

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

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

November 13, 2019  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Francis Sweeney, Vice Chairman  
Blair Hamilton, Member  
Brandon Dynes, Member  
Chris Jarrell, Member  
Todd Golling, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector  
Marty Pitkin, Assistant Zoning Inspector

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

7:01 p.m.

1  
2 VICE CHAIRMAN SWEENEY: Good evening, everyone.  
3 This is the November 13th meeting of the Concord Township  
4 Board of Zoning Appeals. My name is Francis Sweeney. I am  
5 the substitute chair for this evening. And to my right, I  
6 would like to introduce Blair Hamilton, Chris Jarrell. And to  
7 my left, Brandon Dynes and Todd Golling.

8 We have two -- We have three matters tonight. One  
9 is Old Business and two are new variances. But first, under  
10 the advice of our legal counsel, all those who intend to speak  
11 tonight must be sworn in. So if you plan on speaking, please  
12 stand up and raise your right hand.

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

14 VICE CHAIRMAN SWEENEY: Thank you. And when you  
15 come up, please speak into the microphone and tell us your  
16 name and your address.

17 But, first, we have one matter of Old Business and  
18 that is the Appeal Number 2018-41, Mr. Randy Viviani, of  
19 7757 Concord LLC. His request is an administrative appeal  
20 from a determination by the Zoning Inspector that a zoning  
21 permit and certificate of zoning compliance are required for a  
22 new business to occupy a vacant commercial building, pursuant  
23 to Sections 11.01 and 12.01 of the Concord Township Zoning  
24 Resolution, for the property located at 7757 Auburn Road,  
25 Unit 12, currently known as Permanent Parcel  
26 08-A-020-0-00-036-0.

27 Heather, what's the status of this?

28 MS. FREEMAN: The attorney for Mr. Viviani has  
29 requested that we continue that until the next month.

30 VICE CHAIRMAN SWEENEY: Okay. Then they will do so.

1           On to the New Business. Heather, have all of the  
2 notices been published in a timely manner for the applications  
3 this evening?

4           MS. FREEMAN: Yes, the legal notices were published  
5 in a timely manner.

6           VICE CHAIRMAN SWEENEY: Thank you.

7           First order of business, Variance Number 2019-53,  
8 Mr. Paul Reddick.

9           Mr. Reddick?

10          MR. REDDICK: Yeah.

11          VICE CHAIRMAN SWEENEY: If you will approach. Good  
12 evening. How are you?

13          MR. REDDICK: Good evening.

14          VICE CHAIRMAN SWEENEY: State your name and your  
15 address.

16          MR. REDDICK: Paul Reddick, 10755 Johnnycake Ridge  
17 Road, Concord Township, Ohio.

18          VICE CHAIRMAN SWEENEY: Okay. And I will go ahead  
19 and read the variance. You are requesting a variance from  
20 Section 15.03(A), Table 15.03-1, to allow for an 880 square  
21 foot addition to an existing accessory building, which when  
22 combined with the existing square footage exceeds the maximum  
23 allowed at 1,024 square feet on lots less than two acres, for  
24 the property located at 10755 Johnnycake Ridge Road.

25          MR. REDDICK: That's correct.

26          VICE CHAIRMAN SWEENEY: Okay. Go ahead.

27          MR. REDDICK: Okay.

28          VICE CHAIRMAN SWEENEY: Oh, you have been sworn in,  
29 correct?

30          MR. REDDICK: Yes.

1                   VICE CHAIRMAN SWEENEY: Thank you.

2                   MR. REDDICK: All right. So I am, as you noted,  
3 here for the variance to get another 880 square feet added to  
4 a barn that was built on my property in 1850. The additional  
5 space I am going to use to store the new camper in, keep it  
6 out of the weather and protect the investment. I couldn't fit  
7 it in any of the other buildings because they don't have a big  
8 enough door and they both have hay, second floor hay lofts in  
9 them. So you would have to, like, totally rip it all apart.

10                   So Attachment A, as you can see, a satellite view of  
11 the property, and Attachment B is some pictures of the  
12 addition. And then if you go to C, it's a satellite view.  
13 Let me take mine off. So directly across the street, those  
14 two houses are below grade. I cannot see those houses from my  
15 house and they cannot see my house. I can see the chimney, if  
16 I was standing in my front yard, of those two houses. So  
17 that's the reason why I think they shouldn't care, because  
18 they can't see it.

19                   On the right side is the church and the church's  
20 duplex rental. The addition is on the left side of my barn.  
21 They can't see it from over there at all.

22                   In the back is the alfalfa fields. And then the  
23 houses across the alfalfa fields are below grade, also. I can  
24 only see their roofs from my back yard.

25                   And then Harold Horton lives next door. He owns all  
26 that land that you can see in back of the church, the alfalfa  
27 fields. Actually, in back of the church is the church's. He  
28 sold to them. And from his house, there is trees in the way  
29 and he can't see it either, although I can't speak for him.  
30 So Harold is 90-something years old. So -- And he's a friend

1 of mine, so I don't think he'd have any objection. So it's  
2 hearsay, I suppose, right?

3 VICE CHAIRMAN SWEENEY: He received notice, I would  
4 assume.

5 MS. FREEMAN: I did -- We did notify Mr. Harold,  
6 yes.

7 VICE CHAIRMAN SWEENEY: Okay.

8 MS. FREEMAN: Or I'm sorry.

9 MR. REDDICK: Horton.

10 MS. FREEMAN: Mr. Horton, yes.

11 VICE CHAIRMAN SWEENEY: Okay. Anything else?

12 MR. REDDICK: No, that's it.

13 VICE CHAIRMAN SWEENEY: All right.

14 Is there anyone who wishes to speak on this variance  
15 this evening? If not, we will go ahead and close the public  
16 meeting.

17 MR. HAMILTON: Questions.

18 MR. DYNES: Questions from the Board.

19 VICE CHAIRMAN SWEENEY: Oh, are there any questions  
20 from the Board?

21 MR. HAMILTON: Yes. As pictured, that is the extent  
22 of the addition? There will be no other --

23 MR. REDDICK: Right. It's done, yeah.

24 MR. HAMILTON: -- fronts put on this, no garage  
25 door?

26 MR. REDDICK: The only thing that I can -- The only  
27 other thing I thought about was some sort of a screen because  
28 the birds are going in there and birds are doing what they're  
29 doing, but I haven't researched it yet. It may actually just  
30 go up inside to keep them from landing in the rafters and

1 stuff. But I don't have any plans for a garage door or  
2 anything.

3 MR. HAMILTON: Okay.

4 MS. JARRELL: And there is no floor?

5 MR. REDDICK: There is no floor. I will probably  
6 put some gravel in there but not till summertime.

7 MR. GOLLING: I don't have questions.

8 MR. DYNES: I don't have anything.

9 VICE CHAIRMAN SWEENEY: Nothing?

10 MR. GOLLING: Nothing.

11 VICE CHAIRMAN SWEENEY: All right. If there are no  
12 further questions, I will go ahead and close the public  
13 hearing. Can I entertain a motion?

14 MR. DYNES: So moved.

15 VICE CHAIRMAN SWEENEY: Second?

16 MS. JARRELL: Second.

17 VICE CHAIRMAN SWEENEY: The public meeting is  
18 closed. Discussion? If there is no discussion --

19 MR. DYNES: Did somebody move?

20 VICE CHAIRMAN SWEENEY: All in favor of the motion?

21 MR. DYNES: Did you say that? I am sorry.

22 VICE CHAIRMAN SWEENEY: Yeah. And there was a  
23 second.

24 MR. DYNES: I didn't hear anyone say "yes."

25 MR. HAMILTON: Oh, I didn't. Yes.

26 MR. DYNES: There you go.

27 VICE CHAIRMAN SWEENEY: Now we will have Heather  
28 take a roll if no one has any --

29 MR. HAMILTON: Yeah, there may be a few comments  
30 that the Board wants to make.

1 VICE CHAIRMAN SWEENEY: Oh, okay. I said, was there  
2 discussion, and everyone remained quite.

3 MR. HAMILTON: I was waiting to say yes to the  
4 motion.

5 VICE CHAIRMAN SWEENEY: We were still on the  
6 procedural aspect.

7 MR. HAMILTON: Yeah. So it's a big ask. I mean,  
8 this is basically a lean-to that's being added to the  
9 property. I drive by the property every day and, honestly, I  
10 never really noticed it. I don't know if Chris goes by there.

11 MS. JARRELL: I have not. I have not noticed it. I  
12 do drive by probably ten times a day.

13 MR. HAMILTON: So, I mean, it's a big ask. But, you  
14 know, given the nature of that property, the older building,  
15 you know, I don't think it's a detriment to the area.

16 MR. DYNES: I agree with you a hundred percent. I  
17 go by frequently, too.

18 MR. HAMILTON: So that's my comment. That's it.

19 MS. JARRELL: Thank you.

20 VICE CHAIRMAN SWEENEY: Any other discussion,  
21 comments? If not, then we will go ahead and take the roll.

22 MS. FREEMAN: Okay. Mr. Golling?

23 MR. GOLLING: Yes.

24 MS. FREEMAN: Ms. Jarrell?

25 MS. JARRELL: Yes.

26 MS. FREEMAN: Mr. Dynes?

27 MR. DYNES: Yes.

28 MS. FREEMAN: Mr. Hamilton?

29 MR. HAMILTON: Yes.

30 MS. FREEMAN: And Mr. Sweeney?

1 VICE CHAIRMAN SWEENEY: Yes.

2 MS. FREEMAN: The variance has been approved.

3 VICE CHAIRMAN SWEENEY: Congratulations.

4 MR. REDDICK: Thank you.

5 VICE CHAIRMAN SWEENEY: Thank you. Good luck.

6 On to our next matter of business, would be the  
7 Variance Number 2019-54, Mr. Jerry Cook, he's requesting a  
8 variance from Section 17.04(D)(4)(b) and Section 17.07(A) to  
9 allow for construction of an accessory building with a 16 foot  
10 riparian setback, in lieu of the 30 foot required, for the  
11 property located at 8367 Hermitage Road. Good evening.

12 MR. COOK: Good evening. Jerry Cook.

13 VICE CHAIRMAN SWEENEY: And you have been sworn in?

14 MR. COOK: I have.

15 VICE CHAIRMAN SWEENEY: Okay.

16 MR. COOK: Jerry Cook, 8367 Hermitage Road. So --

17 VICE CHAIRMAN SWEENEY: All right.

18 MR. COOK: Do you want me to go into it?

19 VICE CHAIRMAN SWEENEY: Sure, yeah, launch right in.

20 MR. COOK: So moved into the property in July of  
21 2017, needed some more space. It's an odd shaped lot. If you  
22 look at -- I think it's the first layout plan, the back, back  
23 north end of it is wetland. Most of the back yard is  
24 dedicated to a drip mound septic system which can't be built  
25 on. The south side of the lot is next to, you know, right up  
26 against the next-door neighbor's. So narrow front. I  
27 wouldn't want a shed in the front anyway. So that was where,  
28 that was where it seemed like was the best place to put it.

29 So, you know, I did -- I was thinking about this  
30 during the course of the summer. I went to the site, you



1 know, the zoning site, pulled down what I could. Got to the  
2 point where I felt, like, felt pretty confident that, you  
3 know, it wouldn't be a problem, went ahead and did my plans,  
4 submitted them, and then got an approved permit. Had already  
5 planned to take the day off and rented some equipment, put  
6 some posts in the ground. A few days later, I got the call  
7 that the permit was revoked.

8 So I am hoping that you will grant the variance so  
9 that the shed that's sitting there now can remain because, as  
10 I said, in fact, Marty came out to verify there really isn't  
11 any other option to locate the building. So, at this point, I  
12 am at your mercy.

13 VICE CHAIRMAN SWEENEY: Okay. Anything else from  
14 you?

15 MR. COOK: (Shaking head.)

16 VICE CHAIRMAN SWEENEY: Okay. Any questions from  
17 the Board?

18 MS. JARRELL: When did we have that big brouhaha  
19 with -- about the riparian setbacks with Mr. Knez? When was  
20 that?

21 MR. GOLLING: About a year ago.

22 MS. JARRELL: That was a year ago.

23 MS. FREEMAN: The lot to the north of this is the  
24 one he was referring to.

25 MS. JARRELL: It was to the north of this?

26 MS. FREEMAN: Yes.

27 MS. JARRELL: Okay. Are we not looking at the  
28 riparian maps when they're coming in for permits?

29 MS. FREEMAN: So in this particular case, it did not  
30 show up on the guide map. Mr. Cook had come in with a

1 hand-drawn to scale site plan. Marty processed the zoning  
2 permit without pulling out the initial site plan from when the  
3 house was constructed. So, unfortunately, it was missed. So  
4 our office approved it. Then upon me looking at the permit, I  
5 pointed out that we had an issue. So, unfortunately, we did  
6 have to try to notify Mr. Cook, although he had already  
7 started putting in footers for it.

8 MR. DYNES: I don't have any questions. I have some  
9 comments.

10 VICE CHAIRMAN SWEENEY: Okay. Blair, did you  
11 have --

12 MR. HAMILTON: No, no questions.

13 VICE CHAIRMAN SWEENEY: No, okay. All right,  
14 Mr. Dynes.

15 You have lived there for how long, sir?

16 MR. COOK: July of 2017.

17 VICE CHAIRMAN SWEENEY: So you've been through a  
18 whole cycle of seasons?

19 MR. COOK: Yes.

20 VICE CHAIRMAN SWEENEY: What have you noticed about  
21 the -- I don't know what the right word is -- the sogginess of  
22 that area?

23 MR. COOK: That particular area isn't a problem. If  
24 you walk out, you know, in, I'd say -- Well, pretty much as  
25 the diagram shows, if you get out there a ways --

26 VICE CHAIRMAN SWEENEY: Which direction, north or  
27 east?

28 MR. COOK: It would be north, northeast.

29 VICE CHAIRMAN SWEENEY: Okay. Into the back part of  
30 your yard?

1 MR. COOK: Yeah, which is all wooded, I mean, it's  
2 -- and I plan to leave it that way. In fact, the area that  
3 the shed is located in, I had to clear. So --

4 VICE CHAIRMAN SWEENEY: And there isn't even --  
5 There is a creek way east of your yard?

6 MR. COOK: Yeah, yeah. I have looked at that  
7 riparian map and there wasn't anything even close.

8 VICE CHAIRMAN SWEENEY: It's not on your property.  
9 It's nowhere near, yeah.

10 MR. COOK: Yeah, I think it's mainly because of the  
11 elevation of the property and there is a pretty good hill  
12 across the street, so a lot of the drainage comes down.

13 VICE CHAIRMAN SWEENEY: The problem last time was a  
14 lot of the drainage from across the street.

15 MR. COOK: Yeah.

16 VICE CHAIRMAN SWEENEY: Okay. Thanks.

17 Okay. Any other questions or comments? If not, I  
18 will entertain a motion to close the public hearing.

19 MR. HAMILTON: So moved.

20 MR. DYNES: Second.

21 VICE CHAIRMAN SWEENEY: Okay. Discussion?

22 MR. DYNES: I think our concern with these are far  
23 more important when concerning construction of a home that's  
24 going to be a residence, I think, when there's been a  
25 substantial impact to that riparian setback or perceived  
26 impact to it. The structure is already there. What I am  
27 hearing from him, it's not been an issue or shouldn't be an  
28 issue. It is simply a storage shed. It is not a very  
29 substantial size.

30 And whether it was the Zoning Department's error or

1 something we missed, the shed is already there. I would have  
2 a terribly hard time saying, "Tear your shed down and do  
3 something different." Not to say that it's anybody's fault  
4 but that's where we are now. My opinion would be to approve  
5 it under the circumstances. My two cents.

6 MR. HAMILTON: Agreed.

7 VICE CHAIRMAN SWEENEY: I had a consideration about  
8 the lot to the north is vacant and, you know, I just  
9 anticipate if someone -- would anyone have an objection? And  
10 I don't see how they would because, I mean, half of that  
11 property is in the --

12 MS. JARRELL: Setback.

13 VICE CHAIRMAN SWEENEY: -- the wetland area and they  
14 couldn't build either. So I don't think that would be a  
15 problem, looking ahead at the potential for that. So it's a  
16 beautiful shed.

17 MR. COOK: Thanks.

18 VICE CHAIRMAN SWEENEY: Any other comments or  
19 questions or discussion? If not, go directly to roll call?  
20 Would that be okay with you?

21 MR. DYNES: Don't ask me.

22 VICE CHAIRMAN SWEENEY: Heather, take the roll,  
23 please.

24 MS. FREEMAN: All right. Ms. Jarrell?

25 MS. JARRELL: Yes.

26 MS. FREEMAN: Mr. Dynes?

27 MR. DYNES: Yes.

28 MS. FREEMAN: Mr. Sweeney?

29 VICE CHAIRMAN SWEENEY: Yes.

30 MS. FREEMAN: Mr. Hamilton?

1 MR. HAMILTON: Yes.

2 MS. FREEMAN: And Mr. Golling?

3 MR. GOLLING: Yes.

4 MS. FREEMAN: The variance has been approved.

5 VICE CHAIRMAN SWEENEY: All right. Congratulations.

6 MR. COOK: Thank you.

7 VICE CHAIRMAN SWEENEY: Good luck.

8 MR. COOK: Appreciate it.

9 VICE CHAIRMAN SWEENEY: We have no more matters.

10 MR. HAMILTON: Minutes.

11 VICE CHAIRMAN SWEENEY: Other than the approval of  
12 minutes from the last meeting, which -- what date was that --  
13 October 9th, I believe. Do I hear a motion?

14 MR. DYNES: I found, once again, that Mindy did a  
15 tremendous job on transcription of the minutes and move to  
16 approve the minutes as noted.

17 MR. GOLLING: Second.

18 MS. JARRELL: I am abstaining. I was not here.

19 MR. HAMILTON: In favor, yes?

20 VICE CHAIRMAN SWEENEY: Yeah. All in favor say  
21 "aye." Nay?

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

23 VICE CHAIRMAN SWEENEY: So approved.

24 Thank you for coming this evening, ladies and  
25 gentlemen. The next meeting of the Board of Zoning Appeals  
26 will be on --

27 MS. FREEMAN: December 13th (sic).

28 VICE CHAIRMAN SWEENEY: -- December 13th (sic). See  
29 you there. The meeting is now officially closed.

30 (Whereupon, the meeting was adjourned at 7:21 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 18th day of November 2019.

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