

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

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

April 10, 2019  
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  
Brandon Dynes, Member

Also Present:

Michael Lucas, Esq., Legal Counsel  
Heather Freeman, Planning & Zoning Director/Zoning  
Inspector  
Marty Pitkin, Assistant Zoning Inspector

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

1 7:02 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Concord  
3 Township Board of Zoning Appeals for April 10th is now in  
4 session. I would like to introduce my Board. To my far left  
5 is Skip Sweeney and Brandon Dynes. I am Ivan Valentic. To my  
6 right is Chris Jarrell and Blair Hamilton, and to our far  
7 right is Heather Freeman, our Zoning Inspector.

8 Tonight, under the advice of our legal counsel, we  
9 ask that anyone speaking must be sworn in. If you plan on  
10 speaking, please stand and raise your right hand. If you're  
11 going to speak at all at the microphone, just stand right now  
12 and raise your right hand so we can get you sworn in. It will  
13 save us time later.

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

15 CHAIRMAN VALENTIC: Thank you. Please be seated.

16 This evening when you come up to present your case  
17 at the microphone, state your name and address for the record  
18 and confirm that you've been sworn in. Okay?

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

21 MS. FREEMAN: Yes, they were.

22 CHAIRMAN VALENTIC: Okay. We have one Old Business  
23 that we have to clean up and then we have three variances  
24 tonight. A three-vote majority is required to either approve  
25 or deny any appeal. If your request is denied, you can -- you  
26 have the right to file an appeal.

27 So for Old Business, we have Appeal Number 2018-41.  
28 They have submitted a continuation from our Old Business,  
29 dated April 9, 2019, to Mr. Lucas, and they're requesting  
30 to -- a continuation. And the letter was from Mr. Richard N.

1 Selby. I would like to enter this into the record.

2 MS. FREEMAN: Can you clarify, Mr. Chairman, that  
3 they requested the continuance until the May 2019 meeting,  
4 correct, sir?

5 CHAIRMAN VALENTIC: Yes, correct. I am sorry. Yes,  
6 to the May 2019 meeting. Maybe that will be the day we get  
7 that resolved.

8 All right. On to New Business then. Okay. First  
9 is Appeal Number 2019-44, Mr. Matt Misconish is requesting two  
10 variances from Section 15.04(B), Table 15.04-1, to allow for  
11 the construction of a new addition onto his dwelling for the  
12 property located at 6367 Fay Road. The first request is to  
13 allow for a side yard clearance of 10.25 feet in lieu of the  
14 15 feet required. The second variance is to allow for the  
15 front building setback of 46 feet 5 inches in lieu of the  
16 minimum 50 feet required.

17 Please come forward to the microphone and present  
18 your appeal.

19 MR. MISCONISH: My name is Matt Misconish, from  
20 6367 Fay Road.

21 CHAIRMAN VALENTIC: And you've been sworn in, sir?

22 MR. MISCONISH: I have been sworn in.

23 CHAIRMAN VALENTIC: Thank you.

24 MR. MISCONISH: I have a few more pictures and  
25 elevations here for you guys.

26 CHAIRMAN VALENTIC: Sure. Do you want to give it to  
27 Blair.

28 MR. MISCONISH: There are five copies.

29 MR. HAMILTON: Thank you.

30 CHAIRMAN VALENTIC: Do you have a copy for Heather,

1 by chance?

2 MR. MISCONISH: No, I am sorry, I do not.

3 CHAIRMAN VALENTIC: You can give one to Heather.

4 MS. JARRELL: I can share with you.

5 CHAIRMAN VALENTIC: We can share up here.

6 MS. FREEMAN: Thank you.

7 MR. MISCONISH: So referring to the site plan, I am  
8 looking to add --

9 CHAIRMAN VALENTIC: The plan in the packet or from  
10 what you just gave?

11 MR. MISCONISH: The site plan from the packet, the  
12 original packet.

13 CHAIRMAN VALENTIC: Okay. Go for it.

14 MR. MISCONISH: I am looking to add a two-car garage  
15 on the west side of my home. And behind it, while I'm at it,  
16 I'm going to put in a half bath and like a mud room area. The  
17 half bath, mud room and extra room in the back falls within  
18 the zoning laws. But the way that I have to construct that  
19 garage, I have to bump it out 5 feet 9 inches from the  
20 structure until I start the garage to give me access to the  
21 new garage from the house. So in doing this, it bumps me too  
22 close to that side, side setback.

23 So at 10 foot 3 off the west side, there is another  
24 picture that I've marked up with a marker that's in your  
25 original packet.

26 CHAIRMAN VALENTIC: Yeah.

27 MR. MISCONISH: It kind of shows the whole picture  
28 of what I want to do. And my existing mailbox is right at the  
29 front of where the new drive would be. If you look at that  
30 picture, my neighbor's house is 50 and a half feet off of that

1 property line and that's to his garage. His garage is on that  
2 side of the house and the living space is the opposite side of  
3 his garage.

4 So what I am asking for, I think, is insignificant  
5 in terms of the variance and then it would add obvious value  
6 to the home, giving me a two-car garage attached.

7 The other pictures I passed out just showed I  
8 updated two of the three sides of that house, and this is  
9 waiting to be updated with hopes to put a garage there.

10 CHAIRMAN VALENTIC: Okay. My question on the side  
11 yard setback then, is the whole garage -- It wasn't clear on  
12 the map. So is the whole garage addition or is it just a  
13 small corner that's in that 15 feet? I wasn't seeing it.

14 MR. MISCONISH: The entire garage is 24 and a half  
15 feet, plus the 5 foot 9 bump out of the house.

16 CHAIRMAN VALENTIC: Yeah, I see that. How much, how  
17 much of that addition is actually required -- is in that  
18 setback? Is the whole garage sitting in that 15 foot setback  
19 along that line?

20 MR. MISCONISH: No, no, just that corner.

21 CHAIRMAN VALENTIC: Just the corner.

22 MR. MISCONISH: Just that left back corner --

23 CHAIRMAN VALENTIC: Okay.

24 MR. MISCONISH: -- sticks past the -- You know, that  
25 back left corner of the garage portion of the addition at its  
26 furthest point is about 10, 10 foot 6 off the property line.

27 CHAIRMAN VALENTIC: Okay. That's what I was trying  
28 to get at.

29 MR. MISCONISH: Yeah.

30 CHAIRMAN VALENTIC: So it's just that corner, okay.

1 MR. MISCONISH: And then the front corner because,  
2 if you see the site plan, my house is on an awkward angle in  
3 terms of the property line.

4 CHAIRMAN VALENTIC: Yeah.

5 MR. MISCONISH: As I come out, I get too close to  
6 that 50 foot from the right-of-way.

7 CHAIRMAN VALENTIC: Okay. Yeah, yeah, the property  
8 line is kind of a weird angle.

9 MR. MISCONISH: It's an awkward angle. Now, I also  
10 -- I don't know if this is relevant. I think it's relevant.  
11 I have -- I blew up a site plan and took it to the neighbors.  
12 So I had the neighbor at 6365, which is that affected  
13 property, and then the neighbor immediately to my right, east,  
14 sign off that they're okay with it, understanding that it's X  
15 amount closer to the property line. I don't know. I made  
16 five copies of that as well. Should I just pass one around?

17 CHAIRMAN VALENTIC: Yeah, pass one around and we  
18 will enter that into the record as well and give Heather a  
19 copy. Did you, did you get anything from them in writing?

20 MR. MISCONISH: Just this.

21 CHAIRMAN VALENTIC: Oh, they signed it, okay.

22 MR. MISCONISH: They printed and signed their name.

23 CHAIRMAN VALENTIC: Oh, okay, great. That's  
24 helpful. Thank you.

25 MR. MISCONISH: No problem.

26 CHAIRMAN VALENTIC: You're requesting two variances,  
27 so we're going to kind of talk about both of them here and ask  
28 questions and then, at some point, we're going to have to vote  
29 on them separately. Okay? Just so you know.

30 Does anyone else on the Board have any questions?

1 MR. HAMILTON: None.

2 MR. DYNES: Nothing.

3 CHAIRMAN VALENTIC: Nothing?

4 MR. DYNES: No.

5 CHAIRMAN VALENTIC: Skip?

6 MR. SWEENEY: No.

7 CHAIRMAN VALENTIC: None, okay.

8 MR. DYNES: Pretty straightforward.

9 CHAIRMAN VALENTIC: You're good. You can have a  
10 seat for now.

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

13 Okay. If there's no further questions, the public  
14 hearing for Variance Number 2019-44 is now closed to the  
15 public. I'll entertain a motion to approve Variance  
16 Number 2019-44 for the side yard clearance of 10.25 feet in  
17 lieu of the minimum 15 foot required.

18 MR. HAMILTON: So moved.

19 MS. JARRELL: Second.

20 MR. SWEENEY: Second.

21 CHAIRMAN VALENTIC: Okay. Any discussion for the  
22 Board? Nothing?

23 Okay. Since there is no discussion, Heather, please  
24 call a vote for the approval of Variance Number 2019-44 for  
25 the side yard clearance variance of 10.25 feet in lieu of the  
26 15 feet required.

27 MS. FREEMAN: Mr. Hamilton?

28 MR. HAMILTON: Yes.

29 MS. FREEMAN: Mr. Sweeney?

30 MR. SWEENEY: Yes.

1 MS. FREEMAN: Mr. Dynes?

2 MR. DYNES: Yes.

3 MS. FREEMAN: Ms. Jarrell?

4 MS. JARRELL: Yes.

5 MS. FREEMAN: Mr. Valentic?

6 CHAIRMAN VALENTIC: Yes. Okay. That has been  
7 approved.

8 Next on the agenda is the approval of Variance  
9 Number 2019-44, the second variance for a front yard building  
10 setback of 46 feet 5 inches in lieu of the minimum 50 feet  
11 required. Can I please have a motion?

12 MR. DYNES: So moved.

13 MS. JARRELL: So moved.

14 CHAIRMAN VALENTIC: Second?

15 MR. HAMILTON: Second.

16 CHAIRMAN VALENTIC: Okay. Heather, please call a  
17 vote for the Variance Appeal Number 2019-44 for a variance to  
18 allowed a front yard building setback of 46 feet 5 inches in  
19 lieu of the 50 feet required.

20 MS. FREEMAN: Mr. Dynes?

21 MR. DYNES: Yes.

22 MS. FREEMAN: Ms. Jarrell?

23 MS. JARRELL: Yes.

24 MS. FREEMAN: Mr. Sweeney?

25 MR. SWEENEY: Yes.

26 MS. FREEMAN: Mr. Hamilton?

27 MR. HAMILTON: Yes.

28 MS. FREEMAN: And Mr. Valentic?

29 CHAIRMAN VALENTIC: Congratulations. Both of your  
30 variances have been approved. Thank you very much.



1 MR. MISCONISH: Thank you.

2 CHAIRMAN VALENTIC: All right. Next on the agenda  
3 is Variance Number 2019-45, Mr. and Mrs. Michael Benz are  
4 requesting a variance from Section 15.04, Table 15.04-1, to  
5 allow for the construction of a single-family dwelling with a  
6 25.3 foot front building setback from the, from the Hoose Road  
7 right-of-way in lieu of the 50 foot required for the property  
8 located at 7445 Thatchum Lane. Please come up and present  
9 your case.

10 MR. MULCHIN: Good evening.

11 CHAIRMAN VALENTIC: Good evening.

12 MR. MULCHIN: I'm Chris Mulchin. I live at  
13 10210 Ilsley Square, Concord Township.

14 CHAIRMAN VALENTIC: And you've been sworn in, sir?

15 MR. MULCHIN: Yes, I have.

16 The variance of 24.7 feet we're asking for actually  
17 brings this buildable width of this lot back in line with  
18 where it was when it was platted in the 1980s. I have one  
19 copy of a drawing here that shows the lot as it's platted with  
20 the house on it and also showing the 50 foot setback and what  
21 it does to the lot. If you look at it, you will see that what  
22 it effectively does is cuts our buildable width down to 50  
23 feet, which is totally out of character with the subdivision  
24 in which this is being built. These houses are all probably  
25 75 to 80 feet in width. It would be totally out of character.  
26 By granting the variance, it brings it -- it allows us to  
27 build a house that fits the neighborhood, basically.

28 It also fits what happened around there. It's an  
29 older area of Concord. There is already buildings that have  
30 side yard setbacks that are around 30 feet off of right-of-way

1 as well.

2 If I may give you these, I only have one copy but  
3 here is our house and the 50 foot setback. There is a house  
4 off -- This is actually just kitty-corner to where we're  
5 constructing showing their 30 foot setback and then this is  
6 the surrounding area. This is our subplot. This is the house  
7 I just showed you here. This lot is close as well and so is  
8 this lot.

9 MR. HAMILTON: Okay.

10 That's the comparison. That's this house.

11 MS. JARRELL: Okay.

12 MR. HAMILTON: And that's his lot.

13 MS. JARRELL: This, this is the lot.

14 MR. DYNES: My understanding, when this was  
15 originally platted, everything would have been acceptable; but  
16 there's been some amendments and changed which render it  
17 now --

18 MR. MULCHIN: Correct. What we're proposing to  
19 build is totally within the lot as it was originally platted.

20 MR. DYNES: Back in the '80s?

21 MR. MULCHIN: Yeah.

22 MS. JARRELL: Are you moving into the new house or  
23 are you staying where you are?

24 MR. MULCHIN: We're actually constructing it for  
25 Mr. and Mrs. Benz, who are also here.

26 MR. DYNES: Gotcha.

27 CHAIRMAN VALENTIC: That was the original.

28 Anyone else have any questions for them?

29 MR. HAMILTON: No.

30 CHAIRMAN VALENTIC: Blair? Skip? No.

1 MR. SWEENEY: No.

2 CHAIRMAN VALENTIC: We're good. You can be seated.

3 MR. MULCHIN: Mr. Benz would like to say a few  
4 words.

5 CHAIRMAN VALENTIC: Sure. Come on up, Mr. Benz.

6 MR. BENZ: Thank you. I think I am more nervous now  
7 than when I did the Rock & Roll Hall of Fame for Cleveland, so  
8 I apologize.

9 I just, my wife and I, we've lived in Concord over  
10 40 years and we love our township. We've been involved in the  
11 township. We've raised our kids here. And when -- And we  
12 live right next door, so we've seen this lot for a long time.  
13 And when it -- As you get older and you think about what  
14 happens, you know, one floor plan and so forth. So we decided  
15 to buy the lot and build a one-floor ranch. And we were  
16 unaware that the zoning had changed. I mean it just -- We  
17 were unaware.

18 And so my statement, I would like to just read it to  
19 you and give you our feelings.

20 CHAIRMAN VALENTIC: Sure.

21 MR. BENZ: Because it really is important to us. So  
22 thank you for reviewing our request for the variance on the  
23 lot 7445. And we live at 7455 Thatchum, so we've been there,  
24 as I said. We're requesting a variance from the current  
25 zoning, the 50 foot setback to about 25, which was the  
26 original layout in 1980 that was already mentioned when Ascot  
27 Farms was developed originally. And we were the first house,  
28 the big yellow house that's been there from the beginning of  
29 that development.

30 The previous setback is reflected in the rest of the

1 neighborhood. And, in fact, as we looked at the neighborhood  
2 surrounding, we believe a new home -- And I brought, actually,  
3 the plans as well as the plot map -- will enhance the  
4 neighborhood and bring, at least, property values equal, if  
5 not enhance it.

6           And one of the other things that would concern me  
7 would be the traffic and maybe that's one of the reasons it  
8 originally was changed. Well, one of our thoughts is we're  
9 going to keep the fence that goes along Hoose. Not only are  
10 we going to keep it but we're going to repair it. It's been  
11 in disrepair. Trees have fallen over. It's our plan to  
12 repair that fence and then dirt mound along the edge of the  
13 fence on the inside, on our property, to further protect not  
14 only our property but in case somebody swerves or does  
15 something crazy. It's a straight-away. There has never been  
16 a problem there but that's our plan. And we've already  
17 contacted landscapers, Landscape Creations, to think about  
18 that.

19           This is our third home and so we know Concord pretty  
20 well. And we intend to build a home that will match the  
21 development and enhance property values. As I said, we'll  
22 repair the fence.

23           If we aren't able to get the variance, it's -- the  
24 home that you could build on the remaining property would not  
25 even come close to the homes in the same area and may, in the  
26 future, be very difficult to resell. You know, whether we're  
27 here or not, as we age, the estate or anybody wouldn't want to  
28 buy a singular looking home sitting in the rest of a  
29 development, is my personal opinion.

30           So we request, respectfully, request the variance

1 and setback from Hoose Road inside the fence line. It would  
2 be the side of our home, not the front entrance. In fact, we  
3 already adjusted the plan so that, because Ascot Farms has a  
4 deed restriction so that the garage doors don't face the  
5 street, we faced it inward and, actually, are going to bring  
6 our driveway up the middle of this lot to turn into the  
7 garage. So we have tried to do everything we can to coincide  
8 but make it look really good.

9 It's a beautiful home. It's one that, you know,  
10 we're going to live the rest of our lives in. And I think the  
11 township and we, certainly, will benefit from the  
12 construction. So I just wanted to tell you thank you for this  
13 request.

14 CHAIRMAN VALENTIC: Thank you.

15 MR. SWEENEY: Thanks.

16 MR. BENZ: Are there questions?

17 CHAIRMAN VALENTIC: I don't have anything. Anyone  
18 else have any questions for Mr. Benz?

19 MR. DYNES: No.

20 CHAIRMAN VALENTIC: Nope. You're all good.

21 MR. BENZ: Thank you.

22 CHAIRMAN VALENTIC: You can have a seat.

23 MR. BENZ: Do you want to see the plans or anything?

24 CHAIRMAN VALENTIC: No, I think we've got enough  
25 information in our packet at this time.

26 MR. SWEENEY: Real quick, so you were, you were one  
27 of the first homeowners in the original development there?

28 MR. BENZ: Yes, sir.

29 MR. SWEENEY: What year was that?

30 MRS. BENZ: 1986.

1 MR. BENZ: 1986.

2 MRS. BENZ: We were the first house.

3 MR. SWEENEY: Wow, cool stuff.

4 MR. BENZ: Everybody gives directions by, it's that  
5 yellow house on what today is the corner.

6 CHAIRMAN VALENTIC: Yeah.

7 MR. BENZ: In the future, it will be a gray house,  
8 we hope, or a blue-gray house.

9 MR. SWEENEY: That's great.

10 CHAIRMAN VALENTIC: Is there anyone else here  
11 speaking for or against this appeal that would like to come  
12 up?

13 Okay. If there's no further questions, the public  
14 hearing for Variance Number 2019-45 is now closed to the  
15 public. I will entertain a motion to approve Variance  
16 Number 2019-45.

17 MR. DYNES: So moved.

18 MR. SWEENEY: Second.

19 CHAIRMAN VALENTIC: Second, all right. Discussion  
20 for the Board? Anything?

21 MS. JARRELL: I mean, it was originally platted at  
22 25 feet. There is not a whole lot we can do about that.  
23 Hopefully, you won't have to come back for a variance on that  
24 fence but it's great, building a ranch.

25 MR. BENZ: Yes, ma'am.

26 MR. DYNES: I agree.

27 CHAIRMAN VALENTIC: Okay.

28 MR. HAMILTON: I was going to say, it maintains the  
29 character of the neighborhood. I agree with Chris.

30 CHAIRMAN VALENTIC: All right. Okay.

1 MS. JARRELL: Absolutely.

2 CHAIRMAN VALENTIC: Well, then the request is on the  
3 approval of Variance Number 2019-45. A yes vote approves the  
4 variance, a no vote denies it.

5 Heather, please call the vote.

6 MS. FREEMAN: Mr. Hamilton?

7 MR. HAMILTON: Yes.

8 MS. FREEMAN: Mr. Sweeney?

9 MR. SWEENEY: Yes.

10 MS. FREEMAN: Mr. Dynes?

11 MR. DYNES: Yes.

12 MS. FREEMAN: Ms. Jarrell?

13 MS. JARRELL: Yes.

14 MS. FREEMAN: Mr. Valentico?

15 CHAIRMAN VALENTIC: Yes. Congratulations. Your  
16 variance has been approved.

17 MR. BENZ: Thank you very much.

18 CHAIRMAN VALENTIC: All right. We've got another  
19 one on our agenda, Variance Number 2019-46, Mr. John  
20 DiMichele, of 7505 RAV LLC, is requesting a variance from  
21 Section 38.09(A) to allow for a wastewater treatment plant and  
22 stormwater basin with a 0 buffer in lieu of the 50 foot  
23 required when adjacent to a residential district for the  
24 property located at 7505 Ravenna Road.

25 Would you please come up and present your case?

26 MR. AVENI: Mr. Chairman, members of the Board, good  
27 evening. My name is Jim Aveni. I am the legal counsel for  
28 the applicant tonight. With me is John DiMichele, the  
29 applicant, as well as a host of construction and design  
30 consultants who have been involved in the design and will be

1 involved in the construction of the project.

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

3 MR. AVENI: More times than you can imagine.

4 CHAIRMAN VALENTIC: Okay. I just wanted to make  
5 sure.

6 MR. LUCAS: He is an officer of the court, too.

7 MR. AVENI: So I submitted a letter on March 25th,  
8 which hopefully is in your packets, to accompany the  
9 application, which is the variance statement. And in that  
10 letter -- I won't go through it in detail -- but in that  
11 letter, I did my best to apply the Duncan Factors to the  
12 various issues and the setback variance that's being requested  
13 tonight.

14 But in short, as a result of the proposed  
15 construction of the new building, the intent is to demolish  
16 the existing structure and replace that with a new building.  
17 And the, both the detention basin and the septic system, based  
18 on the current design, would need to be within that 50 foot  
19 setback area. So that's the variance that's being requested.

20 I think it's important to note that with the  
21 existing facility there is a septic system there and that the  
22 actual effluent discharge area will be in the exact same  
23 location, so that part is not changing.

24 I point out in the letter that the, because both the  
25 detention basin and the septic system are ground level, that  
26 there is really no above ground exceedance of the variance  
27 requirement.

28 And then probably the most important thing that we  
29 point out in the letter, we understand why the 50 foot setback  
30 was required based on the interpretation of the zoning code.



1 But, basically, this property abuts the bike trail. And even  
2 though, by definition, the B-2 District in this area is  
3 considered to be abutting a residential district, it's  
4 important to point out that the bike path, which I believe  
5 exceeds 100 feet, is actually in between the rear of this  
6 property and the closest residential area on Cali Drive.

7 I point out in the letter that, based on my  
8 measurements, the distance between where the new building  
9 would be located and the closest residence, I believe, is  
10 somewhere in the nature of 375 feet. So there is really not a  
11 significant issue between the commercial property abutting  
12 residential property based upon the 50 foot buffer required.

13 Again, the use of the property is identical. We're  
14 not aware of any additional governmental services that would  
15 be required as a result of this proposal.

16 When the property was purchased, I point out in the  
17 letter that, actually, the original survey that was done as  
18 part of the purchase of the property made the assumption that  
19 the setback requirement was 20 feet instead of 50 feet, which  
20 is an understandable interpretation of the zoning code  
21 because, looking at the surrounding uses, it's not an easy  
22 assumption that the property abuts a residential area because  
23 of the presence of the bike path.

24 So that's basically the reasons why we're requesting  
25 the variance. We have the design experts here if you have any  
26 specific questions about the septic system or the detention  
27 basin. Obviously, Mr. DiMichele is here if you have any other  
28 questions.

29 MS. JARRELL: When was the first die test done?

30 MS. BENDER: Hi.

1           CHAIRMAN VALENTIC:  Yeah, please come to the  
2 microphone.

3           MS. BENDER:  My name is Kathy Bender.  I am a  
4 Professional Engineer and I am the owner of -- president of my  
5 own company, KRB Engineering.  I do residential and commercial  
6 wastewater work.

7           CHAIRMAN VALENTIC:  Again state your name -- your  
8 address and that you've been sworn in.

9           MS. BENDER:  I have been sworn in.  My address is  
10 330 Downing Drive, Chardon, Ohio 44024.

11          CHAIRMAN VALENTIC:  Thank you.

12          MS. BENDER:  So as part of just trying to solve the  
13 situation for this lot, we went through NOACA, went through  
14 Painesville, Lake County Utilities, and the Ohio EPA.  So I  
15 asked John here to find -- You know, we knew where the tanks  
16 were.  You know, they had to be discharging somewhere because  
17 that era of systems, it was normally a tank, some type of  
18 filter bed, and an outlet.  So we die tested it.  He did it on  
19 his own.

20          MR. DiMICHELE:  January 24th was the day.

21          MS. BENDER:  Yeah, in January.  He has some video of  
22 it and put red die into the septic tank and it came out behind  
23 the building.  He marked the location.  You could see the PVC  
24 pipe that was exiting into the ditch as long as -- in the same  
25 location that the floor drains were exiting into the swale  
26 behind the building.

27          MS. JARRELL:  Why did you wait until far after title  
28 transfer before you had a die test done?

29          MR. DiMICHELE:  Because we were on the assumption  
30 that we were going to put in the new septic system from the

1 start.

2 AUDIENCE MEMBER: For sewers.

3 MR. DiMICHELE: And then we were asked to go into  
4 the sewers but there isn't any sewer available at the street  
5 for us to do that. That was the original plan when we were  
6 going to construct the new building. It was just going to be  
7 easier and simpler to go into city sewers but there isn't  
8 anything available at the street.

9 MS. JARRELL: So you went ahead and bought the  
10 property?

11 MR. DiMICHELE: This is after we purchased the  
12 property.

13 MS. JARRELL: Right. So my point is that, when you  
14 were doing your due diligence, you didn't, you didn't conduct  
15 the die test.

16 MR. DiMICHELE: No.

17 MS. JARRELL: You didn't know what the situation was  
18 with the sewer.

19 MR. DiMICHELE: Correct.

20 MS. JARRELL: Or a sanitation system. I just find  
21 it very interesting that in -- And the survey was also  
22 completed after title transferred. And I find it very  
23 interesting that they thought it was a 20 foot setback when  
24 all you have to do is look on the zoning map to see that it  
25 was adjacent to residential.

26 Mr. Aveni, your letter refers to 315 feet from the  
27 rear of the existing structure, but the new structure is only  
28 going to be about 150 feet from that residential area on Cali  
29 Drive.

30 So anyway, I mean, the bottom line is I just find it

1 interesting that people buy properties and they don't really  
2 look into it. Enough said there.

3 But the point is that you're putting in a new  
4 system. It's 150 feet from the residential area. I am down  
5 that path all the time. It smells like sewage right now in  
6 certain spots. So I guess how -- Perhaps, ma'am, you can  
7 explain what kind of system this is. I mean, don't get into  
8 detail where our heads -- our eyes are rolling in the back of  
9 our heads but just so we know that it's going to be adequate,  
10 there is not going to be an odor coming from it, et cetera.

11 MS. BENDER: Okay. So all properties are -- most  
12 likely have to update their septic systems if it's over, you  
13 know, so much time. So this is a complete upgrade to the  
14 existing system. It is providing a higher quality effluent,  
15 cleaner water going into the existing swale where before this  
16 raw, worse water was going. So there was an existing septic  
17 system on the lot and we're upgrading it to a modern system  
18 that meets the State of Ohio requirements, the Ohio EPA  
19 requirements.

20 It consists of an aeration system that provides air  
21 to provide better bacterial treatment of the wastewater. It  
22 is then, because it's a commercial system, it does get pumped  
23 through a surface sand filter to catch anything. The sand  
24 filter, we can set it lower in the ground. Once it passes  
25 through the sand filter, it does get ultraviolet disinfection.

26 MS. JARRELL: Has the EPA approved all this already?

27 MS. BENDER: They have given us conceptual approval  
28 to proceed because, again, we had to jump through a lot of  
29 hurdles to get approval from the EPA to allow us to proceed.  
30 And I have a copy of an email and I thought it may have been

1 provided to you. But it was -- Once we had met certain  
2 requirements that they gave it, us this approval.

3 MS. JARRELL: From Chuck Allen?

4 MS. BENDER: I see it is in front of your Zoning  
5 Inspector here, from Chuck Allen. So Chuck will be our  
6 representative. We've conversed with him a couple of times.  
7 Again, for the EPA to give us permission to proceed, we had to  
8 provide information from the Northeast Ohio Regional  
9 Coordinating Agency, NOACA, we had to discuss with the Lake  
10 County Department of Utilities the situation. And once we  
11 covered all those bases, the EPA allowed us to proceed with  
12 the design.

13 I've got it halfway done because I, you know, I  
14 can't move anything once I have official approval. So once I  
15 know that we're okay today, I will proceed with the finalizing  
16 of the plans and the submittal for the PTI.

17 I am -- also stay with this through construction and  
18 oversee, you know, installation and provide inspection.

19 MS. JARRELL: So if we do approve anything today, I  
20 would, I would propose that it be conditional on getting all  
21 of these, obviously, getting all these approvals from the  
22 various institutions. I personally think it's great that  
23 you're going in and improving our community. That property  
24 has been sitting there for a long time. But you've got --  
25 You're putting a big building on that property and, like I  
26 said, it's only about 150 feet from the residential area.

27 There is not -- I respect your landscape plan but I,  
28 personally, I think that more should be going in back there.  
29 There is really not -- I mean, there is some foliage on, well,  
30 definitely on the east side of the, of the path but not on the

1 west side. I mean, there's just not a lot there.

2 CHAIRMAN VALENTIC: And there is nothing shown on  
3 the landscape plans.

4 MS. JARRELL: Right.

5 CHAIRMAN VALENTIC: That was one of my outstanding  
6 questions. One is, what's -- You know, you're clearing this  
7 whole area. We're supposed to have a 50 foot buffer, right?  
8 That's getting wiped out. There is anything staying in that  
9 back area? I mean --

10 MR. DiMICHELE: Well, there's, I mean --

11 MS. JARRELL: There is nothing there.

12 MR. DiMICHELE: I supplied pictures. Do you have  
13 the picture of the area that's there now? There really isn't  
14 anything there now.

15 MS. JARRELL: Yeah, it's just scrub.

16 MR. DiMICHELE: It's just the scrub, yeah.

17 MR. AVENI: Right.

18 CHAIRMAN VALENTIC: Right. So are you going --

19 MR. DiMICHELE: There isn't much there in that 50  
20 foot setback.

21 CHAIRMAN VALENTIC: So are you going to come and put  
22 something back in along that property line then or no?

23 MR. DiMICHELE: Yes, yeah.

24 CHAIRMAN VALENTIC: Because, right now, the  
25 landscape plan doesn't show anything.

26 MR. AVENI: Ms. Jarrell, just to address your other  
27 valid question or to clarify, with the original survey, which  
28 was done -- I am not sure what the date is that's shown.

29 MS. JARRELL: The 30th of July.

30 MR. AVENI: Right. There were, obviously, prior

1 versions of that.

2 MS. JARRELL: Sure.

3 MR. AVENI: But my understanding from the surveyor  
4 is that it wasn't obvious to them, going through the zoning  
5 code, that this particular property abutted residential  
6 property because you had the intervening bike path, which is  
7 of some significance. So I would just point out that, you  
8 know, I think I understand the interpretation of the township,  
9 and when it was explained to us it made sense. But I also  
10 understand how the original surveyor made the assumption that  
11 it was only a 20 foot setback requirement.

12 MS. JARRELL: Assumptions are tricky things.

13 MR. AVENI: I understand.

14 MS. JARRELL: And it's pretty evident to me. Maybe  
15 that's just because I've been looking at the Zoning Map for so  
16 long but there are colors, there are color codes on that map,  
17 and it's just astounding and alarming to me that that surveyor  
18 could have made that mistake.

19 CHAIRMAN VALENTIC: Mr. DiMichele.

20 MR. DiMICHELE: Yes.

21 CHAIRMAN VALENTIC: Have you been sworn in this  
22 evening?

23 MR. DiMICHELE: Yes.

24 CHAIRMAN VALENTIC: You have been, okay. I wanted  
25 to make sure.

26 So you're looking for a variance to essentially  
27 build in the entire 50 foot setback?

28 MR. DiMICHELE: Correct.

29 CHAIRMAN VALENTIC: So back to the landscape plan  
30 that's in front of us, you're proposing a detention basin

1 there and -- in this package plant and there is really nothing  
2 else shown back there but lawn in the plan that we have in  
3 front of us. So, I guess, what would be the plan or the  
4 approach to, you know --

5 MR. DiMICHELE: We could plant trees along the back  
6 line if that's what you would like to see back there so, you  
7 know, more brush or whatever that would hide, if that's what  
8 you're requiring.

9 MS. JARRELL: I would like to see that for sure.

10 How does Lake Metroparks feel about this? Do they  
11 know?

12 MS. FREEMAN: Ms. Jarrell, I did receive a phone  
13 call from Vince Urbanski, with Lake Metroparks. He inquired  
14 as to the variance. I sent him all the documents. He replied  
15 back saying that they did not have an issue with it and they  
16 were happy to see that building come down.

17 MS. JARRELL: Great.

18 CHAIRMAN VALENTIC: Go ahead, Skip.

19 MR. SWEENEY: I have several probably very obvious  
20 questions but I don't understand die test or anything like  
21 that, so I am going to ask a couple questions.

22 The septic, as I am looking at the renderings, the  
23 septic system that is noted here, is that where the original  
24 septic, the current septic system is?

25 MR. DiMICHELE: Which are you looking at?

26 MR. SWEENEY: Well, on any rendering that --

27 MS. BENDER: It is not. It is not.

28 MR. DiMICHELE: It is not going to be where the  
29 original one is, no.

30 MR. SWEENEY: No. What I'm asking is the one on all



1 of your drawings, your renderings, that says "septic system,"  
2 here.

3 MR. DiMICHELE: Yes.

4 MR. SWEENEY: Right here.

5 MR. DiMICHELE: Yes, that's where it's going,  
6 correct.

7 MR. SWEENEY: That's where it's going.

8 MR. DiMICHELE: Correct.

9 MR. SWEENEY: So there is not one currently there?

10 MR. DiMICHELE: No.

11 MR. AVENI: Not in that location.

12 MR. DiMICHELE: Not in that -- The discharge is in  
13 that location.

14 MS. BENDER: The discharge, the discharge point of  
15 the effluent is in the same area as the current system.

16 MR. DiMICHELE: Is in the same area.

17 MR. SWEENEY: All right. That's my next question.  
18 So it's -- You have the same issues regardless. You have a  
19 discharge there currently.

20 MR. DiMICHELE: Correct.

21 MR. AVENI: Correct.

22 MR. SWEENEY: And then that goes to -- Where does  
23 that go to?

24 MS. BENDER: It goes where it has been currently  
25 going. There is a swale in the back there.

26 MR. DiMICHELE: The swale.

27 MS. BENDER: It goes off into the drainage.

28 MS. JARRELL: It goes through an aeration system.

29 MR. SWEENEY: Right, it goes through the system  
30 first.

1 MS. BENDER: Right.

2 MR. SWEENEY: Okay.

3 MS. BENDER: It is something that is serviced and  
4 will be tested before the Ohio EPA requirements and, again,  
5 it's a lot cleaner than what has been happening there.

6 MS. JARRELL: Will the EPA be requiring a  
7 maintenance plan? Are they coming out on a regular basis to  
8 check that?

9 MS. BENDER: They will require a service provider  
10 and that person will probably -- will come every six months.

11 MS. JARRELL: Okay.

12 MR. DYNES: Maybe I can interrupt and ask a question  
13 here, if you don't mind. I am sorry.

14 MR. SWEENEY: Okay. No, go ahead.

15 MR. DYNES: No, go ahead. I'll wait.

16 MR. SWEENEY: No. I'm just, I'm just trying to get  
17 to the bottom of this.

18 Mr. Chairman, do you know if -- or any of the  
19 members -- know what the zoning requirements are for location  
20 of septic systems?

21 CHAIRMAN VALENTIC: There is -- Go ahead, Heather.  
22 I don't know if there is --

23 MS. FREEMAN: We don't have a --

24 MR. SWEENEY: Are there any?

25 MS. FREEMAN: We don't have a setback on septic  
26 systems.

27 MR. AVENI: It is governed by the Health District.

28 MS. FREEMAN: Right.

29 MR. LUCAS: It is, so that's not within the township  
30 zoning authority.

1 MR. SWEENEY: Okay.

2 MR. LUCAS: The Lake County Storm -- not  
3 Stormwater -- the Health District monitor that and ensures  
4 that it's in compliance with their requirements.

5 MR. SWEENEY: Okay.

6 MS. JARRELL: And whenever you have --

7 MR. SWEENEY: Are they okay with it?

8 MS. JARRELL: Whenever you have a commercial  
9 property, the EPA has to be involved and then they require a  
10 maintenance program.

11 MR. SWEENEY: Okay.

12 MS. JARRELL: So it's really just monitoring to the  
13 nth degree.

14 MR. SWEENEY: All right. So they're going to be  
15 overseeing this.

16 CHAIRMAN VALENTIC: And they're here. We have a  
17 50 foot buffer requirement on the back of the parcel. They're  
18 saying that they can't preserve that buffer. They're going to  
19 come in and build the detention basin in the buffer and this  
20 treatment plant, which is not allowed in the buffer, and now  
21 that's why they've requested a variance of 0 feet,  
22 essentially.

23 MR. SWEENEY: Well, nothing is allowed in the  
24 buffer.

25 CHAIRMAN VALENTIC: Right.

26 MR. SWEENEY: But we have a situation here. If the  
27 septic -- I don't know -- if it doesn't work, if it breaks or  
28 whatever, it's just that much closer to residential property,  
29 whatever. So that's what I am trying to figure out here.

30 MR. DYNES: Let me ask you a question if I can now.

1 You are going to build this building, right, a brand new  
2 building?

3 MR. DiMICHELE: Correct.

4 MR. DYNES: You are going to construct a septic  
5 system, the whole process by which is going to be governed by  
6 the EPA, the Health District and everybody else. And I  
7 presume you are going to do that up to the code and standard  
8 required and demanded of you by all those governmental bodies  
9 and entities, correct?

10 MR. DiMICHELE: Correct.

11 MR. DYNES: Okay. And in doing so, that might be  
12 closer to the Metroparks bikeway and might be closer to  
13 somebody's properties. But I suspect that through the  
14 processes governing you, you are going to maintain that system  
15 as you're required to do, right?

16 MR. DiMICHELE: Correct.

17 MR. DYNES: Okay. Thank you.

18 CHAIRMAN VALENTIC: When you guys were -- When you  
19 were laying out the site and the parking and the building, did  
20 you look at any options that didn't impact the 50 foot buffer?

21 MR. DiMICHELE: For the septic or for --

22 CHAIRMAN VALENTIC: In general, yeah.

23 MR. DiMICHELE: In general?

24 CHAIRMAN VALENTIC: Did you look at any options that  
25 didn't, you know, impact the 50 foot buffer?

26 MR. AVENI: I will make a comment, then if John  
27 wants to clarify anything -- I mean, obviously, as the  
28 occupant of the proposed building and the operator of the  
29 business, he knew what size building he needed and, in  
30 essence, in order to get the building that he wanted, you work

1 from there, then figure out, with the parking requirements and  
2 the landscaping requirements, what you can do around it.

3 So I think the correct answer is that, in order  
4 to bring the detention basin and the septic outside of the  
5 50 foot setback area, the size of the building would have had  
6 to shrink to the point where it would not have worked for the  
7 planned operation.

8 John, do you want to add anything?

9 MS. BENDER: That's correct, yeah.

10 CHAIRMAN VALENTIC: Okay.

11 MR. DiMICHELE: Yeah, there really isn't any other  
12 place to put it.

13 When we originally first bought the property, we  
14 were told that we could tap into the sewer but there isn't  
15 anything available at the street. And we viewed the options  
16 of forced mains and the Lake County Health didn't want that.  
17 So we went to try to do forced mains off the back and then  
18 they said the sewer systems are at their capacity, so we can't  
19 tap into those.

20 The only thing we can do is do a gravity down, down  
21 the road, which would roughly cost, you know, three to four  
22 hundred thousand dollars to do.

23 CHAIRMAN VALENTIC: That's not in your budget?

24 No.

25 MS. JARRELL: They say that kind of stuff all the  
26 time.

27 MR. HAMILTON: So can I -- I'd like to ask about the  
28 visual, the visual aspects of the installation.

29 MR. DiMICHELE: Okay.

30 MR. HAMILTON: It says that you are going to build a

1 six foot fence around there. What is the above ground portion  
2 of the system that could be seen?

3 MS. BENDER: Basically, the first two tanks are in  
4 the ground and you see them, the lids and a, and a blower on  
5 top. It's like maybe a little housing. It's similar to a  
6 home aeration system. It's a Norweco. They are used on  
7 homes, so you may have seen on neighbors' lots the green lids.

8 The additional item though for the EPA is the  
9 surface sand filter. And maybe in older residences, you may  
10 have noticed the concrete block in some -- front of somebody's  
11 home. That is a surface sand filter. They can be lowered, it  
12 can be highered. Our intent is to hit the swale by gravity,  
13 so it may be a little higher. Okay?

14 CHAIRMAN VALENTIC: What's "a little higher"?

15 MS. BENDER: They're only four feet tall, so its  
16 height, probably two feet in the ground and two feet above the  
17 ground.

18 CHAIRMAN VALENTIC: Okay.

19 MS. BENDER: Maybe three feet above the ground and  
20 one foot in the ground. Again, I am trying to hit that  
21 existing discharge location.

22 We don't want anybody to mess with the equipment,  
23 the panels there. And as a part of an Ohio EPA requirement,  
24 they do ask for a fence to be put around the site. It's for  
25 security and it's just to keep people from messing around with  
26 them, going in the sand filter -- you know what I mean -- type  
27 of deal. So it is just for security to put a fence around it  
28 just to keep people from, you know, coming off the bike path  
29 and opening the panel or something. So that's the reason it's  
30 an Ohio EPA requirement, for safety and security.

1 MR. HAMILTON: So this will be visual from, a visual  
2 from the bike path. What type of fence do you intend to put  
3 up?

4 MR. DiMICHELE: We can put up a wood fence. We can  
5 put up whatever is necessary, more pleasing to the eye. Or,  
6 you know, the plastic vinyl, which might look a little better  
7 and last.

8 MR. HAMILTON: Okay.

9 MS. BENDER: And it's just enough to surround the  
10 plant and to run a lawn mower. So --

11 CHAIRMAN VALENTIC: How many restrooms are in this  
12 facility? Like, what are we treating out here?

13 MR. DiMICHELE: So there will be, there will be  
14 about five employees in the building. But we, obviously, we  
15 have to have -- There is going to be bathrooms up front for  
16 men's, women's, and then, you know, for employees. So there  
17 will probably be, technically, three restrooms.

18 CHAIRMAN VALENTIC: Okay. So just one more question  
19 I have for the record. So you would be willing to work with  
20 the township to find a fence product, vinyl or wood, to put  
21 around there?

22 MR. DiMICHELE: Absolutely.

23 CHAIRMAN VALENTIC: Let the township approve that.  
24 You would also be willing to come in, update the  
25 landscape plan to show some kind of evergreen screening of  
26 trees along the back property?

27 MR. DiMICHELE: Trees along the back property.

28 CHAIRMAN VALENTIC: You fine as well?

29 MR. DiMICHELE: Yes, absolutely.

30 CHAIRMAN VALENTIC: Okay. I don't have any more

1 questions. Does anyone else on the Board have any more  
2 questions?

3 MR. SWEENEY: So when you, when you realized you had  
4 to come in and get a variance, were you were under the  
5 impression when you bought the property and had the survey  
6 done and the survey made the assumption that it was 20 foot  
7 setback, were you under the impression that you were going to  
8 come in and ask for a variance on that, a 0, a full wipeout of  
9 that whole 20 foot?

10 MR. AVENI: Well, if you look at the site plan,  
11 there is some distance between the rear property line --

12 MR. SWEENEY: Yeah, I noticed that.

13 MR. AVENI: -- and the perimeter of the detention  
14 basin and even more for the septic system. I don't know what  
15 those dimensions are, so I am not sure if it was a 20 foot  
16 setback. It looks to me like it would be close but, I mean, I  
17 don't know that they knew at that point. They bought the  
18 property thinking it was a 20 foot setback and that they would  
19 be able to work around it. So it's possible that they still  
20 may have been coming looking for some small variance.

21 MR. SWEENEY: Well, is that 20 foot or not?

22 MR. DiMICHELE: Is what 20 foot?

23 MR. AVENI: The distance -- You are asking  
24 specifically about the septic?

25 MR. DiMICHELE: Where the septic is?

26 MR. SWEENEY: Well, whatever setback you have to  
27 comply with.

28 MS. JARRELL: It says it's 20 on the site plan.

29 CHAIRMAN VALENTIC: Yeah. And the fence is 10 feet  
30 off.



1 MR. SWEENEY: Okay.

2 CHAIRMAN VALENTIC: Or I'm sorry. Eleven feet off.  
3 My guess, most of that -- Like they said, there isn't much  
4 there -- they're going to disturb it all when they're coming  
5 in there and constructing this thing. So that's why, you  
6 know, if it was -- Anything in the buffer would have to not be  
7 touched and fenced off.

8 MR. SWEENEY: But what, I guess, what I am getting  
9 at is, did you anticipate the fact that you were going to have  
10 to come in here and ask for some sort of a variance?

11 MR. DiMICHELE: We were anticipating, actually,  
12 tapping into the local sewer when we originally bought this  
13 property.

14 MR. AVENI: When it was purchased.

15 MR. DiMICHELE: When it was purchased.

16 MR. SWEENEY: And who told you you could, that you  
17 could do that and now you realize you can't?

18 MR. AVENI: Well --

19 MS. JARRELL: The original listing said it was, it  
20 was public sewer.

21 MR. AVENI: Right.

22 MR. SWEENEY: Well, wait. Let, let him answer.

23 MR. AVENI: Well, as I understand it -- again, John,  
24 you can clarify -- when the property was purchased, the  
25 understanding was that public sewer was available and there  
26 were a couple different options, either tying in at the street  
27 on Ravenna or a second option of tying in through the back of  
28 the property to the -- I guess it would be the Cali Woods  
29 neighborhood.

30 MR. DiMICHELE: Cali Woods or the Riding Trail up

1 the street.

2 MR. AVENI: And it ended up, going through the  
3 Department of Utilities, that neither of those two options  
4 were feasible. The county didn't want, as I understand it, to  
5 tie in on Ravenna and there is no capacity in the sewers going  
6 through, and it would have taken a project to go under the  
7 bike path to tie into Cali Woods but there is not even sewer  
8 capacity there.

9 MR. SWEENEY: Yeah.

10 MR. AVENI: So, at that point, really it became the  
11 discussion of making this commercial septic system work.

12 MR. SWEENEY: All right. So, I mean, so you had no  
13 idea. You were just going to wing it. You didn't know  
14 whether your -- You didn't know whether you could tie into the  
15 sewer or even which sewer you could tie into. You found this  
16 all out afterwards?

17 MR. AVENI: Well, I mean, I think the fair answer  
18 is, when they bought the property, it was under the belief  
19 that public sewer was available and then they found out after  
20 purchasing the property that that was not feasible.

21 MR. SWEENEY: Wow.

22 MS. JARRELL: Bad agent.

23 MR. SWEENEY: Well, I mean, I just -- is it -- Did  
24 the county say, "Yeah, you can tie in," and then when you went  
25 to actually do this say, "Oh, wait a second. We're all full  
26 up. We don't -- You can't tie in any longer"? Is that  
27 basically what happened?

28 MR. DiMICHELE: Yeah. From my understanding, yes.  
29 Well, I sat, well, talked with Lake County Health and those  
30 are the options that they said we could have. And then when

1 it came down to doing it, they said that they're at their  
2 capacity from behind us at Cali Woods.

3 MR. SWEENEY: All right. So you're, all right,  
4 so --

5 MR. DiMICHELE: And then they didn't want two inch  
6 forced main -- sorry -- going up to Riding Trail in the right-  
7 of-way.

8 MR. SWEENEY: That's underneath, underneath the  
9 trail and all that way.

10 MR. DiMICHELE: Yeah.

11 MR. SWEENEY: Which is kind of prohibitive but, now,  
12 this -- So who told you that?

13 MR. DiMICHELE: I don't know the name.

14 MR. SWEENEY: Do you know the person at the county  
15 that told you this?

16 MR. DiMICHELE: Not at this time, no.

17 MR. SWEENEY: All right. Because I'd be all over  
18 him right now. All right? Because that's why you're here,  
19 one of the big reasons why you're here.

20 Now, this \$300,000 alternative, what is that, going  
21 down the hill?

22 MR. DiMICHELE: Providing normal sewers to go back  
23 to down the hill.

24 MR. SWEENEY: Yeah, going all the way down the hill.

25 MR. DiMICHELE: Going all the way down the hill.

26 There is a force -- what's --

27 AUDIENCE MEMBER: Pump station.

28 MR. AVENI: Pump station at the bottom of the hill.

29 MR. SWEENEY: Yeah, at the bottom of the hill there.

30 MR. DiMICHELE: To pump it back past us.

1 MR. AVENI: Right.

2 MR. DiMICHELE: To go back up the hill.

3 MR. SWEENEY: Right, and that's to, that's to get it  
4 back up the hill.

5 MR. AVENI: Correct.

6 MR. SWEENEY: Well, that's crazy. So had you been  
7 able to tie in to the front sewer --

8 MR. AVENI: Correct.

9 MR. SWEENEY: -- that is now too full, I guess,  
10 right, had you been able to do that, then none of this would  
11 be necessary?

12 MR. DiMICHELE: Correct.

13 CHAIRMAN VALENTIC: Well, they'd still have to build  
14 the detention basin.

15 MR. AVENI: The detention basin.

16 MR. DiMICHELE: The detention basin part, yeah.

17 CHAIRMAN VALENTIC: Which is still in the --

18 MR. SWEENEY: I don't think that would have been a  
19 big deal.

20 CHAIRMAN VALENTIC: It's still in the buffer.  
21 You're still cutting -- I mean, that's what you're talking  
22 about.

23 MR. SWEENEY: We're all asking about the septic. I  
24 am most concerned about the septic. So -- All right. I don't  
25 have any more questions.

26 CHAIRMAN VALENTIC: Okay. Blair, you good?

27 MR. HAMILTON: Done.

28 CHAIRMAN VALENTIC: Done.

29 MR. DYNES: I do not have anything.

30 CHAIRMAN VALENTIC: All right.

1 MR. AVENI: Thank you.

2 CHAIRMAN VALENTIC: You guys can be seated.

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

5 Okay. If there's no further questions, the public  
6 hearing for Variance Number 2019-46 is now closed to the  
7 public. Open for discuss to the Board. Who would like to go  
8 first?

9 Oh, I am sorry, Brandon. I'm jumping the gun. Is  
10 there a motion to approve Variance Number 2019-46?

11 MS. JARRELL: So moved.

12 MR. DYNES: Second.

13 CHAIRMAN VALENTIC: Okay. Now it is open for  
14 discussion of the Board.

15 MR. DYNES: I'll start.

16 CHAIRMAN VALENTIC: Brandon.

17 MS. JARRELL: Because you were so good at --

18 CHAIRMAN VALENTIC: He's chomping at the bit.

19 MS. JARRELL: -- being succinct and right to the  
20 point.

21 MR. SWEENEY: He's diplomatic.

22 MS. JARRELL: You already did it. Please do it  
23 again.

24 MR. DYNES: I just thought I was trying to move it  
25 along a little bit. I might be a simpleton, as you all know,  
26 but I look at this.

27 CHAIRMAN VALENTIC: I second that.

28 MR. DYNES: I think the property -- truly -- the  
29 property, it's an eyesore now. I commend them for what he is  
30 trying to do. I think we're talking about five employees

1 using some toilet's a couple times a day, so we don't have  
2 usage as we would with ten people at home using showers and  
3 toilet's. It doesn't appear to be exhaustive.

4 I know, for instance, my neighbor's septic system,  
5 Todd Golling, who is an alternate on this Board, is rather  
6 close to my house. I haven't had any issues. And most of  
7 Concord septic systems run a little bit close and it doesn't  
8 seem to be too much of a problem. And I think, in this  
9 particular instance, we are going to have a gentleman putting  
10 in a system governed by the EPA and the Health District and  
11 everyone else. I suspect, by what the drawings show and what  
12 the plans are, it is going to be far better than most of the  
13 ones we have. It is going to be current, it is going to be  
14 updated, and it's going to be a real benefit to this area.

15 He's indicated he's willing to put fencing in, he's  
16 willing to put trees in, he's willing to do everything that he  
17 can.

18 And the issue of buying the property and getting bad  
19 advice or not, in my estimation, is excusable neglect on his  
20 part. It sounds as though everything he's done was what he  
21 should have done. I know he's represented very well, very  
22 competently by Mr. Aveni. That being as it is, he's in a  
23 position now requesting from us something to do, giving him  
24 the only option that he has.

25 I don't see anything else, topography of the land,  
26 the particular position in which it is placed. Whether he got  
27 bad information from the surveyor or whatever may have  
28 happened to you, I think that being before us now as you are,  
29 with what he has here presented, I see no problem with it  
30 whatsoever. I think it's a good solution, maybe the only

1 solution, and it will be a nice thing.

2 The Metroparks doesn't care. I don't see anybody  
3 here from Cali Woods speaking against it. Public notices were  
4 sent out. So I don't know why -- In my estimation, I see no  
5 instance, no issue with denying this request.

6 CHAIRMAN VALENTIC: Okay.

7 MR. DYNES: That was longer than I wanted to be.  
8 Sorry.

9 MS. JARRELL: It was perfect.

10 MR. DYNES: You suggested I be succinct and I was  
11 not.

12 MS. JARRELL: It was perfect.

13 MR. DYNES: That was my opinion, as a simpleton.

14 CHAIRMAN VALENTIC: Okay. Now you get to follow  
15 that up.

16 MS. JARRELL: I echo it completely. It was perfect.

17 CHAIRMAN VALENTIC: Okay. Anyone else?

18 MR. DYNES: Don't not speak because I --

19 MS. JARRELL: Except for the simpleton part. I'm  
20 not a simpleton.

21 MR. SWEENEY: I don't want Brandon to make it look  
22 like the rest of the Board is against this project or against  
23 the variance, for that matter. I think we all love it. I  
24 mean, I drive past that building every day and I have for 15  
25 years and I am so glad to see it going. I am so glad to see  
26 you guys putting something in that's going to be good looking  
27 and productive and an awesome addition.

28 But I just wanted to bring up the fact that, you  
29 know, you've got, you've got surveys that aren't quite on,  
30 you've got representations made by county representatives that

1 didn't pan out, and it's making you guys look bad. Okay? So  
2 my point was, I would have had them in here with me tonight.  
3 Okay?

4 But other than that, I think it's a wonderful  
5 project and I actually don't think the request is that  
6 outlandish. So --

7 MS. JARRELL: And I would just like to add to that,  
8 Skip. You're pretty incredulous that this all occurred with  
9 the Health Department and what have you. But I am here to  
10 tell you tonight that that is standard operating procedure and  
11 how it works with the properties, especially with commercial  
12 properties, and the whole process that you have to go through.  
13 It just -- It happens all the time.

14 MR. SWEENEY: It's unfortunate.

15 MS. JARRELL: It is.

16 CHAIRMAN VALENTIC: Okay. Blair, you good?

17 MR. HAMILTON: Yes, nothing to say.

18 CHAIRMAN VALENTIC: All right. I have nothing to  
19 say.

20 MR. SWEENEY: Blair, nothing?

21 MR. HAMILTON: Nothing good to add.

22 CHAIRMAN VALENTIC: So the question is approval of  
23 Variance Number 2019-46, with the stipulations that  
24 Mr. DiMichele has approved that he will put a fence around the  
25 system and work with Heather and the zoning team to get some  
26 kind of material approved. He'll also add landscaping and  
27 update the landscape plan to show some trees along that  
28 property line to buffer the improvements from the trail and  
29 any views to the residents across from the trail. So can I  
30 get a motion to approve 2019-46 based on those additional



1 stipulations?

2 MS. JARRELL: So moved.

3 MR. DYNES: Second.

4 CHAIRMAN VALENTIC: Heather, please call the vote  
5 for the Variance Number of 2019-46 with the stipulations. A  
6 yes vote will approve it. A no vote denies that.

7 MS. FREEMAN: Ms. Jarrell?

8 MS. JARRELL: Yes.

9 MS. FREEMAN: Mr. Dynes?

10 MR. DYNES: Yes.

11 MS. FREEMAN: Mr. Sweeney?

12 MR. SWEENEY: Yes.

13 MS. FREEMAN: Mr. Hamilton?

14 MR. HAMILTON: Yes.

15 MS. FREEMAN: And Mr. Valentic?

16 CHAIRMAN VALENTIC: Yes. Your variance has been  
17 approved. Thank you very much.

18 MS. BENDER: Thank you.

19 CHAIRMAN VALENTIC: All right. If you guys want to  
20 stick around, it's going to get crazy in here for the election  
21 of chair and vice chair.

22 MR. SWEENEY: I don't think they want to stick  
23 around.

24 CHAIRMAN VALENTIC: Okay. It's going to get ugly.

25 Will someone make a motion for the election of chair  
26 and vice chair?

27 MR. DYNES: I would move to nominate --

28 THE REPORTER: Hold on.

29 MR. DYNES: Yeah.

30 (Whereupon, there was a brief break while several

1 audience members left.)

2 CHAIRMAN VALENTIC: All right, Brandon.

3 MR. DYNES: I nominate that the --

4 MR. SWEENEY: Let the fireworks begin.

5 MR. DYNES: -- the current chair and vice chair --

6 MR. SWEENEY: Second.

7 MR. DYNES: -- stay in their current positions.

8 (Laughter.)

9 CHAIRMAN VALENTIC: Wait. There might be another

10 nomination.

11 MS. JARRELL: No.

12 MR. DYNES: He seconded.

13 CHAIRMAN VALENTIC: Okay. Second.

14 MR. HAMILTON: And who is that, by the way?

15 CHAIRMAN VALENTIC: See, no one knows.

16 MR. DYNES: So, yeah, with Ivan as chair and

17 Mr. Sweeney as vice chair.

18 CHAIRMAN VALENTIC: And Skip the vice chair.

19 MR. SWEENEY: Continuum of leadership.

20 MR. DYNES: Exactly.

21 CHAIRMAN VALENTIC: All in favor --

22 MR. DYNES: In these turbulent times in Concord

23 Township, this continuity is going to steer us in the right

24 direction moving forward.

25 CHAIRMAN VALENTIC: All right. All in favor?

26 (Five aye votes, no nay votes.)

27 CHAIRMAN VALENTIC: It's been approved.

28 Last thing and we can get out of here: Minutes. I

29 call for a motion to approve the minutes from March 13th.

30 MS. JARRELL: So moved.

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CHAIRMAN VALENTIC: Second?

MR. HAMILTON: Second.

CHAIRMAN VALENTIC: Is there any additions, deletions to the minutes? Nothing? Okay. Can I get approval on the minutes as written from March 13th?

MR. DYNES: Note my abstention.

CHAIRMAN VALENTIC: He is abstaining.

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

CHAIRMAN VALENTIC: Okay. The minutes have been approved for March 13th.

The Concord Township Board of Zoning Appeals meeting for April 10th is now closed.

(Whereupon, the meeting was adjourned at 8:01 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 1st day of May 2019.

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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