident was not here to
15 object, I don't even think we'd be talking right now. So what
16 I think is --

17 MR. HAMILTON: I disagree that.

18 MR. SWEENEY: I am concerned that -- I am concerned
19 that that factor is weighing heavier than it should, with all
20 due respect.

21 MR. HAMILTON: That is not the factor. The factor
22 is, again, the zoning. The zoning is the primary factor.

23 MR. ROWE: I mean --

24 MR. SWEENEY: No. The zoning is a primary factor
25 when Bruce addresses the issue. When it comes to our
26 attention, the zoning is not the primary factor. A departure
27 from the zoning is our --

28 MR. HAMILTON: The interpretation of the zoning.

29 MR. SWEENEY: Right, right. Because, by definition,
30 we depart and our decisions cause a departure from the zoning.

1 MS. JARRELL: From the Resolution all the time.

2 MR. SWEENEY: Or else why would we be here?

3 MR. HAMILTON: That's why you state your reasons for

4 why you think the way you think.

5 MR. SWEENEY: Agreed, agreed. And we can agree to

6 disagree.

7 MS. JARRELL: Yeah.

8 MR. ROWE: Yes.

9 MS. JARRELL: I just think that, if we put the type

10 of the truck, maybe your duration of employment there -- I

11 don't know -- park at the end of the driveway, plant some

12 bushes that are going to get really tall and let's move on.

13 MR. ROWE: Well, we can't stipulate that they have --

14 MS. JARRELL: I understand. I know about the bushes.

15 I am just saying that this is something that, perhaps, that

16 they can do to try to keep the peace.

17 MR. ROWE: Right.

18 MS. JARRELL: I don't know why we can't put enough

19 stipulations on this to, to make this work.

20 MR. ROWE: Well, put the stipulations down and call

21 for a vote.

22 MR. SWEENEY: Yeah.

23 MR. ROWE: I mean --

24 MR. BULLARD: I would, I would request that, if you

25 are going to put stipulations on it, I would like the chair to

26 write the stipulations down so it's clear what they are,

27 please, so that we have a record for the court reporter to be

28 able to put that down. That's purely on the speculation that

29 it passes, the stipulations would be on there.

30 CHAIRMAN VALENTIC: Okay. Go ahead. Were you going

1 to say something?

2 MR. SWEENEY: Should we take a vote?

3 CHAIRMAN VALENTIC: That's what I --

4 MR. BULLARD: Well, you are not going to take a vote.

5 MS. JARRELL: No. We need to put the stipulations.

6 MR. BULLARD: You need to put the stipulations down
7 before you do any vote. And it doesn't necessarily mean --

8 MR. SWEENEY: Aren't they written down?

9 CHAIRMAN VALENTIC: That's what I am going to do
10 right now. Okay. So the first stipulation would be that
11 the -- This is for the approval to use the current size
12 vehicle, to keep it a little bit vague because that vehicle
13 might change. It might be a different vehicle. So I am going
14 to say --

15 MS. JARRELL: If the vehicle changes, then he should
16 probably need to come back here, right?

17 CHAIRMAN VALENTIC: I don't think that would make --

18 MS. JARRELL: I mean, you can't be that specific?
19 Why not?

20 CHAIRMAN VALENTIC: I don't think it needs to be that
21 specific. This is for the approval to use the current size,
22 type vehicle that is approximately, okay, 30 feet in length,
23 gross vehicle weight of 25,000 pounds and the vehicle weight of
24 15,000 pounds, that is used for towing cars and trucks.

25 MS. JARRELL: Can we further stipulate that it has to
26 be unloaded when it's parked there?

27 CHAIRMAN VALENTIC: That would be the next
28 stipulation.

29 MS. JARRELL: Okay.

30 CHAIRMAN VALENTIC: I am just trying to define the

1 vehicle at this point. Yeah, the second stipulation can be
2 that the vehicle can only be parked on the premises when not
3 loaded.

4 The third one we discussed which might -- you know, I
5 don't know if this is better or worse but is that it needs to
6 be parked at the end, the back end of the vehicle needs to
7 be --

8 MR. ROWE: Rear end of the vehicle.

9 CHAIRMAN VALENTIC: Back, rear end. The rear end of
10 the vehicle.

11 MR. ROWE: As long as we're dotting the I's.

12 CHAIRMAN VALENTIC: Rear end of the vehicle needs or
13 must be parked at the end of the drive and adjacent to the
14 garage so it's away from the fence. Okay.

15 MS. JARRELL: And that the duration of this variance
16 will expire when Bryan no longer resides there. I am not sure
17 how you want to word that.

18 CHAIRMAN VALENTIC: That's fine, expire. So the
19 first one is for the approval to use the current size, type
20 vehicle that is approximately 30 feet long, the gross vehicle
21 weight of 25,000 pounds and the vehicle weight of 15,000
22 pounds, and is used for -- it is used for towing cars and
23 trucks only. And we could put, as part of that, semi trucks
24 are not allowed, put that as part of that stipulation.
25 Vehicles can only be parked -- The vehicle can only be parked
26 on the premises when not loaded. The rear end of the vehicle
27 must be parked at the end of the drive and adjacent to the
28 garage. The duration of this variance will expire when Bryan
29 Carty is no -- no longer resides at the residence.

30 Is everybody on the Board good with those? Is there

1 anything else you would like to add to those stipulations?

2 MR. ROWE: I think that's a no.

3 CHAIRMAN VALENTIC: I am just giving everyone the
4 opportunity. I will clean this up later. I'll rewrite it for
5 Bruce. I think we need -- I think the Board is trying really
6 hard to be fair to Bryan Carty, to the neighbor and to
7 everybody that lives nearby. And this is a really odd
8 situation in the fact that you could come and park a, park a
9 giant RV here but an RV isn't a commercial vehicle. You know,
10 this is --

11 MS. JARRELL: It's still ugly.

12 CHAIRMAN VALENTIC: Some people --

13 MR. ROWE: It's an ugly vehicle.

14 CHAIRMAN VALENTIC: But, again, this isn't your
15 typical commercial vehicle either. I think maybe the intent
16 was to keep larger rigs or semis, possibly, off the residence
17 as well.

18 So with that being said, Bruce, I would like to ask
19 Bryan if he would agree to these stipulations as we've put them
20 forward.

21 Bryan, could you please come up? Bryan, as the
22 stipulations that were read just a few seconds ago, would you
23 agree to all those stipulation if we make them part of our
24 motion and we approve them?

25 MR. CARTY: Yes. On the one where you said backed in
26 at the end of the drive, you want as far back off the road is
27 what you mean by that, correct?

28 MS. JARRELL: Backed in.

29 CHAIRMAN VALENTIC: Yeah.

30 MR. CARTY: I just want to make sure we're on the

1 same page.

2 MS. JARRELL: Yes.

3 CHAIRMAN VALENTIC: The rear end of the vehicle must
4 be parked at the edge of the drive.

5 MS. JARRELL: When you say the back end or the
6 vehicle needs to be backed in --

7 MR. CARTY: Yeah. I think edge, I think right by the
8 road. So you mean back furthest from the road where I had it.

9 MS. JARRELL: Yes, yes.

10 CHAIRMAN VALENTIC: Parked at the end of the drive
11 furthest from the road.

12 MS. JARRELL: Yes.

13 CHAIRMAN VALENTIC: And adjacent to the garage.

14 MR. CARTY: Yes, I agree.

15 CHAIRMAN VALENTIC: Do you agree to all those?

16 MR. CARTY: Yes.

17 CHAIRMAN VALENTIC: Okay. Thank you.

18 Okay. The question is on approval of Variance
19 Number 0616-1075 with the stipulations as we've discussed them.
20 A yes vote is for approval of the variance, a no vote denies
21 the variance. Bruce, please call the vote.

22 MR. BULLARD: Mr. Hamilton?

23 MR. HAMILTON: No.

24 MR. BULLARD: Ms. Jarrell?

25 MS. JARRELL: Yes.

26 MR. BULLARD: Mr. Rowe?

27 MR. ROWE: No.

28 MR. BULLARD: Mr. Sweeney?

29 MR. SWEENEY: Yes.

30 MR. BULLARD: Mr. Valentic?

1 CHAIRMAN VALENTIC: Yes. The yeses have it. Your
2 appeal has been approved.

3 Now we've got one more thing on the agenda. Next on
4 the agenda is approval of the minutes from June 8th. A motion
5 is -- I call for a motion to approve minutes from June 8th.

6 MS. JARRELL: So moved.

7 MR. HAMILTON: Second.

8 CHAIRMAN VALENTIC: There is a move and a second for
9 the approval of the minutes from June 8th. Is there any
10 discussion regarding the minutes?

11 MR. SWEENEY: No.

12 CHAIRMAN VALENTIC: No discussion. The question is
13 on the approval of the minutes for June 8th. A yes vote
14 approves the minutes, a no vote does not. All in favor of
15 approving the minutes, say yes.

16 (Five aye votes, no nay votes.)

17 CHAIRMAN VALENTIC: The yeses have it. The ayes have
18 it. The minutes have been approved.

19 The meeting for July 13, 2016, of the Concord
20 Township Board of Zoning Appeals is now closed.

21 (Whereupon, there meeting was adjourned at 8:25 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 3rd day of August 2016.

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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