

CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

September 12, 2018
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Francis Sweeney, Vice Chairman
Blair Hamilton, Member
Chris Jarrell, Member
James Rowe, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Jared Winer, Planner/Assistant Zoning Inspector
Stephanie Landgraf, Esq., Legal Counsel

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

1 7:05 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals meeting for September 2018 is
4 now in session. I would like to introduce my Board. To my
5 far left is Skip Sweeney and Jim Rowe. I am Ivan Valentic.
6 To my right is Chris Jarrell and Blair Hamilton. To my far
7 right is Heather Freeman, our Zoning Inspector.

8 This evening, under the advice of our legal counsel,
9 we ask that anyone speaking tonight must be sworn in. So if
10 you please plan on speaking, stand up so you can be sworn in.
11 Raise your right hand. It's better just to get sworn in.
12 Okay. Do you --

13 MS. JARRELL: Your other right.

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

15 CHAIRMAN VALENTIC: Thank you. Please be seated.

16 This evening when presenting your case or
17 commenting, be sure to come up to the microphone and state
18 your name and address for the record.

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

21 MS. FREEMAN: Yes, they were.

22 CHAIRMAN VALENTIC: Okay. Thank you.

23 MR. ROWE: Also confirm that they were sworn in.

24 CHAIRMAN VALENTIC: Yeah, yeah, and confirm that
25 they were sworn in. Thanks, Jim.

26 All right. Tonight we have four appeals and one
27 conditional use permit approval. A three-vote majority is
28 required to either approve or deny your appeal. If your
29 request is denied, you have the right to file an appeal and
30 Heather can help you with that.

1 So first on our agenda is Variance Number 2018-35,
2 Ms. Jessica Ruff, on behalf of the property owner USA
3 Management, is requesting a variance from Section 30.05(A) to
4 allow for an additional freestanding sign for the property
5 located at 9875 Johnnycake Ridge Road and being Permanent
6 Parcel Number 10-A-028-D-00-001-0.

7 Ms. Ruff, please come on up.

8 MS. RUFF: Hi. How are you guys?

9 CHAIRMAN VALENTIC: Good.

10 MS. RUFF: My name is Jessica Ruff, 295 West
11 Prospect Street, Painesville, Ohio 44077.

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

13 MS. RUFF: Yes.

14 CHAIRMAN VALENTIC: Thank you. You can go ahead and
15 present.

16 MS. RUFF: Okay. We are proposing to install a
17 secondary monument sign located in front of Holly's Hearing.
18 It will be matching the building. I don't know if you have
19 the specs in front of you but it will be the same color as the
20 building, as Holly's Hearing. It will be internally
21 illuminated with LED. The second sign that's on the property
22 is to the left of Holly's Hearing if you're headed south on
23 Johnnycake there. And it's about, I think, roughly 100 feet
24 away from the new proposed sign.

25 The purpose of the sign is just to direct traffic
26 better in that plaza. I don't know if you guys have been in
27 the plaza but it's just to, you know, get people to where they
28 need to go, you know, in a timely and efficient manner.

29 So if there's any questions --

30 CHAIRMAN VALENTIC: The sign is going to go, I think

1 if I hold your sketch, it goes right out in front of the
2 building.

3 MS. RUFF: Correct.

4 CHAIRMAN VALENTIC: Was there any consideration to
5 just adding to that existing sign instead of putting in
6 another sign?

7 MS. RUFF: Well, I feel as if the placement, if we
8 did add it to that existing sign, it's just sometimes people
9 would already pass Holly's Hearing. There is a lot going on
10 on that signage right now. So we just, you know, we did take
11 that into consideration but we just feel like this is just a
12 more efficient --

13 MR. ROWE: Well, you can, if you pass it, there's
14 many driveways into that place.

15 MS. RUFF: Correct. And this is just to, you know,
16 people are passing, they'll see it even, you know, if they're
17 not going to Holly's Hearing. It will just get people
18 familiarized with where it's located.

19 CHAIRMAN VALENTIC: There is already an existing
20 wall sign on the building already, right?

21 MS. RUFF: Yes, correct.

22 CHAIRMAN VALENTIC: Yeah. And that's -- I don't --

23 MR. HAMILTON: Actually, Mr. Chairman, there is
24 actually two there.

25 MS. RUFF: There's two. There is one in back, yeah.

26 MR. ROWE: In the back.

27 MR. HAMILTON: So they have two signs on the
28 building and then we have two general signs for the complex.

29 MS. RUFF: And the reason for the sign on the back
30 is because there is no identification on the back. That is

1 why they have two signs.

2 CHAIRMAN VALENTIC: Yeah, because you have two front
3 doors, I guess.

4 MS. RUFF: Yeah. And then if you're in the back,
5 you wouldn't know, you know, where the -- That's the main
6 entrance back there.

7 MS. JARRELL: Holly's has that entire freestanding
8 building?

9 MS. RUFF: Correct, they do have the entire
10 freestanding building.

11 CHAIRMAN VALENTIC: Skip, any questions down there?

12 MR. SWEENEY: I guess my question is, why do you
13 feel you need the sign?

14 MS. RUFF: We feel, well, Holly especially feels she
15 needs the sign just due to traffic in and out of there. That
16 plaza is very confusing when -- You know, when you see that
17 sign, you will be like, there's Holly's Hearing. You will
18 pull in, you'll go right behind the building, go into the
19 entrance. There is no driving around. You know, they just
20 need it mainly for directional, you know, getting their, you
21 know, customers into the building there.

22 MR. SWEENEY: I understand that. I've got to tell
23 you, I've driven past that building many times since it was
24 just -- It was changed?

25 MS. RUFF: Yes, correct.

26 MR. SWEENEY: The sign that's on the front of the
27 building proper, I see that thing. I mean, it catches my eye
28 the minute I come around the turn or the minute I come up past
29 St. Gabe's. I mean, it is -- You can't miss it.

30 CHAIRMAN VALENTIC: It's really close to the road.

1 I mean, that's what I am struggling with. The existing
2 sign --

3 MR. SWEENEY: It does you good service. I mean,
4 you, you see it. I don't even, you know, I don't want hearing
5 aides. I don't need -- you know? But it catches my eye
6 unlike anything else.

7 MS. RUFF: Right. No, I understand that.

8 MR. SWEENEY: Just to give you a little feedback. I
9 don't know.

10 MS. RUFF: The majority of their customers are older
11 as well, so just take that into consideration. You know, just
12 getting, you know -- It's true though. Getting to places, you
13 know, it's just easier for, you know, her clients are --
14 There's a certain clientele for her. So --

15 MR. SWEENEY: Okay.

16 CHAIRMAN VALENTIC: Blair, you got any questions?

17 MR. HAMILTON: Just the same question you had. I
18 mean, there is a sign for the complex 100 feet away from where
19 this proposed sign is and there are many opportunities to
20 enter and exit that complex. Whether you drive past there,
21 you can still make a turn and go back through the parking lot
22 to the, to the facility. I just don't see the need.

23 MS. RUFF: There are many entrances and that's, you
24 know, another issue, actually, I know, just getting in and out
25 of there, you know. If you are going to Holly's Hearing,
26 their building is fairly large. So just getting there is, you
27 know, we are just trying to direct people to get to where they
28 need to go, you know. So --

29 MR. HAMILTON: Sure.

30 CHAIRMAN VALENTIC: Okay. Any other questions from

1 the Board?

2 MR. ROWE: Not from me.

3 CHAIRMAN VALENTIC: No? Okay, thank you.

4 MS. RUFF: Okay. No other questions? No?

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

7 MR. ANDREWS: Can I come up? I am with the
8 landlord.

9 CHAIRMAN VALENTIC: Sure, come on up.

10 MR. ANDREWS: I wasn't sworn in though.

11 CHAIRMAN VALENTIC: All right. Raise your right
12 hand. We'll get you sworn in.

13 (Whereupon, Mr. Andrews was sworn in.)

14 CHAIRMAN VALENTIC: Okay, great. Thank you.

15 MR. ANDREWS: I just wanted to add --

16 CHAIRMAN VALENTIC: Again, I am sorry. Name and
17 address and confirm that you've been sworn in even though we
18 just did it.

19 MR. ANDREWS: Sure. Eric Andrews, my address is
20 8340 Raleigh Place, Concord, and I have been sworn in.

21 CHAIRMAN VALENTIC: Okay.

22 MR. ANDREWS: And I just wanted to add that, and
23 just make it clear that the other sign that is in front of the
24 property is kind of more for the shopping center and it's
25 full. There is nothing else. There's no other signs that can
26 be put on there, so it's not like she could go onto that sign.

27 And this building is an out, it's an out parcel
28 building kind of like the bank next door. So it is its own
29 building. So her sign would be just for her, just for that,
30 just for that specific building.

1 CHAIRMAN VALENTIC: Yeah.

2 MS. RUFF: (Handing.)

3 MR. ROWE: Yeah, I think we have that in our packet.

4 MS. RUFF: Do you guys have that? That just shows
5 the sign, just to give you a better perspective.

6 MR. ANDREWS: So it's kind of being penalized for
7 this part of the shopping center as far as signage goes.

8 CHAIRMAN VALENTIC: It couldn't just go -- I mean,
9 there is plenty of room under the last sign on that existing
10 sign. It just couldn't go right under Great Expressions?

11 MR. ANDREWS: I don't --

12 MS. JARRELL: There are nine tenants listed on that
13 sign. I would contend that an elderly person that's looking
14 for Holly's is going to get more confused and take -- and be
15 more dangerous to look at that big sign than a freestanding
16 sign in front of a freestanding building.

17 MR. ANDREWS: And I don't know if you can block the
18 sight line. I don't know if there's ordinances on how low you
19 can go. I don't know, you know, as far as blocking the view
20 for traffic. You know, I don't know.

21 CHAIRMAN VALENTIC: Okay, yeah.

22 MR. ANDREWS: That's certainly its own building, so
23 that's the whole point of it, kind of like the bank.

24 CHAIRMAN VALENTIC: Okay. Any questions?

25 MS. JARRELL: Did the bank have its own sign in
26 front?

27 MR. ANDREWS: I don't, I don't know that -- I don't
28 know if the bank ever did. I'm not sure. It hadn't recently.

29 CHAIRMAN VALENTIC: I can't remember either. I was
30 trying to remember.

1 MS. JARRELL: Yeah.

2 MR. ANDREWS: Yeah, I don't -- I think that there is
3 electric out there but I don't -- I'm not sure.

4 MS. RUFF: There is electric out there.

5 MR. ANDREWS: There is. So I don't know the answer
6 to that. I would have to research it.

7 CHAIRMAN VALENTIC: Okay.

8 MR. SWEENEY: There is electric out where?

9 MS. RUFF: Out by the --

10 MR. ROWE: Area where the --

11 MS. RUFF: Where the signage is proposed.

12 MR. SWEENEY: In the center of the grass?

13 MS. RUFF: I don't know if it's in the center of the
14 grass but it's out --

15 MR. SWEENEY: You mean like out there? (Pointing.)

16 MR. ANDREWS: Somewhere out there, yeah.

17 MS. RUFF: Yeah. There is a, yeah, there's --

18 MR. SWEENEY: How did that get there?

19 MR. ANDREWS: It's been there.

20 MR. SWEENEY: Was there a sign there before?

21 MS. JARRELL: We don't remember. And there may have
22 been, there may have been even before. I don't know when you
23 guys took over the shopping center.

24 MR. ANDREWS: We've had it for quite, quite a long
25 time but I don't recall a sign being there for Bank One. It
26 was Bank One.

27 MS. JARRELL: If there's electric there, there
28 probably was a sign there at some point. I mean --

29 MR. ROWE: That building was empty for a good long
30 while as far as, I'm trying to remember when the bank --

1 CHAIRMAN VALENTIC: Moved.

2 MR. ROWE: Yeah.

3 CHAIRMAN VALENTIC: All right.

4 MR. ANDREWS: That's what the purpose is.

5 CHAIRMAN VALENTIC: All right. Thank you.

6 Is there anyone else here either speaking for or
7 against this appeal?

8 MS. JARRELL: They're leaving.

9 CHAIRMAN VALENTIC: If there's no further questions,
10 the public hearing for Variance Number 2018-35 is now closed
11 to the public.

12 MS. JARRELL: Jared, go get them, please, have them
13 come back.

14 CHAIRMAN VALENTIC: Okay. I will entertain a motion
15 to approve Variance Number --

16 MR. ANDREWS: Sorry. We thought you voted separate.

17 MS. JARRELL: No, we didn't vote yet.

18 CHAIRMAN VALENTIC: Thanks for coming back.

19 MS. RUFF: You're welcome.

20 CHAIRMAN VALENTIC: We figured you'd want to see
21 what happens.

22 MS. RUFF: Jared had said that we were going to find
23 out tomorrow and it was a misunderstanding.

24 CHAIRMAN VALENTIC: All right. No, you get to find
25 out in a little bit.

26 MR. ROWE: I'll say so moved.

27 CHAIRMAN VALENTIC: Okay. Have we got a second?

28 MS. JARRELL: Second.

29 CHAIRMAN VALENTIC: All right. It's open for
30 discussion on the Board. Anybody want to say anything?

1 MS. JARRELL: I will just reiterate what I said.
2 There is this -- The sign that's there is very busy. It has a
3 lot of the inline tenants in the back. That's who that sign
4 represents. You have a freestanding out lot and it should
5 have its own sign, in my opinion, and especially for the
6 safety of the folks that need hearing devices. You know,
7 they're going to be coming from areas, maybe they're not
8 familiar, they're going to be looking up at this sign, and
9 that's a dangerous curve right there. So I think that they
10 need to have the sign.

11 MR. HAMILTON: I am going to agree with Skip.
12 Having driven by there, it's very hard to miss.

13 MR. SWEENEY: It's like a magnet to your eyes.

14 MR. HAMILTON: You have to have your eyes closed to
15 miss it. We're already at the --

16 MS. JARRELL: You are young guys.

17 MR. HAMILTON: We are already at the max. We're at
18 the maximum number of signs. I think, in this case, I would
19 tend to go with the zoning.

20 MR. ROWE: Voting from the other side, you know,
21 it's easy to find. I mean, I never had a problem.

22 MS. JARRELL: But you know the area.

23 MR. ROWE: I sure qualify for the older people you
24 were talking about.

25 MS. JARRELL: Right. But you know the area. I
26 Imagine if the people coming for hearing aids are probably
27 coming from a wide distance and maybe they're not familiar
28 with that area.

29 MR. ROWE: I don't think it's that difficult. I
30 don't think we need any more signs. If they wanted to do

1 something, a little touch-up on the freestanding signs to
2 incorporate some of that would make sense, but this other, I
3 don't think is necessary.

4 CHAIRMAN VALENTIC: Skip, anything?

5 MR. SWEENEY: Well, I don't know. I mean, you take
6 a look at the free -- at the sign for the plaza, it makes my
7 head hurt when I look. I never look at those signs even on
8 the new ones up here. I don't know. I just don't know that
9 it meets the requirements, in addition to that.

10 MS. JARRELL: What requirements --

11 MR. SWEENEY: For a variance.

12 MS. JARRELL: -- are you referring to?

13 MR. SWEENEY: For a variance.

14 MS. JARRELL: Oh, for --

15 MR. SWEENEY: Yeah.

16 MS. JARRELL: Okay. I mean, that's why they're
17 here.

18 MR. SWEENEY: Right.

19 CHAIRMAN VALENTIC: Okay. I don't have anything to
20 really add to that discussion, I don't think. I can see both
21 sides of it. So --

22 All right. If there isn't anything else, the
23 question is on the approval of Variance Number 2018-35. A yes
24 vote is for the approval of the variance, a no vote denies it.

25 Heather, please call the vote.

26 MS. FREEMAN: Mr. Hamilton?

27 MR. HAMILTON: No.

28 MS. FREEMAN: Mr. Sweeney?

29 MR. SWEENEY: No.

30 MS. FREEMAN: Mr. Rowe?

1 MR. ROWE: No.

2 MS. FREEMAN: Ms. Jarrell?

3 MS. JARRELL: Yes.

4 MS. FREEMAN: Mr. Valentic?

5 CHAIRMAN VALENTIC: No. The variance has been
6 denied. Thank you.

7 MR. ANDREWS: Thanks for listening.

8 CHAIRMAN VALENTIC: Okay. Next on the docket is
9 Variance Number 2018-36. Mr. John M. Warmington, on behalf of
10 the property owner, Peter Cerar, is requesting a variance from
11 Section 17.04(B) and Section 17.07(A) to allow for the
12 construction of an accessory building with a 19 foot riparian
13 setback in lieu of the 50 foot required for the property
14 located at 7145 Bridlewood Drive.

15 Good evening.

16 MR. CERAR: Good evening. Pete Cerar,
17 7145 Bridlewood Drive in Concord, and I have been sworn in.

18 CHAIRMAN VALENTIC: Great.

19 MR. CERAR: The purpose of the variance is I want to
20 reconstruct my sugar house which is in the back of my
21 property. I had a small fire last syrup season and want to
22 rebuild the structure with a cement floor for safety reasons,
23 really, so I am not here in a couple more years looking for
24 another variance.

25 So all the -- The purpose of the location is all the
26 gravity feed for all my lines for maple syrup kind of feed
27 into one general area in this particular location. It's kind
28 of the perfect area for the sugar house.

29 CHAIRMAN VALENTIC: And all that existing piping is
30 already in place?

1 MR. CERAR: Correct.

2 CHAIRMAN VALENTIC: Directing to that low spot.

3 MR. CERAR: Correct.

4 MR. HAMILTON: So the old house burned down. Was it
5 on the same -- Is that why the gravel pad is there already?

6 MR. CERAR: Correct, correct. Before, it was a
7 tongue and groove, three-quarter inch, you know, just a wood,
8 wood floor. So, unfortunately, on President's Day, the floor
9 burned out. And so I want to rebuild in that, in that same
10 location.

11 MR. HAMILTON: Was that prior building permitted to
12 be there?

13 MR. CERAR: I am not aware of that.

14 CHAIRMAN VALENTIC: Was that prior building built by
15 somebody else or was that built by you?

16 MR. CERAR: It was built by me, not me personally
17 but I had someone, a contractor, correct.

18 CHAIRMAN VALENTIC: Okay.

19 MS. JARRELL: When was that constructed?

20 MR. CERAR: 2013 or -- '12 or '13. It's been a
21 handful of years.

22 CHAIRMAN VALENTIC: I just want to remind the Board
23 that Heather and Lake Soil and Water were out on site, looked
24 at it, and Soil and Water, Chad, provided a letter as well in
25 our packet, so if you've had a chance to go look at that.
26 Because it's already disturbed and was the location, there is
27 little, I guess, riparian impact, would be my interpretation.

28 MR. HAMILTON: That would be mine, also. And I am
29 wondering if it was in place before the setback was even
30 considered.

1 MR. ROWE: Oh, yeah.

2 MS. JARRELL: Yeah, absolutely.

3 CHAIRMAN VALENTIC: Heather, was -- The riparian
4 setbacks were in place? When did we adopted those, 20 --

5 MS. FREEMAN: The riparian setbacks became effective
6 in July of 2016.

7 CHAIRMAN VALENTIC: Sixteen.

8 MR. HAMILTON: So it would have been there.

9 MS. FREEMAN: To answer the previous question, the
10 previous sugar house did not have a zoning permit.

11 CHAIRMAN VALENTIC: Okay. So the previous house was
12 not permitted, okay, okay.

13 MR. HAMILTON: Is it correct to say that it would
14 have, you know, had they asked for a permit prior to the
15 riparian restrictions, it would have met all the other
16 requirements on setbacks and probably would have been --

17 MS. FREEMAN: Probably. But I don't know if this
18 one is the same size as what was there originally. So I'd
19 have to take a look at the nonconforming section specifically
20 to see if whether or not they had one permitted and replace
21 it -- Can you confirm this is the same size as the previous
22 one?

23 MR. CERAR: This, this one will be slightly larger,
24 correct?

25 MR. WARMINGTON: Four feet longer and four feet
26 wider.

27 MR. CERAR: Four feet longer and four feet wider.

28 CHAIRMAN VALENTIC: It's a pretty significant
29 request. Any other questions from the Board?

30 MS. LANDGRAF: To answer your question, the prior

1 building would not have been subject to the riparian setback.
2 So if it did exist today, it would exist.

3 CHAIRMAN VALENTIC: Okay.

4 MR. ROWE: No other questions.

5 MR. SWEENEY: Thank you.

6 CHAIRMAN VALENTIC: Skip, you're good then?

7 MR. SWEENEY: Uh-huh.

8 CHAIRMAN VALENTIC: Is there anyone else that's
9 speaking for or against this appeal that would like to come
10 up? No?

11 Okay, thank you. You can be seated.

12 Since there's no further questions, the public
13 hearing for Variance Number 2018 -- 2018-36 is now closed to
14 the public. I will entertain a motion.

15 MR. ROWE: So moved.

16 MR. HAMILTON: Second.

17 CHAIRMAN VALENTIC: Discussion for the Board on this
18 one? Anyone want to add anything? No? Okay.

19 The question is on the approval of Variance Number
20 2018-36. A yes vote is for the approval, a no vote denies it.

21 Heather, please call the vote.

22 MS. FREEMAN: Ms. Jarrell?

23 MS. JARRELL: Yes.

24 MS. FREEMAN: Mr. Rowe?

25 MR. ROWE: 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. Your variance has been
2 approved. Thank you.

3 MR. SWEENEY: So this is kind of off topic but
4 riparian, enforcing the new riparian guidelines, I mean, when
5 are we ever going to -- It's only going to be new
6 construction, it sounds like.

7 CHAIRMAN VALENTIC: We can take that off line after
8 the meeting. How about that?

9 MR. SWEENEY: Okay. All right.

10 CHAIRMAN VALENTIC: Okay. So next is Variance
11 Number 2018-37. Mr. Richard Hansen and Mrs. Susan Hansen are
12 requesting a variance from Section 15.03(A), Table 15.03-1, to
13 allow for a second accessory building in lieu of the maximum
14 one permitted for the property located at 7685 Morley Road.

15 Hello.

16 MR. HANSEN: Hi.

17 MRS. HANSEN: Hi.

18 MR. HANSEN: Richard Hansen and Susan Hansen,
19 7685 Morley Road, Concord Township 44060.

20 CHAIRMAN VALENTIC: You've been sworn in?

21 MR. HANSEN: I have been, yes.

22 CHAIRMAN VALENTIC: You too, ma'am?

23 MRS. HANSEN: (Nodding.)

24 CHAIRMAN VALENTIC: Thank you. Go for it.

25 MRS. HANSEN: But I do have a letter from our
26 neighbor.

27 CHAIRMAN VALENTIC: Sure. If you want to give it to
28 Blair, he can pass it around right here.

29 MR. HAMILTON: Thank you.

30 CHAIRMAN VALENTIC: Is this one letter or several?

1 MR. HANSEN: That's just --

2 MRS. HANSEN: One.

3 MR. HANSEN: He has no problem with us putting a
4 building up.

5 CHAIRMAN VALENTIC: Okay.

6 MR. HANSEN: That's our neighbor.

7 MRS. HANSEN: He is like right between where we
8 would have our house and his house and the building would be
9 in between. It would only affect that next-door neighbor.

10 CHAIRMAN VALENTIC: Okay.

11 MR. SWEENEY: So he would, theoretically, be the
12 most affected neighbor?

13 MRS. HANSEN: Correct.

14 MR. HANSEN: He would be the only affected neighbor,
15 actually.

16 CHAIRMAN VALENTIC: Okay.

17 Heather, we will include this in the packet for the
18 appeal, the letter. We should have -- We'll have a copy for
19 you.

20 MS. FREEMAN: Do you mind stating who it's from?

21 CHAIRMAN VALENTIC: Okay. I will for you. The
22 letter is from Joseph -- Is it Bozic?

23 MR. HANSEN: Bozic.

24 MRS. HANSEN: Bozic.

25 CHAIRMAN VALENTIC: Bozic. He is -- That's his
26 address is 7229 Ravenna Road.

27 MR. HANSEN: No.

28 MRS. HANSEN: No, that's your address.

29 CHAIRMAN VALENTIC: Oh, that's your address. We
30 don't have his address.

1 MS. JARRELL: It's up at the top, 7711.

2 CHAIRMAN VALENTIC: Oh, he's at the top, 7711 Morley
3 Road. Okay, there we go.

4 MS. FREEMAN: Thank you.

5 CHAIRMAN VALENTIC: This is now part of this appeal.
6 Okay. Go ahead.

7 MR. HANSEN: Okay. I guess you guys have all got a
8 copy of the diagram here.

9 MRS. HANSEN: Our home, yeah.

10 MR. ROWE: Yes.

11 MR. HAMILTON: I believe so, yes.

12 MR. HANSEN: Okay. That little red blotch is where
13 we wanted to put the building. What I've got to do is clear
14 that site. And I was told by the people that we buy this from
15 that you can put six-by-sixes in the ground, set this building
16 right on it, you know, level it.

17 MRS. HANSEN: Our other accessory building is way in
18 the back of the property. And trying to get the snow -- We
19 have a Wheel Horse with a plow on the front. Trying to get
20 from that building out through the snow in the winter is
21 really tough.

22 MR. HANSEN: Especially if you're 70, it makes it a
23 little tougher.

24 MRS. HANSEN: We've acquired quite a bit of
25 equipment since we've been there because we used to change the
26 implements. So now we just have the riding lawn mower, then
27 the rototiller with the Wheel Horse and the Wheel Horse with
28 the --

29 MR. HANSEN: Snow blower.

30 MRS. HANSEN: -- snow blower. And we've had so many

1 trees fall.

2 MR. HANSEN: Now I've gotten a stump grinder. I
3 don't know if you guys have ash trees or had ash trees. I had
4 16 taken out in one year, and I got a good price on them.
5 Then he wised up. He was just starting out. So I couldn't
6 call him back. But I've got ash trees dying. And I think
7 it's about 100 bucks a stump to have them ground out and I
8 started with 16 and now I've got, I've got probably eight or
9 dead standing or are dying standing. And so I bought a stump
10 grinder. But I can't leave all of this stuff out in the
11 winter elements.

12 MRS. HANSEN: And we try --

13 MR. HANSEN: And I simply don't have room in that
14 other building.

15 MRS. HANSEN: And we try to park in the garage in
16 the winter as well, our cars. So --

17 MS. HANSEN: And we've got a golf cart because, like
18 I say, 70, it's a little tough to get around anymore. So --
19 But that's got to be on a trickle charger, so that's got to be
20 in a garage. And then whatever piece of equipment I'm using,
21 I can run an extension cord out to this new building, if it's
22 permitted, and get a trickle charger on that battery so I've
23 got that, too.

24 MRS. HANSEN: We are just asking for a variance on a
25 secondary building. We have 1.9 acres. I guess the
26 requirement is 2 acres for as many unlimited buildings.

27 CHAIRMAN VALENTIC: You don't want to make one big
28 building and get rid of that other one?

29 MRS. HANSEN: You know, that property slopes. I
30 don't know if you are familiar with that area on Morley Road.

1 That goes down pretty drastically. It would be pretty tough.
2 I am not a carpenter, for one thing.

3 CHAIRMAN VALENTIC: Oh, to level a big building
4 there?

5 MR. HANSEN: Yeah. And if I put it on the end of it
6 where the garage door is, now I've got one building, you know,
7 in front of another one. How do I get anything out of the
8 back of it? It's kind of between a rock and a hard place.

9 CHAIRMAN VALENTIC: Okay.

10 MR. HANSEN: It's an attractive building. I have
11 seen several of those around, now that I've, you know, looked
12 at that type of building. So --

13 CHAIRMAN VALENTIC: Any other questions for them?

14 MR. ROWE: No.

15 CHAIRMAN VALENTIC: Everyone is good?

16 Okay. I think we're all set. You can be seated.

17 MR. HANSEN: Okay. Thank you.

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

21 Okay. If there's no one else, the public hearing
22 for Variance Number 2018-37 is now closed to the public, open
23 for discussion on the Board. Do you guys have anything you
24 want to add?

25 I mean, the thing is, too, I believe if we do the
26 math, the two buildings together, still the square footage --

27 MS. JARRELL: Is only about half.

28 MR. HAMILTON: It's far less. And I think I will
29 add the fact that, you know, the property is 1.9 acres, very
30 close to what the requirement is for additional buildings.

1 CHAIRMAN VALENTIC: Yeah.

2 MS. JARRELL: And the neighbor is good.

3 CHAIRMAN VALENTIC: Yes, the neighbor is good.
4 That's always important. I like to hear that.

5 MR. ROWE: Yes.

6 CHAIRMAN VALENTIC: Okay. All right. With that
7 said, is there a motion to approve Variance Number 2018-37?

8 MS. JARRELL: So moved.

9 MR. HAMILTON: Second.

10 CHAIRMAN VALENTIC: Thank you. The question is on
11 the -- for the approval of Variance Number 218 -- 2018-37. A
12 yes vote approves the variance, a no vote denies it.

13 Heather, please call the vote.

14 MS. FREEMAN: Mr. Hamilton?

15 MR. HAMILTON: Yes.

16 MS. FREEMAN: Mr. Sweeney?

17 MR. SWEENEY: Yes.

18 MS. FREEMAN: Mr. Rowe?

19 MR. ROWE: Yes.

20 MS. FREEMAN: Ms. Jarrell?

21 MS. JARRELL: Yes.

22 MS. FREEMAN: Mr. Valentic?

23 CHAIRMAN VALENTIC: Yes. Thank you. Your variance
24 has been approved.

25 Next is Variance Number 2018-38, Mr. Lance Osborne,
26 of Crile Road Partners, LLC, is requesting a variance from
27 Section 29.04(B), Table 29.04-A, Minimum Off-Street Parking
28 Standards, to allow Crile Crossing Retail Center, located at
29 7639 Crile Road, 7641, 7645, 7649, 51, 55, 57, 69, 73, 77, 68,
30 85 and 89 to provide -- all on Crile Road -- to provide 269

1 parking spaces in lieu of the minimum 282 required.

2 Mr. Osborne, good evening.

3 MR. OSBORNE: Hi. Good evening. So I just want to
4 give an update of the project.

5 CHAIRMAN VALENTIC: Name?

6 MR. OSBORNE: Oh, Lance Osborne.

7 CHAIRMAN VALENTIC: Address?

8 MR. OSBORNE: 7670 Tyler Boulevard, Mentor, Ohio
9 44060.

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

11 MR. OSBORNE: I have not.

12 CHAIRMAN VALENTIC: Okay. Raise your right hand.
13 (Whereupon, Mr. Osborne was sworn in.)

14 CHAIRMAN VALENTIC: All right. You are now sworn
15 in.

16 MR. OSBORNE: Thank you. So as a brief update on
17 the project, Building 2, as it's numbered, is the one that's
18 currently under construction. It will be occupied, starting
19 from the north section, by Subway, Cleveland Yoga. Pet Valu
20 has accepted the space and is paying rent but they may not
21 open the store. So there is some uncertainty as to whether
22 they'll actually open the store. We don't know what they're
23 going to do. The ball is in their court. And then there is
24 Fitness Together, Pulp, and Elements Massage will be the last
25 tenant in that building across from Burgers 2 Beer, which then
26 starts the next building.

27 CHAIRMAN VALENTIC: Okay.

28 MR. OSBORNE: And we're respectfully asking for a 13
29 parking space variance.

30 I just want to make sure that the Board received the

1 letter from our adjoining property owner, Mr. Dolce, on behalf
2 of Lakeland Realty, that in the event that we are at capacity
3 on parking, that they have no use for parking after 4:00 p.m.
4 and that we -- Our leases give us the ability to dictate to
5 the tenants where we can have their employees park. So if
6 parking were to become an issue, we would be able to have the
7 employees park on the adjacent Lakeland Realty property which
8 is to the east.

9 CHAIRMAN VALENTIC: Okay.

10 MR. OSBORNE: And I am happy to address any
11 questions.

12 CHAIRMAN VALENTIC: If the employees end up having
13 to park there, are you going to provide pedestrian access? I
14 think it's disconnected and there's --

15 MR. OSBORNE: You can go back by the driveway. And
16 there is also, in between the mound and the pond to the north,
17 there is an area where employees could walk through it on the
18 grass.

19 CHAIRMAN VALENTIC: So there wouldn't be a sidewalk
20 or anything like that?

21 MR. OSBORNE: No. I mean, we'd be -- We could
22 provide one if it would become necessary. We don't think it
23 will be necessary. If it were necessary, we would do that.

24 MR. ROWE: It might be, it might be a problem in the
25 winter weather.

26 MR. OSBORNE: Right, yeah. No, we could have our
27 snowplow contractor make sure that -- Because they, they
28 shovel the sidewalks at the shopping center, so they can also
29 shovel a walkway between the two properties if that were an
30 issue.

1 MR. ROWE: I think my concern is something to
2 address or to do. I mean, it just -- it sounds handy that the
3 space is there. But then when you think about dead of winter
4 or whatever, I mean, the employees, you've got to park out
5 there, kind of a consideration.

6 MR. OSBORNE: Okay.

7 CHAIRMAN VALENTIC: Well, I mean, I might pose this
8 question to legal. I mean, if we're saying, I guess, if we're
9 saying that they'll use parking in the back but there isn't a
10 safe, we'll call it safe access from one parking lot to the
11 other, I mean, is that something we should stipulate if we're
12 going to say that they will use that as overflow parking or --
13 Because I don't even know if that's a stipulation or they just
14 suggested that.

15 MS. LANDGRAF: Well, if they had a shared parking
16 agreement, it had to be recorded, signed by both parties, and
17 you couldn't issue a zoning permit until they presented that.
18 So even with just the letter, you would have to have still a
19 signed agreement and have it be recorded so it ran with the
20 land since the parking restriction is going to be singular to
21 your parcel.

22 CHAIRMAN VALENTIC: So the question that I have for
23 Mr. Osborne is, is that part of this submittal or not then?
24 Is that part of --

25 MS. LANDGRAF: You could approve it conditioned on a
26 fully executed parking agreement that is recorded, but the
27 zoning ordinance provides you can't have a permit until that
28 is recorded and signed by both parties.

29 CHAIRMAN VALENTIC: Okay. Do you understand?

30 MR. OSBORNE: I understand. We just have to have a

1 discussion with Lakeland and whether that's --

2 CHAIRMAN VALENTIC: And have an agreement in place.

3 MR. OSBORNE: Right.

4 CHAIRMAN VALENTIC: Before this is --

5 MR. OSBORNE: I mean, we have an agreement, it's
6 just not filed on the property.

7 MS. LANDGRAF: The letter, you both have to sign it.

8 MR. OSBORNE: Right.

9 MS. LANDGRAF: And there would have to be -- I will
10 leave that up to the two of you about how you are going to get
11 across the parcels but it would have to be recorded and run
12 with the land.

13 MS. JARRELL: It's 13 spaces.

14 CHAIRMAN VALENTIC: I mean, yeah, we can talk about
15 that.

16 MR. OSBORNE: Yeah. It's less than 5 percent of the
17 overall.

18 CHAIRMAN VALENTIC: Yeah, I know, but you're putting
19 that out there. I just want to make sure that we're covered
20 if we are going to accept that at all.

21 MR. OSBORNE: Sure.

22 CHAIRMAN VALENTIC: Skip, do you have any other
23 questions?

24 MR. SWEENEY: No.

25 CHAIRMAN VALENTIC: Okay. All right. I think we
26 don't have any other questions for you.

27 MR. OSBORNE: Okay.

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

1 AUDIENCE MEMBER: No.

2 CHAIRMAN VALENTIC: Okay. If that's the case, the
3 public hearing is now closed to the public for Variance Number
4 2018-38. Discussion to the Board?

5 And I will just say I am with you where you were
6 leading to, Chris. I don't really care that much about the
7 parking in the back at this point. I think it's 13 spaces. I
8 don't know if they'll have a parking problem until people --
9 it's all up and going. But my opinion is it seems like there
10 is a very mix of uses with different peak times in the
11 shopping plaza.

12 MS. JARRELL: Right, good point.

13 CHAIRMAN VALENTIC: I don't know.

14 MR. ROWE: It's not that far off. I mean, they say
15 4 percent or 4 and a half percent. And how often that gets
16 hit, you know --

17 CHAIRMAN VALENTIC: Yeah.

18 MR. ROWE: I think I wouldn't be scared of approving
19 the situation. The likelihood of, like you say, I've got 269
20 people here and one car that can't park.

21 CHAIRMAN VALENTIC: Okay.

22 MR. ROWE: Not to be flippant but --

23 CHAIRMAN VALENTIC: Anything else from anyone?

24 MR. HAMILTON: I don't really have anything to add.
25 I mean, with a development like this and the ongoing, you
26 don't know who the tenants are going to be and the
27 requirements change as things go forward. This is a very
28 small variance.

29 CHAIRMAN VALENTIC: Okay. Then I will ask for a
30 motion to approve the Variance Number 2018-38.

1 MS. JARRELL: So moved.

2 MR. ROWE: Second.

3 CHAIRMAN VALENTIC: All right. We've got a second.
4 Approval, the question is on the approval of Variance Number
5 2018-38. A yes vote approves it, a no vote denies it.

6 Heather, please call the vote.

7 MS. FREEMAN: Mr. Rowe?

8 MR. ROWE: Yes.

9 MS. FREEMAN: Ms. Jarrell?

10 MS. JARRELL: Yes.

11 MS. FREEMAN: Mr. Sweeney?

12 MR. SWEENEY: Yes.

13 MS. FREEMAN: Mr. Hamilton?

14 MR. HAMILTON: Yes.

15 MS. FREEMAN: Mr. Valentic?

16 CHAIRMAN VALENTIC: Yes. Thank you.

17 All right. The last thing on our agenda is a
18 conditional use permit, 2018-11, Ms. Ashley Ranson, of Concord
19 Pulp, LLC, is requesting a conditional use permit in
20 accordance with Section 13.20 to operate a counter service
21 restaurant, Pulp Juice and Smoothie Bar, at 7655 Crile Road
22 and being Permanent Parcel Number 08-A-019-0-00-025-0.

23 Good evening.

24 MS. RANSON: Hi.

25 CHAIRMAN VALENTIC: Hi.

26 MS. HANSON: How are you? I am Ashley Ranson,
27 1011 Pelton Court, Cleveland, Ohio 44113.

28 CHAIRMAN VALENTIC: You've been sworn in?

29 MS. RANSON: Yes, I have.

30 CHAIRMAN VALENTIC: Thank you. Go ahead and present

1 your case.

2 MS. RANSON: So I am just requesting a conditional
3 use permit to operate the Pulp Smoothie and Juice Bar at
4 7655 Crile Road. We will be open seven days a week, probably
5 6:30 to 9:00 p.m. every day of the week, potentially changing
6 those hours on the weekends depending on service. So we might
7 open a little later on the weekends. Eighty percent of our
8 menu is smoothies and fresh juice. We also serve wraps and
9 some, like, a few bowls and salads. It's a take-and-go place.
10 We will have a few dining spots in there but the majority of
11 our customers will take and go.

12 I don't know. What questions do you have?

13 MR. ROWE: Well, the burning question would be,
14 would the employees mind parking in the back if they have --

15 MS. RANSON: Yeah. Well, this is the first I am
16 learning about that. Yeah, we'll see. I guess I would assume
17 so, as long as it's safe and close enough. And probably
18 during our operating hours -- and it would be seasonal -- we
19 will have parking for employees probably two to three people
20 at a time, including myself.

21 CHAIRMAN VALENTIC: Okay.

22 Skip, anything?

23 MR. SWEENEY: No.

24 CHAIRMAN VALENTIC: Blair?

25 MR. HAMILTON: Nothing.

26 CHAIRMAN VALENTIC: You are quiet this evening.

27 All right.

28 MS. LANDGRAF: Ashley, what are the maximum amount
29 of hours you want them to vote on?

30 MS. RANSON: What's that?

1 MS. LANDGRAF: What are the maximum range of hours
2 you want them to vote on? If you change them after they
3 approve it tonight, you have to come back.

4 MS. RANSON: Oh.

5 CHAIRMAN VALENTIC: So aim high.

6 MS. RANSON: I would say for -- What's that?

7 CHAIRMAN VALENTIC: Maybe aim higher.

8 MR. SWEENEY: Twenty-four hours a day.

9 MS. RANSON: No. I would say, for now, it's going
10 to be 6:30 to 9:00 operating hours, so that would be seven
11 days a week.

12 MR. ROWE: A.m. to p.m.?

13 MS. RANSON: Yes.

14 CHAIRMAN VALENTIC: Okay. Thank you. You can be
15 seated.

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

18 Okay. I will then entertain a motion for the
19 Conditional Use Permit 2018-11.

20 MS. JARRELL: So moved.

21 MR. ROWE: Second.

22 CHAIRMAN VALENTIC: All right. Any discussion from
23 the Board needed for this one?

24 Okay. Then the question is for the approval of the
25 Conditional Use Permit 2018-11. A yes vote approves the
26 conditional use permit, a no vote denies it.

27 Heather, please call the vote.

28 MS. FREEMAN: Mr. Hamilton?

29 MR. HAMILTON: Yes.

30 MS. FREEMAN: Ms. Jarrell?

1 MS. JARRELL: Yes.

2 MS. FREEMAN: Mr. Rowe?

3 MR. ROWE: Yes.

4 MS. FREEMAN: Mr. Sweeney?

5 MR. SWEENEY: Yes.

6 MS. FREEMAN: Mr. Valentic?

7 CHAIRMAN VALENTIC: Yes. The conditional use permit
8 has been approved. Thank you.

9 All right. Last thing on the agenda is the approval
10 of minutes. I would like to call for a motion to approve the
11 minute from July 2018.

12 MR. ROWE: So moved.

13 CHAIRMAN VALENTIC: Second?

14 MR. HAMILTON: Second.

15 CHAIRMAN VALENTIC: Blair, I think you are the only
16 one. Any additions, deletions, modifications to the minutes
17 from July?

18 MR. ROWE: Just one correction, just to prove I read
19 it, but it was in there. Page 3, line 30, I think the
20 spelling we were looking for is b-a-r-e instead of b-e-a-r.

21 CHAIRMAN VALENTIC: Okay. So noted. So then the
22 question is for the approval of the minutes as modified by
23 Mr. Rowe for July 2018. A yes vote approves the minutes, a no
24 vote does not. All in favor of the minutes as noted by
25 Mr. Rowe say aye.

26 (Three aye votes, no nay votes, two abstentions.)

27 CHAIRMAN VALENTIC: The minutes have been approved
28 from July 2018.

29 Our meeting for September 2018 is now closed.

30 (Whereupon, the meeting was adjourned at 7:46 p.m.)

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STATE OF OHIO)
COUNTY OF CUYAHOGA)

CERTIFICATE

I, Melinda A. Melton, Registered Professional Reporter, a notary public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that, to the best of my ability, the foregoing proceedings were reduced by me to stenotype shorthand, subsequently transcribed into typewritten manuscript; and that the foregoing is a true and accurate transcript of said proceedings so taken as aforesaid.

I do further certify that this proceeding took place at the time and place as specified in the foregoing caption and was completed without adjournment.

I do further certify that I am not a friend, relative, or counsel for any party or otherwise interested in the outcome of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 25th day of September 2018.

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023