

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

CONCORD TOWN HALL
7229 RAVENNA ROAD
CONCORD, OHIO 44077

AUGUST 14, 2019
7:00 P.M.

TRANSCRIPT OF PROCEEDINGS

BOARD OF ZONING APPEALS MEMBERS PRESENT:

IVAN VALENTIC, CHAIRMAN
CHRIS JARRELL, MEMBER
BLAIR HAMILTON, MEMBER
JAMES ROWE, ALTERNATE
TODD GOLLING, ALTERNATE

ALSO PRESENT:

HEATHER FREEMAN, PLANNING & ZONING
DIRECTOR/ZONING INSPECTOR;
MARTY PITKIN, ASSISTANT ZONING INSPECTOR

MELTON REPORTING
11668 Girdled Road
Concord, Ohio 44077
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1 CHAIRMAN VALENTIC: Good evening. The board of
2 zoning appeals meeting for August 14, 2019 is now in
3 session. I would like to introduce the board. To my
4 far left is Jim Rowe and Todd Golling. I'm Ivan
5 Valentic. To my right is Chris Jarrel and Blair
6 Hamilton. And to our far right is Heather Freeman, our
7 township zoning inspector.

8 Under the advice of our legal counsel, we ask that
9 anyone speaking tonight must be sworn in. If you plan
10 on speaking, even if you don't, but please stand up
11 right now and raise your right hand. If there's any
12 chance you're going to speak tonight. All right. We
13 got everyone? We have a lot of people tonight. All
14 right.

15

16 (Whereupon, potential speakers were sworn in en masse.)

17

18 CHAIRMAN VALENTIC: Thank you. Please be seated.
19 This evening when presenting your case and commenting,
20 you've got to come to the microphone, state your name
21 and address and confirm that you've been sworn in for
22 the record; okay?

23 Heather, were the legal notices published in a
24 timely manner?

25 MS. FREEMAN: Yes, they were.

26 CHAIRMAN VALENTIC: Great. All right. We have two
27 appeals from old business to discuss really quickly and
28 then we have two appeals from new business; okay. A
29 three vote majority is required to either approve or
30 deny an appeal. If a request is denied, you have the

1 right to file an appeal.

2 Okay. First we are going to start with old
3 business. Appeal #2018-41: Mr. Randy Viviani of 7757
4 Concord LLC requests an administrative appeal from the
5 determination by the Zoning Inspector that a zoning
6 permit and certificate of zoning compliance are
7 required for a new business to occupy a vacant
8 commercial building pursuant to Sections 11.01 and
9 12.01 of the Concord Township Zoning Resolution, for
10 the property located at 7757 Auburn Road, Unit 12,
11 currently known as permanent parcel number
12 08-A-020-0-00-036-0. And Mr. Viviani has requested
13 that this appeal continue to be tabled; correct?

14 MS. FREEMAN: Correct. We did receive
15 correspondence from Mr. Viviani's attorney requesting
16 we keep it tabled until next month.

17 CHAIRMAN VALENTIC: Okay. Okay. So that will be
18 tabled until next month.

19 Okay. We do have another variance. Do we have to
20 open this up, reopen this, Heather, the next one from
21 old business or we could just kind of get into it?

22 MS. FREEMAN: I would just --

23 CHAIRMAN VALENTIC: Just re --

24 MS. FREEMAN: -- restate the variance
25 application.

26 CHAIRMAN VALENTIC: Okay. The next old business is
27 Variance #2019-41. Mr. Michael DeBlasio is requesting
28 a variance from Section 15.03(A), Table 15.03-1, to
29 allow for the construction of a second accessory
30 building, in lieu of the maximum one permitted, for the

1 property located at 10215 Brian Drive. A second
2 variance is requested from Section 15.03(A), Table
3 15.03-1 to allow for -- to allow an accessory building
4 to be 1,350 square feet in lieu of the maximum 1,024
5 square feet permitted. Please come up and state your
6 case.

7 MR. DEBLASIO: How are you? I'll have you pass
8 these out. I'm Mike DeBlasio. This is my wife,
9 Roseanne DeBlasio.

10 MS. DEBLASIO: Hello.

11 CHAIRMAN VALENTIC: Hi. You've been sworn in?

12 MS. DEBLASIO: Over seated?

13 CHAIRMAN VALENTIC: Yes.

14 MS. DEBLASIO: We did.

15 MR. DEBLASIO: Yes.

16 CHAIRMAN VALENTIC: Yeah? Okay. And your address
17 for the record?

18 MR. DEBLASIO: 10215 Brian Drive.

19 CHAIRMAN VALENTIC: Okay. All right. We're back.
20 So you want to go ahead and update us on what's
21 happened since last month?

22 MR. DEBLASIO: I've still got my mind on this
23 40 by 30 garage, pole barn, or whatever you want to
24 call it because I do have four cars that got to go in
25 there and I got tractors and I've got golf cart and all
26 that, so anything smaller I'm going to have to leave
27 stuff outside and hopefully youse look at it, you know,
28 what I have to do with it.

29 CHAIRMAN VALENTIC: Okay. So, again, there is two
30 variance requests here. One is to allow for a

1 secondary building and one is to allow for the square
2 foot, the 1,350. You want the same -- you want to keep
3 that square footage?

4 MR. DEBLASIO: Yeah.

5 CHAIRMAN VALENTIC: That's what you're going after?
6 Okay. All right. Does anyone else have any other
7 questions?

8 MR. HAMILTON: I guess to be clear, really
9 nothing's changed from the last request in terms of
10 square footage or the number of buildings. So two
11 buildings and it's still a square footage in excess
12 of --

13 MR. DEBLASIO: See, when I bought this house,
14 this shed was already back there and it's not a cheap
15 shed. And when I bought the property next door to me,
16 that was supposed to be for this. So I know it's all
17 combined now, but I don't see why she can't have her
18 she shed and I can have my garage. If I build a
19 smaller one, it's going to suit you, but it ain't gonna
20 suit me.

21 MS. DEBLASIIIO: If you would come to our yard
22 now, visit our yard, our home, it looks like a car lot
23 and that's just what we own. I don't like living like
24 that with cars all over. They need to be housed in a
25 barn like we live in a house. And to me, like I said
26 the first time, we want everything to look nice and
27 neat and kind of like attractive. I'm not comparing my
28 yard or home to someone else, but taking a ride around
29 Concord, I'm glad I live where I live. But we have to
30 house these things we have and we've already sold cars

1 already, because we're into old cars and that's just
2 the way our hobby is.

3 MS. JARRELL: Where did you get this picture?

4 MR. DEBLASIO: Where? From -- this one I think
5 is from Ryan Homes, garages.

6 MS. JARRELL: So you just -- did you -- you
7 didn't get it from your builder or --

8 MR. DEBLASIO: No, no.

9 MS. JARRELL: Okay.

10 MR. DEBLASIO: I'm their son.

11 MS. JARRELL: You'll have an opportunity to
12 speak.

13 MR. DEBLASIO: I'm their son. We have several
14 neighbors here too. I printed the picture for them.

15 CHAIRMAN VALENTIC: Give us a second.

16 MR. DEBLASIO: All right. Thanks.

17 MS. JARRELL: How big is the one in the back
18 again?

19 MR. DEBLASIO: Which one?

20 MS. JARRELL: The one that's already there.

21 MS. DEBLASIO: The she shed? I would have to
22 look at the house.

23 MR. DEBLASIO: Probably --

24 MS. FREEMAN: It's 192 square feet --

25 MS. JARRELL: Okay.

26 MS. FREEMAN: -- the existing shed.

27 CHAIRMAN VALENTIC: Yeah, it's 192 square feet.

28 MS. FREEMAN: And I have a question to
29 clarify. On the zoning permit application that was
30 denied, it was a 45 by 30 building, being 1350 square

1 feet and I think I heard him say 40 by 30 tonight,
2 which would only be 1200 square feet. So we need to
3 figure out what we're -- we need to clarify what their
4 request is.

5 CHAIRMAN VALENTIC: Yeah, because I'm going back to
6 my notes. Yeah, we had a 30 by 45 last time.

7 MR. DEBLASIO: Right, last time, but if you
8 deny that --

9 CHAIRMAN VALENTIC: Well, we didn't deny. We didn't
10 vote on it.

11 MR. DEBLASIO: Okay.

12 CHAIRMAN VALENTIC: But it's excessive, it's over
13 the allowed square -- the allowed square footage.

14 MR. DEBLASIO: Right.

15 CHAIRMAN VALENTIC: So are you doing -- are you
16 going after the -- that's what we're trying to confirm.
17 Is it the 1350 or is it something smaller?

18 MR. DEBLASIO: Here's what -- I would -- if I
19 can't get this, if I can get a 30 by 40.

20 MS. JARRELL: So are you asking for the 1200
21 or are you asking for the 1350?

22 MR. DEBLASIO: I'm asking for the big one.

23 MS. JARRELL: The 1350?

24 MR. DEBLASIO: Right. Right.

25 CHAIRMAN VALENTIC: Because just so we're all --
26 because if it was the smaller one, he would not need a
27 variance; correct?

28 MR. HAMILTON: He would still need it.

29 MS. JARRELL: No, he would still need it.

30 CHAIRMAN VALENTIC: He's still need it, just less of

1 a variance.

2 MS. JARRELL: Is that 30 percent?

3 MR. HAMILTON: It's 25 percent now and --

4 MS. JARRELL: It's like 30 percent.

5 CHAIRMAN VALENTIC: The 1200?

6 MS. JARRELL: No.

7 CHAIRMAN VALENTIC: Oh.

8 MS. JARRELL: The 1350. 1,024. 326 divided

9 by 1,024 is 30 percent essentially, a little over.

10 CHAIRMAN VALENTIC: Yeah.

11 MS. JARRELL: So you didn't -- do you know

12 who's going to build it? You didn't get any -- you

13 haven't hired anybody yet?

14 MR. DEBLASIO: No. I've got a couple people on

15 the line, but they haven't gave me a price yet.

16 MS. JARRELL: And tell us again how the drive

17 is, the driveway is going to work?

18 MR. DEBLASIO: The driveway is going to come

19 off the cul-de-sac and to the barn, to the garage.

20 MS. JARRELL: There's going to be -- are you

21 going to pull into your driveway?

22 MR. DEBLASIO: No, it's going to be on the

23 sideline.

24 MS. JARRELL: It's going to be right here?

25 MR. DEBLASIO: Right.

26 MS. JARRELL: So it's a separate drive?

27 MR. DEBLASIO: Yes.

28 MS. JARRELL: And have you talked to your

29 neighbors?

30 MR. DEBLASIO: Yes, I have. There's a few in

1 the back.

2 MS. DEBLASIO: They're here.

3 MS. JARRELL: And everybody's in support?

4 MS. DEBLASIO: Yes.

5 CHAIRMAN VALENTIC: Do you guys have any questions?
6 We've kind of been through this one.

7 MR. GOLLING: Can I see the map?

8 CHAIRMAN VALENTIC: He's proposing to put it there.

9 MR. GOLLING: Where's the she shed? So the
10 she shed is just like a like 12 by 16 barn?

11 MR. DEBLASIO: Yeah.

12 MS. DEBLASIO: My she shed?

13 MR. GOLLING: Yeah.

14 MS. DEBLASIO: It's so cute.

15 MR. DEBLASIO: I don't know exactly the size,
16 but it's not that big.

17 CHAIRMAN VALENTIC: So, guys, we're looking at two
18 variances, one allowing for two buildings; okay? We
19 can discuss that. And the other one, which I think the
20 board got a little bit more hung up on the last time,
21 that's why they're back, was the square footage for
22 that second structure is, you said, roughly 30 percent
23 more increase in variance. The lot was -- we looked at
24 that too. What was it, 1.2 acres, from my memory?

25 MS. JARRELL: 1.137.

26 CHAIRMAN VALENTIC: 1.137, so it's not close, very
27 close to the larger lot that does allow.

28 MR. HAMILTON: Two acres.

29 CHAIRMAN VALENTIC: Two acres.

30 MR. HAMILTON: Yeah.

1 CHAIRMAN VALENTIC: Blair, do you have any
2 questions?
3 MR. HAMILTON: No.
4 MR. ROWE: No.
5 MR. GOLLING: Not right now, no.
6 CHAIRMAN VALENTIC: No. Okay. You can be seated.
7 Thank you.
8 MR. DEBLASIO: Thank you.
9 CHAIRMAN VALENTIC: Is there anyone else speaking
10 for for against this appeal that would like to come up?
11 Now is your time -- chance. Come on up.
12 MR. WITT: Thomas Witt, 10226 Brian. I've
13 been there for 40 years. I moved into Concord Township
14 because it's a township and not a city. Felt over the
15 years that the township has worked with the residents
16 quiet well and --
17 CHAIRMAN VALENTIC: Excuse me, sir. You've been
18 sworn in?
19 MR. WITT:Yes.
20 CHAIRMAN VALENTIC: Okay. Thank you.
21 MR. WITT:Yeah. And there are several
22 neighbors here who are all in support of what he's
23 doing.
24 MS. JARRELL: Where is your house?
25 MR. WITT:I'm at 10226.
26 MS. JARRELL: Could you --
27 MR. WITT: I'm across the street.
28 MS. JARRELL: You're across the street. Okay.
29 MR. GOLLING: So as far as the cul-de-sac
30 goes, where are you?

1 MR. WITT: I am right, this right here.

2 MR. GOLLING: Okay.

3 MR. WITT: No, I'm actually, I think, this
4 part right here.

5 MR. GOLLING: Gotcha.

6 MS. JARRELL: Thank you.

7 CHAIRMAN VALENTIC: Thank you, sir.

8 MR. WITT: You're welcome.

9 MR. STIEBIG: Yeah, I'm Ken Stiebig. I'm
10 right on the cul de sac, 10206 Brian. I had that
11 property they have and I gave it to them and I don't
12 see any problem why they can't put the barn on it. I
13 mean, we're in a -- we're in a cul-de-sac. There's
14 nobody around there and it's not an eyesore. I'm the
15 one that's going to look at it.

16 CHAIRMAN VALENTIC: Okay.

17 MR. STIEBIG: So, I mean --

18 MS. JARRELL: And you've been sworn in, sir?

19 MR. STIEBIG: Pardon?

20 MS. JARRELL: You've been sworn in?

21 MR. STIEBIG: Yeah.

22 CHAIRMAN VALENTIC: Sir, sir, what was your last
23 name for the record?

24 MR. STIEBIG: Stiebig.

25 MS. JARRELL: Stiebig.

26 CHAIRMAN VALENTIC: Thank you.

27 All right. Is there anyone else that wants to come
28 up?

29 MR. MCCRUDDEN: I've been sworn in. My name is
30 Terrance McCrudden and I live across the street and --

1 CHAIRMAN VALENTIC: What's your address?
2 MR. MCCRUDDEN: 10248 Brian Drive.
3 CHAIRMAN VALENTIC: Okay.
4 MR. MCCRUDDEN: So we're like all right there
5 and I do not have a problem with that at all.
6 CHAIRMAN VALENTIC: Okay.
7 MR. MCCRUDDEN: I mean, no problem. It's not --
8 you know, it's more of an eyesore the other way, you
9 know, all the cars. I mean, it's not going to hurt
10 anything; you know?
11 CHAIRMAN VALENTIC: Okay.
12 MR. MCCRUDDEN: So okay?
13 MS. JARRELL: Thank you.
14 CHAIRMAN VALENTIC: Thank you.
15 MR. DEBLASIO: Hi, I'm Michael DeBlasio. I'm
16 Mike and Roseanne's son. I've been sworn in.
17 MS. JARRELL: What's your address, sir?
18 MR. DEBLASIO: My address, 2253 Sunset Drive,
19 Wickliffe, Ohio. I'm living with my parents right now.
20 We moved down to Willoughby Hills a few months ago and
21 helped them get everything over there, but there's a
22 trailer sitting at Ken's property right now full of --
23 full of my dad's stuff in the other barn and I just
24 know they've got a lot of stuff and I helped them sell
25 a few cars, but I know my dad doesn't like stuff laying
26 around. And when we worked with City of Willoughby
27 Hills back in 1996, our -- his old barn collapsed, we
28 had a heavy snow back then, and I know he worked with
29 the city to get a variance, you know, to accommodate
30 what he had and, you know, he worked with them and, you

1 know, they -- they pretty much explained to him what he
2 -- what he could have and then, you know, they worked
3 with him and helped him to get what he needed. And so
4 I just know from me living with them, they want to have
5 something to accommodate what they have left from the
6 move and I know he's got a few cars sitting outside.
7 And I'm not going to be living with them forever, but,
8 you know, I know my parents want to adjust and be able
9 to put their stuff -- you know, he's got a tractor,
10 he's got a riding lawn mower and he's got a few old
11 cars. So, you know, I'm just -- I'm there to just
12 assist and help them settle in, but I know that they
13 love the area. I love the area. Tax is a little high
14 for me, but I know they want to adjust and settle in
15 here and, you know, just continue living the way they
16 were in Willoughby Hills but in a ranch now. Thanks.

17 MS. JARRELL: Thank you.

18 CHAIRMAN VALENTIC: Thanks.

19 Anyone else here to speak for or against this
20 appeal?

21 You guys have any other questions before we close
22 this up?

23 MR. ROWE: No.

24 MR. GOLLING: No.

25 CHAIRMAN VALENTIC: None? Okay. If there is no one
26 else speaking for or against this appeal, the public
27 hearing for Variance #2019-47 is now closed to the
28 public.

29 I will entertain a motion to approve Variance
30 #2019-47.

1 MS. JARRELL: So moved.

2 MR. HAMILTON: Second.

3 CHAIRMAN VALENTIC: Okay. Open for discussion. Who
4 wants to start?

5 MS. JARRELL: Well, there's a lot of cars out
6 there and I think that with the neighbors, how they
7 feel about it is very important. I think that they
8 would prefer to see a nice building and everything put
9 away and I know that it's a seemingly substantial
10 variance at 30 percent, but it is on a cul-de-sac, it
11 is a bigger property and I personally, based on what
12 we've heard and what we've seen and what we know, I
13 don't have a problem with it.

14 MR. ROWE: Are we voting first on a second
15 building?

16 CHAIRMAN VALENTIC: We're going to vote on both of
17 them. We'll separate them. I guess, do we have
18 anything to add about the two buildings?

19 MS. JARRELL: I mean, the one is way in the
20 back and, you know, again, it's on the cul-de-sac,
21 probably folks can hardly see the one in the back and
22 this one is probably going to even block that even
23 more. So no, I -- I don't have a problem with it, with
24 either of the variance requests.

25 CHAIRMAN VALENTIC: Jim, did you want to add
26 anything?

27 MR. ROWE: No. As I say, I just want to,
28 when we jump to the size of the second one. No other
29 comment.

30 MR. HAMILTON: My comment would be, it is, as

1 you noted, a substancial variance. The acreage is
2 nowhere near what's required to support the building
3 and I haven't heard anything new since the last time
4 when we discussed this.

5 CHAIRMAN VALENTIC: I guess the only new information
6 that I heard, Blair, that I think we've got to take
7 into account is that there's support this time for it.

8 MR. HAMILTON: And that's fine, but the zoning
9 exists regardless of the neighbor. The neighbors
10 change. The next neighbor that comes in may not like
11 this.

12 MS. JARRELL: They -- I doubt they're going to
13 want to look at a bunch of cars sitting out there
14 either and that's why we have this board, to approve
15 and disapprove variance requests and they are all on an
16 individual basis and I think given -- given the
17 location of the property, the support of the neighbors,
18 I wouldn't want to look at a bunch of cars sitting out,
19 that's for doggone sure.

20 CHAIRMAN VALENTIC: They're nice cars.

21 MS. JARRELL: I still wouldn't want to look at
22 them.

23 MR. HAMILTON: And I will say, there are
24 storage options besides keeping them on your property.

25 MS. JARRELL: This is -- this is the property
26 that they bought. And even though, you know, they
27 didn't know that they were going to want to do this
28 when they moved in and, you know, they're not going to
29 check for zoning restrictions if they don't know that
30 something is going to materialize later, I still -- I

1 don't have a problem with it. This is -- it has -- it
2 has idiosyncrasies that I think support the request.

3 MR. GOLLING: The she shed building, is that -- I
4 mean, is that a permanent structure? Is it on a slab?

5 CHAIRMAN VALENTIC: I'm not sure.

6 MR. GOLLING: Mr. DeBlasio, do you know if
7 that's a -- does it have a cement floor?

8 CHAIRMAN VALENTIC: He can't answer.

9 MR. GOLLING: Oh, he can't?

10 CHAIRMAN VALENTIC: No, we closed it. I don't know
11 if that really matters a whole lot. But what are you
12 thinking if it is or it's not?

13 MS. JARRELL: Do we really want to ask them to
14 remove a building that --

15 MR. HAMILTON: Well, I don't know where he's
16 going with this.

17 MS. JARRELL: Sorry.

18 MR. GOLLING: Well, no, if it's set -- I had a
19 barn built on my property that's sitting on pavers.
20 It's not considered a permanent structure. So if
21 that's the situation there, then it changes the
22 situation here a little bit.

23 CHAIRMAN VALENTIC: Right.

24 MR. GOLLING: Not sizewise, but as far as the
25 number of buildings.

26 CHAIRMAN VALENTIC: It's still a structure.

27 MR. ROWE: It looks like a structure.

28 MS. JARRELL: Heather, do you know?

29 MS. FREEMAN: I don't know. I know that it
30 was \$7,000 estimated value of that shed, but as far as

1 the zoning interpretation, whether i's permanent, it's
2 on a foundation --

3 MR. ROWE: Well, there's a lot of them that
4 are not necessarily on a slab, but it's still --

5 MR. GOLLING: Right, right.

6 CHAIRMAN VALENTIC: Yeah. I mean, again what -- I
7 think what Chris said, the two structures I'm not -- I
8 can -- I can vote comfortably a yes on the two
9 structures. One is hidden, it's in the back, it's kind
10 of tucked in his landscape, so I feel fairly
11 comfortable about that one. The one that I guess, what
12 Blair brought up is the size of the second structure,
13 you know.

14 MR. GOLLING: Right.

15 CHAIRMAN VALENTIC: He does have a lot of stuff that
16 he needs to fit in there. Is that enough to --

17 MR. ROWE: You kind of have to keep your
18 acquisitions somewhat within -- you know, I mean, we've
19 had these before with -- there was one that became a
20 car collector on a half acre lot and they wanted a five
21 car garage in the backyard. It's just --

22 MS. JARRELL: Would you feel more comfortable
23 if it was 1,200 feet? I mean, there really isn't a
24 great deal of difference between -- between the two
25 requests. One is about a little under 20 and one's a
26 little over 30. It's -- I mean, really on a -- you
27 know, looking at it linearly, the area of it, it really
28 doesn't make that big of a deal.

29 MR. ROWE: No, I don't think -- that's not
30 the point, I mean, you know, 12 or 1350.

1 CHAIRMAN VALENTIC: I mean, I agree with -- I mean,
2 I do agree with Chris that it's probably better if all
3 this stuff could kind of get tucked away and put away,
4 but I do understand neighbors change and somebody might
5 not like it, but then they're making a decision, I
6 guess, if they do want to look at that garage or be in
7 the same neighborhood as that other garage. It doesn't
8 affect that many people being on a cul-de-sac either.

9 MS. JARRELL: Would you approve a second
10 structure if it was within -- if it was 1024?

11 MR. HAMILTON: Probably.

12 MS. JARRELL: You would be okay with that?

13 MR. HAMILTON: Yeah. That's not what's in
14 front of us.

15 MS. JARRELL: So -- so if one fits four cars
16 and the one you would approve would only fit three
17 cars, then they have to go and find a location for that
18 fourth car if they want to keep that possession. So,
19 you know, then we're asking them to take on a financial
20 burden on a monthly basis when it's not that big of a
21 difference. I mean, let's -- let's be honest about it.

22 CHAIRMAN VALENTIC: It's 300 square feet.

23 MR. HAMILTON: 350 square feet. It's sizable.

24 MS. JARRELL: Well, you're asking -- you're
25 asking a lot for them to take on probably --

26 MR. ROWE: Well, you have a variance
27 compounded by another variance. I mean, you're allowed
28 one -- one building on that size lot. I mean, so now
29 to leap to it, now you have to allow two buildings and
30 I don't know, I have a problem with it. It's just, you

1 know, just why did we set up these parameters, you
2 know, and then it's just a case of -- I mean --

3 MS. JARRELL: Everything isn't black and
4 white.

5 MR. ROWE: True, but, you know, it's just,
6 you have to kind of acquire and live somewhat, you
7 know, to a degree. I'd say the -- I'm thinking it's a
8 problem upon a problem.

9 CHAIRMAN VALENTIC: Okay.

10 MS. JARRELL: Is it really a problem?

11 MR. ROWE: Uh-huh. It's not within zoning.

12 MS. JARRELL: That's why people ask for
13 variances.

14 MR. ROWE: Well, yeah.

15 MS. JARRELL: If it was set in stone and we
16 made everybody comply, you know, to the letter of the
17 law, we wouldn't be here.

18 MR. ROWE: Yeah, but most variances are
19 based on a little of this or a little of that, I mean,
20 not just onward and upward.

21 MS. JARRELL: It's their property. It's over
22 an acre. I know it's not two acres. The neighbors
23 don't have any issues with it at all. That other one
24 is tucked way in back.

25 MR. ROWE: That's -- that's good
26 neighboring, but it's not a good basis.

27 AUDIENCE MEMBER: Are you running a community or a
28 business?

29 CHAIRMAN VALENTIC: So, Todd, what are you thinking?

30 MR. GOLLING: I'm looking at the building just

1 on the other side of the swale here. If this is about
2 the size, I mean, I'm -- I like that, you know, they've
3 -- it's a three car garage, looks like, already. We
4 want to put all the other stuff in there, make it nice
5 and neat and tidy in there. This little one in the
6 back here, the shed, I mean, I find it hard to even
7 consider that. It's more like the size of this one,
8 because now if this guy says, "You did 1350 over here,
9 I want to do a 1500 one right here, because you allowed
10 it." But granted he's now only got one on there.

11 So I guess if we handle it first, if we allow the
12 second and then second the size of the same.

13 CHAIRMAN VALENTIC: Well, we're going to vote on it.
14 We're going to separate them. So first we're going to
15 vote, allow for a secondary building. I mean, if that
16 gets approved, he can come back without a variance and
17 build a building 1,024 square feet.

18 MR. GOLLING: Okay.

19 CHAIRMAN VALENTIC: Right? If we don't approve
20 that, then he can't even build that second smaller
21 building.

22 MR. GOLLING: I'd rather have, you know, all
23 of the -- all of the items in the shed tucked away
24 safely, neatly, because I feel that that would be more
25 of an eyesore to have implements, cars, tools outside
26 scattered around the property than maybe a shed that
27 has, I would say probably something more of a larger
28 industrial size appearance; however, everything is in
29 it. So, you know, it's a little torn about the size
30 there, but I like the -- I like the intent and I'd

1 probably want to go larger myself if I were to do it.
2 But then on the other hand, you know, I'm torn with we
3 have the rules for a reason but they aren't set in
4 stone. So it would be different -- I would feel
5 differently if there -- if there were some naysayers
6 here as well.

7 MS. JARRELL: Right.

8 CHAIRMAN VALENTIC: Okay. Well, anything else?
9 No? Okay. Well, okay, let's -- if there's no more
10 discussion, what we're going to do is we're going to
11 call a vote, we're going to separate them, we're going
12 to have -- the first one will be on the secondary
13 structure. The second one then we'll call the vote for
14 the variance on the square footage; okay?

15 MR. GOLLING: Uh-huh.

16 CHAIRMAN VALENTIC: So first it's on approval of
17 Variance #2019-47, Mr. Michael DeBlasio is requesting a
18 variance from Section 15.03(A), Table 15.03-1, to allow
19 for construction of a second accessory building in lieu
20 of the maximum of one building permitted on a property
21 located at 10215 Brian Drive.

22 Heather, please call the vote.

23 MS. FREEMAN: Mr. Hamilton?

24 MR. HAMILTON: Yes.

25 MS. FREEMAN: Ms. Jarrell?

26 MS. JARRELL: Yes.

27 MS. FREEMAN: Mr. Rowe?

28 MR. ROWE: Yes.

29 MS. FREEMAN: Mr. Golling?

30 MR. GOLLING: Yes.

1 MS. FREEMAN: Mr. Valentic?

2 CHAIRMAN VALENTIC: Yes. That -- the secondary
3 building, allowing two secondary buildings has been
4 approved.

5 Next is a vote for the same variance, 2019-47, but
6 this variance is to -- is for Table -- I'm sorry, for
7 Section 15.03(A), Table 15.03-1 to allow for an
8 accessory building to be 1,350 square feet in lieu of
9 the maximum 1,024 square feet permitted.

10 Heather, please call a vote.

11 MS. FREEMAN: Ms. Jarrell?

12 MS. JARRELL: Yes.

13 MS. FREEMAN: Mr. Rowe?

14 MR. ROWE: No.

15 MS. FREEMAN: Mr. Golling?

16 MR. GOLLING: Yes.

17 MS. FREEMAN: Mr. Hamilton?

18 MR. HAMILTON: No.

19 MS. FREEMAN: And Mr. Valentic?

20 CHAIRMAN VALENTIC: No. The second variance has
21 been denied. Okay. Sorry.

22 Next we move on to --

23 AUDIENCE MEMBER: Can I say something?

24 CHAIRMAN VALENTIC: No, we're closed to the public.
25 We're moving on to Variance --

26 AUDIENCE MEMBER: You can't give somebody a
27 variance on their property --

28 CHAIRMAN VALENTIC: Excuse me.

29 AUDIENCE MEMBER: -- but you can have flooding
30 coming down for years because you give zoning for that

1 Arias Way there and caused all that flooding and
2 everybody got flooded out. I would like to know who
3 passed that zoning. It's more than three foot.

4 CHAIRMAN VALENTIC: Sir --

5 AUDIENCE MEMBER: I'm done.

6 CHAIRMAN VALENTIC: Okay. Thank you.

7 Next is Variance #2019-48: Mr. Bradley Key of JEMM
8 Construction, LLC, on behalf of Jason and Samantha
9 Eastman, is requesting a variance from Section
10 15.04(B), Table 15.04-1, to allow for the construction
11 of a single family dwelling with a front building
12 setback of 49 feet in lieu of the maximum (sic) 50 feet
13 required, for the property located at 9848
14 Weathersfield Drive. Please come up and state your
15 case.

16 MR. NOVAK: Good evening. My name is David
17 Novak. My address is 9114 Tyler Boulevard and yes, I
18 have been sworn in.

19 CHAIRMAN VALENTIC: Thank you.

20 MR. NOVAK: As depicted in -- in the
21 variance request, this is a new house being built on --
22 I'm going to call it a semi-cul-de-sac, but if you're
23 familiar with the area --

24 MR. ROWE: Yeah.

25 MR. NOVAK: -- if you come down
26 Weathersfield, there's -- there's a bubble there and
27 then the road takes a turn to the left and then there's
28 another cul-de-sac. So most of the houses in this
29 neighborhood are on cul-de-sacs, so it's not like you
30 have a straight line where you see all the houses in a

1 straight row. This variance again is really very
2 minor. If you look at the drawing, the left side of
3 the garage is probably about a foot, foot and a half
4 behind the setback line. The right side of the garage
5 at the far side is a foot over. So -- I'm sorry, the
6 left side is eight feet back. And, again, it amounts
7 to ten square feet. It's a triangular wedge, you know,
8 because you have the cul-de-sac there. The setback is
9 radial up the center of the cul-de-sac. I do have some
10 pictures if you want to see them.

11 MR. ROWE: I visited the site and, I mean,
12 and reviewed the drawing, so I certainly appreciate
13 it's kind of minimal and --

14 MR. NOVAK: It is so small.

15 MR. ROWE: If you could just bend it.

16 MR. NOVAK: It would be nice if we could
17 bend the wall, the wall of the garage. But if you
18 drove by it, you can see it is a -- the house is well
19 under construction.

20 MR. ROWE: Oh, yeah.

21 MR. NOVAK: The foundation is in. All the
22 wood walls are up. The roof is on. So at this point
23 it would be extremely difficult to make a change to the
24 house.

25 MR. ROWE: Oh, understood.

26 MR. HAMILTON: For sure, but at what point did
27 this become apparent?

28 MR. NOVAK: Well, on I believe that piece of
29 paper you're holding there I believe was on July 22nd.
30 Part of the process that goes through when you have

1 somebody who's building a house and they're taking out
2 a construction loan, generally there's -- the first
3 time when the piece of property is vacant, a picture is
4 taken to make sure that there's no encroachment and so
5 forth on the property. The second time is -- this is
6 Josh Edgell from JEMM Construction -- when they go to
7 take their first draw or their second draw, the bank
8 goes out and sends out a surveyor to verify the
9 location of the home because of situations like this
10 could potentially cloud the title.

11 So when they sent out the surveying company that did
12 the mortgage location survey, they determined that that
13 was a problem. So that was only discovered on July
14 22nd.

15 MR. HAMILTON: Thank you.

16 MR. GOLLING: So somebody screwed up?

17 MR. NOVAK: Yes, just a little bit, that's
18 -- that's correct.

19 CHAIRMAN VALENTIC: Any other questions? No?

20 All right. Thank you, gentlemen.

21 Is there anyone that is speaking for or against this
22 appeal that would like to come up?

23 Okay. If there's no further questions, the public
24 hearing for Variance #2019-48 is now closed to the
25 public. I will entertain a motion to appeal (sic)
26 Variance #2019-48.

27 MR. ROWE: So moved.

28 MR. HAMILTON: Second.

29 CHAIRMAN VALENTIC: Any discussion from the board?

30 MR. ROWE: No.

1 MR. GOLLING: No.

2 MR. HAMILTON: No.

3 CHAIRMAN VALENTIC: Okay. Go ahead.

4 MR. ROWE:I was just going to say, been
5 there, done that.

6 MR. GOLLING: Measure twice.

7 CHAIRMAN VALENTIC: What that?

8 MR. GOLLING: Measure twice.

9 CHAIRMAN VALENTIC: Measure twice. All right.
10 Heather, please call a vote for Variance Appeal
11 #2019-48. A yes will approve, a no vote denies it.

12 MS. FREEMAN: Mr. Hamilton?

13 MR. HAMILTON: Yes.

14 MS. FREEMAN: Mr. Valentic?

15 CHAIRMAN VALENTIC: Yes.

16 MS. FREEMAN: Ms. Jarrell?

17 MS. JARRELL: Yes.

18 MS. FREEMAN: Mr. Rowe?

19 MR. ROWE:Yes.

20 MS. FREEMAN: Mr. Golling?

21 MR. GOLLING: Yes.

22 MS. FREEMAN: It's been approved.

23 CHAIRMAN VALENTIC: Okay.

24 MR. NOVAK: Thank you.

25 CHAIRMAN VALENTIC: Thank you.

26 Next on the agenda is Appeal #2019-49: Mr. Dan
27 Muzic is requesting a variance from Section 29.10(D)(1)
28 and Section 29.10(D)(2) to allow the parking of a
29 commercial motor vehicle in excess of the maximum gross
30 weight -- vehicle weight of 10,000, and to allow

1 parking of three commercial motor vehicles in lieu of
2 the maximum two permitted, for the property located at
3 12400 Painesville Warren Road.

4 Good evening.

5 MR. MUZIC: Good evening. Well, thanks for
6 hearing us. My name is Dan Muzic. I live at 12400
7 Painesville Warren Road and I was sworn in. This is my
8 wife, Doris.

9 MS. MUZIC: I also live there and I was also
10 sworn in.

11 CHAIRMAN VALENTIC: All right. Thank you.

12 MR. MUZIC: Go ahead, you do it.

13 MS. MUZIC: Well, since I do all the
14 paperwork, we purchased -- we've lived at this property
15 for 28 years. We have three-and-a-half acres. In 2000
16 we bought a dump truck that's GVW is 2400. In 1999 we
17 bought a pickup truck that has a GVW of 10,500 and in
18 2011 we bought the third vehicle that they're more
19 collectors items. He does use them at times for
20 commercial purposes. It's not a daily basis. We have
21 buildings that they are stored in. We live -- you can
22 see on the map, we live in the building of the woods.
23 Even when Heather and Marty came to visit, they looked
24 around and said, "You cannot even see the back of our
25 property. Nobody even knew we were back there."

26 The vehicles are used as needed, not daily, like I
27 said, ten times, maybe fifteen. We were thinking
28 today, Major Waste comes 52 times a year to pick up our
29 garbage. I don't even think these three vehicles go in
30 and off the property total together 52 times in a year.

1 They are kept -- because they're old, they're in mint
2 condition. There's a '99, a '97 and a 1984. they're
3 in mint condition. They're kept in buildings to
4 preserve them and yes, occasionally for commercial
5 purposes he does use them for his construction. But
6 other than that they're just parked at the property.

7 We weren't really aware that the zoning issue -- I
8 think they last time --

9 MR. MUZIC: It changed in '11.

10 MS. MUZIC: I think it changed in '11. We
11 weren't really aware. I do not read the zoning thing,
12 so we didn't really know until what, a month or so ago,
13 two months ago that we were out of compliance.

14 MS. JARRELL: How did you find that out?

15 MS. MUZIC: Well, we had a -- we had a visit
16 from Heather and from Marty to see if we were
17 conducting business on our property, which we don't.
18 He stores his trucks there and --

19 MR. MUZIC: It's my toolbox.

20 MS. MUZIC: It's his toolbox, so we don't
21 have a commercial property somewhere that we store
22 stuff. We had it on our property. One of the reasons
23 we bought there, one of the reasons we constructed,
24 and, like I said, we've been doing business since '97.
25 I mean, it's been a long time. It's just the vehicles
26 are there.

27 So it was brought to our attention that we were out
28 of compliance and we're good tax paying, good Concord
29 residents for, like I said, 28 years. We just want to
30 be legit. We want to be -- we want to follow your

1 rules. We want to be good citizens in Concord, so
2 that's why we're asking for the variance, to just allow
3 us to continue to do what we've been doing at this
4 property since the earliest was 1999.

5 CHAIRMAN VALENTIC: So where is the business
6 actually located then if it's not at the property?

7 MS. MUZIC: Well, it's --

8 MR. MUZIC: I'm a contractor. I'm a general
9 contractor. I'm self-employed.

10 CHAIRMAN VALENTIC: Okay.

11 MR. MUZIC: My business, I park my -- it's
12 my toolbox is what we're talking about, my property. I
13 bring my vehicles home. They get me to and from work.
14 I don't Uber. I take the trucks.

15 MS. MUZIC: He doesn't have -- customers do
16 not come to the property.

17 MR. MUZIC: Nor do I have employees at the
18 property.

19 MS. MUZIC: We do not have employees. So
20 everything is just -- it's literally storage. I mean,
21 he will, you know --

22 MR. MUZIC: If I have to work on something,
23 I hate doing that, but if I have to, it's in a barn and
24 I'm keeping the vehicle safe.

25 MS. MUZIC: And in good shape.

26 MR. MUZIC: And doing maintenance on them.
27 It doesn't look like Sanford & Son. I mean, the
28 International, Heather has a picture of that, it's got
29 to get some paint work done.

30 MS. MUZIC: Right.

1 MR. MUZIC: I know she's not a beaut, but --
2 MS. MUZIC: That's a 35-year-old vehicle.
3 MR. MUZIC: But for being 35 years old, the
4 frame is real clean and it's a very safe vehicle.
5 MR. ROWE: I noticed somewhere in the
6 write-up that you pointed out that in the winter
7 they're in the barn or the garage or something.
8 MS. MUZIC: Yes.
9 MR. ROWE: Is it difficult to have them in
10 there?
11 MR. MUZIC: No.
12 MR. ROWE: Or why you said, "winter."
13 MS. MUZIC: Well, we actually --
14 MR. MUZIC: Sometimes they're outside,
15 sometimes they're inside. Mostly for the winter
16 they're inside.
17 MR. ROWE: Uh-huh.
18 MR. MUZIC: Sometimes if I'm building
19 something or --
20 MS. MUZIC: If he needs a space in there.
21 MR. MUZIC: Like if I have a project, like I
22 built my kitchen from scratch and so I needed a little
23 bit more room, so I pulled some stuff out. But still
24 it was not impactful to any neighbor, because you could
25 not see my vehicle unless you're on my woods on my
26 property --
27 MS. MUZIC: I don't even insure the
28 trucks --
29 MR. MUZIC: -- or looking with binoculars.
30 MR. ROWE: I was just curious.

1 MS. MUZIC: No, I understand.

2 MR. MUZIC: You can't see my house pretty
3 much from the road.

4 MR. ROWE: I know. I was out there this
5 afternoon --

6 MR. MUZIC: Okay.

7 MR. ROWE: -- you know, just to drive
8 around just to get a feel. As I say, it's certainly --

9 MR. MUZIC: It's three-and-a-half back
10 there. We try to keep it neat.

11 MS. MUZIC: He even built me a chicken coop
12 to match the house. We want it to look nice. We want
13 our neighbors to not have an eyesore; although; like I
14 said, you can see -- you can't really see our property.
15 So with strategically placed privacy mounds and things
16 like that, you really cannot see --

17 MR. MUZIC: I'm getting ready to build
18 another one on my other side.

19 MS. MUZIC: The privacy, yeah.

20 MR. MUZIC: We talked about that, a planting
21 with some concrete.

22 MS. MUZIC: We want to be good neighbors.
23 We just want to be in compliance with the county and --
24 or with the township, I should say.

25 MR. ROWE: So if you're not doing a
26 project, the vehicles could be under roof --

27 MS. MUZIC: And they are.

28 MR. MUZIC: They are.

29 MS. MUZIC: I don't even put insurance on
30 them eight -- seven, eight -- it depends on the season.

1 Like this year we didn't really -- with all the rain
2 our season didn't start until July.

3 MR. MUZIC: We use them pretty much four
4 months out of year, the dump trucks.

5 MS. MUZIC: Right. So the rest I take the
6 insurance off to save money on it, so...

7 MR. MUZIC: And I want to keep the UV off
8 them. That's what's the killer and keep it off the
9 tires.

10 MR. GOLLING: And this is your daily driver?
11 This is your toolbox truck right here?

12 MS. MUZIC: Right.

13 MR. GOLLING: More or less. And then the
14 other -- the other two, the one-ton -- one-ton dump and
15 the --

16 MS. MUZIC: Yeah, the big -- yeah, the big
17 dump literally is jus like he uses that five to ten
18 times a year.

19 MR. MUZIC: When I have to go to the quarry
20 and get --

21 MS. MUZIC: Right.

22 MR. MUZIC: -- some stone or something for a
23 drive or something, it saves me --

24 MR. ROWE: He takes it to the grocery
25 store.

26 MR. MUZIC: It saves me -- it saves me
27 trips. Or onion rings. I eat a lot of onion rings.

28 MS. MUZIC: But yeah, we're -- yeah, we
29 don't want to look at an eyesore either. So they're
30 nice. Everything's neat. He's very meticulous. All

1 the buildings match so everything has got it's place.
2 It's just we want to have -- we didn't know we didn't
3 have permission to park three weeks and that the GVWs
4 had to be under 10,000 and I was shocked to find out,
5 and I actually had to do research, and there are some
6 places that say the two Dodges are 10,000 and some say
7 10,500, but I want to be up -- I want to be legit. I
8 don't want to bend rules, I don't want to be in a gray
9 area. I want to know if I can park these trucks.
10 Everything I found online said it was 10,500, which is,
11 in fact, over your speculation. So, you know, yeah,
12 and the big dump, like I said, has it's own little
13 parking spot. It gets tucked away, so...

14 MR. MUZIC: Any other questions?

15 MR. GOLLING: So -- go ahead.

16 CHAIRMAN VALENTIC: No.

17 MR. GOLLING: These aren't DOT registered at
18 all? I mean, they're --

19 MR. MUZIC: No. The big dump truck's under
20 CDL.

21 MR. GOLLING: Right.

22 MR. MUZIC: Yeah, they're not --

23 MR. GOLLING: 22,5 the big dump?

24 MS. MUZIC: 24.

25 MR. GOLLING: 24? It has to be 26,5, I think,
26 for --

27 MR. MUZIC: 26, I think, it has to be under.

28 MR. GOLLING: Yeah.

29 MR. MUZIC: It doesn't have air brakes.

30 It's not a --

1 MR. GOLLING: Really?

2 MR. MUZIC: Yeah, it's not one of those big
3 ones.

4 MR. GOLLING: Is it gas?

5 MR. MUZIC: No, it's diesel. It's a DT366.
6 It was built during the -- the reason I love this
7 truck, it was built during the energy crisis.

8 MR. GOLLING: Uh-huh.

9 MR. MUZIC: And it has what they call the
10 fuel sipper motor. It's very efficient. It's not very
11 powerful. I mean, that's what you have the low range
12 for.

13 MR. GOLLING: Right.

14 MR. MUZIC: And some of the hills make you a
15 preacher by the time you get up them, but it -- you can
16 drive that all day long and still be over half a tank.

17 MR. GOLLING: Uh-huh.

18 MR. MUZIC: That's impressive for that
19 vehicle. I mean, so it is actually environmental.
20 Even though it doesn't have the DEF fluid, it does
21 not --

22 MR. GOLLING: Right.

23 MR. MUZIC: -- take much to run that. So
24 it's a fantastic truck.

25 CHAIRMAN VALENTIC: So that one you use rarely when
26 you need to go get the big rock or something?

27 MS. MUZIC: Yeah.

28 MR. MUZIC: Or some trees, because I heat my
29 house, I heat with wood or lumber.

30 CHAIRMAN VALENTIC: Okay.

1 MR. MUZIK: It's personal. Ten -- ten times
2 maybe a year.

3 CHAIRMAN VALENTIC: This one is -- you drive this
4 one how often? This is your daily driver? You drive
5 this every day?

6 MR. MUZIC: Daily driver. I drove it today.

7 MS. MUZIC: Yeah.

8 CHAIRMAN VALENTIC: And then this one is when you
9 have to haul something?

10 MS. MUZIC: Yeah, yeah.

11 CHAIRMAN VALENTIC: So you do have --

12 MR. MUZIC: That one I used the other day,
13 hauled a bathtub with it.

14 CHAIRMAN VALENTIC: Okay. But you're only allowed
15 to have -- what's the variance for? You're allowed to
16 have two vehicles and you have three.

17 MR. MUZIC: Right.

18 CHAIRMAN VALENTIC: And it's a 10,000. So they're
19 over 10,000 so that's what -- okay.

20 MR. MUZIC: Well, that third vehicle is not
21 on my property at the moment.

22 MS. MUZIC: Right.

23 MR. MUZIC: Heather, I promised you that I
24 wouldn't bring it and I haven't.

25 MS. MUZIC: Our daughter lives in Leroy,
26 so...

27 MR. MUZIC: It's in Leroy Township until I
28 get this straighted out. She lives up the street.
29 It's kind of blocking her driveway and it's silly that
30 it's -- I think -- my opinion it's silly that it's out

1 in the weather when it should be inside in my shop.

2 MR. GOLLING: I saw that you printed off a
3 bunch of gross vehicle weight ratings for that truck,
4 but what does it say on the federal ID sticker on the
5 door, because that's the one that matters.

6 MR. MUZIC: It's the 24.

7 MR. GOLLING: No, no, on the little truck, the
8 tool truck.

9 MS. MUZIK: Oh, the tool truck.

10 MR. MUZIC: You can't read that. That's
11 what the problem was. That truck's been painted a
12 bunch of times. It's been taken care of. We're in the
13 midwest and there's no rust on these vehicles.

14 MR. GOLLING: Right.

15 MR. MUZIC: It's because they've been
16 maintained and painted. I wish you could read it or
17 I'd invite you over to look at it. But that was --
18 Marty actually looked at my one vehicle. We tried to
19 find it right here in the parking lot. We couldn't and
20 that's when my boss looked it up in the -- on the
21 internet and came up with the 10,5.

22 MR. GOLLING: Okay.

23 MR. MUZIC: I actually thought -- I was
24 under the impression the GV on those two vehicles was
25 10,000.

26 MS. MUZIC: 10, right, because we were only
27 going to ask for the variance for the one truck until I
28 did the research and saw, "Okay, all I can find is
29 10,5." And like I said, we want to be legitimate, we
30 want to be honest with you all, we don't want to hide

1 anything and sneak anything by.

2 MR. MUZIC: Right.

3 MS. MUZIC: We just --

4 MR. MUZIC: This has been a change in '11
5 and I've owned -- I was wondering if there was any
6 grandfather provision. I've owned these forever. I
7 haven't changed anything that I've been doing. I'm a
8 very boring guy.

9 CHAIRMAN VALENTIC: What's the year -- what's the
10 year of the trucks?

11 MR. MUZIC: The one's a '99, the one I drive
12 the most. The dump truck is a '98 or '97.

13 MS. MUZIC: It's a '97, but we bought it in
14 2011.

15 MR. MUZIC: And the other one is an '84.

16 MS. MUZIC: An '84 and we bought that in
17 2000.

18 MR. MUZIC: So I've had them forever. I'm a
19 creature of habit.

20 MS. MUZIC: Yeah, nothing's changed since
21 2011 and we weren't aware the variance had changed at
22 that point. I don't know what it was before, but I
23 know I went over it with Bruce. When we first moved
24 in, we wanted to be in compliance and we had -- we were
25 in contact with Bruce a lot to make sure everything was
26 okay at that point --

27 MR. MUZIC: To make sure we were in
28 compliance.

29 MS. MUZIC: -- and then nothing's changed so
30 we haven't come visit you all, so...

1 CHAIRMAN VALENTIC: Any other questions?

2 MR. HAMILTON: Heather, can we confirm that
3 prior to 2011 this would not have been outside of the
4 ordinance?

5 MS. FREEMAN: Yeah, the current parking
6 regulations as far as commercial motor vehicles I
7 believe were adopted in April of 2011, but I'm not -- I
8 don't know prior to that if we had any regulations on
9 the books, but we did not adopt any regulations until
10 April of 2011.

11 MR. MUZIC: There's people I don't want to
12 go pointing fingers, and I'm not going to be that guy,
13 but there's much bigger trucks, much more axles, bigger
14 equipment and I'm not -- like I said, I'm not going to
15 go around pointing -- right in eyesight from the road,
16 my stuff you can't even see.

17 CHAIRMAN VALENTIC: Yeah. Yeah, unfortunately that
18 doesn't matter. We're here to talk about this.

19 MR. MUZIC: I understand that, but it should
20 in a way when we talk about impacting other people's
21 property values and I can't see how it would.

22 CHAIRMAN VALENTIC: Okay. Are you guys good?

23 MR. ROWE: Yeah.

24 CHAIRMAN VALENTIC: Okay. You can be seated.

25 MR. MUZIK: Okay.

26 CHAIRMAN VALENTIC: Is there anyone else here this
27 evening that's speaking for or against this appeal?

28 MS. MEGGER: Hi, my name is Danielle Megger.
29 I live at 12350 Painesville Warren Road and I have been
30 sworn in.

1 CHAIRMAN VALENTIC: Thank you.

2 MS. MEGGER: So I don't have a problem with
3 the vehicles being parked there. The problem I have is
4 that from what I've seen, what I witness, I mean, we
5 share a back property line, I'm not immediate neighbors
6 to Dan, but I constantly hear a diesel truck going in
7 and out. I've seen excavators, things pulled with the
8 deezer -- diesel truck. I've seen, I believe a Bobcat,
9 so two different types of heavy equipment being pulled
10 with the diesel truck.

11 I see the dump truck go in and out. On one day I
12 saw it go in and out -- I saw it three times in one day
13 and that was a period of time when I was at home
14 because I wasn't working during that period of time.
15 So during that period of time I saw a lot of the
16 vehicles going in and out of the driveway. He's
17 mentioned that there has been customers -- I know he
18 mentioned there weren't customers, but we know that
19 there has been customers on this property that do come
20 into his driveway as well.

21 So my biggest concern is that, you know, it's a
22 noise disturbance to us having those vehicles on that
23 property for the zoning department and also that it
24 does decrease the value of our home because you have
25 that noise disturbance. Yes, you can't see the
26 vehicles. He is tucked back. And I don't mind if he
27 keeps those there and uses them a few times a year, but
28 that's not the case. It's constant in and out of the
29 driveway and it is a noise disturbance.

30 CHAIRMAN VALENTIC: Okay. And just so it's clear

1 for the board, I've got this map here real quick.

2 MS. MEGGER: Yes.

3 CHAIRMAN VALENTIC: Are you adjacent property owner
4 or would you be --

5 MS. MEGGER: I'm the next one over
6 immediately. On that property there.

7 CHAIRMAN VALENTIC: Right there?

8 MS. MEGGER: Yeah.

9 CHAIRMAN VALENTIC: Okay. That's where she's at.

10 MR. GOLLING: Where?

11 CHAIRMAN VALENTIC: Okay.

12 MR. GOLLING: Two doors down?

13 CHAIRMAN VALENTIC: Two doors down. Okay.

14 MR. MUZIC: I have a question. I would like
15 to speak.

16 CHAIRMAN VALENTIC: No.

17 MR. MUZIC: I don't bring customers on my
18 property.

19 CHAIRMAN VALENTIC: Sir, sir, sir, sir, you've got
20 to wait till your turn. We're all taking turns. It's
21 her turn now; okay?

22 MR. MUZIC: Excellent.

23 CHAIRMAN VALENTIC: Thank you. Okay. I'm sorry.
24 Do you guys have questions?

25 MR. GOLLING: Huh-uh.

26 MR. ROWE: No.

27 CHAIRMAN VALENTIC: No?

28 MR. HAMILTON: I don't think so, no.

29 MS. MEGGER: And then also when you look on
30 Google Maps, I know it's tied -- his house is tied to

1 the business as well, which that doesn't mean he's
2 operating the business, but it does seem funny that
3 that's where his business is located as his home
4 address. If he was storing all this equipment and
5 stone and other things in other places, they should be
6 somewhere else and I believe when the zoning department
7 came out, they did find a big pile of stones there and
8 something like a big tractor you cut grass with and I
9 believe something else as well. So there are some
10 things that suggest he is running a business out of his
11 home. Yeah. So I don't care if he has those vehicles
12 there, I can't see them, but when I'm constantly
13 hearing the trucks go in and out and seeing them go in
14 and out, that's what I have a problem with and I don't
15 think it's right.

16 CHAIRMAN VALENTIC: Okay. Thank you.

17 MS. REIGLES: Yes, my name is Shirley Reigles
18 and I live at 12425 Huntoon Road. This is Mary Ann
19 Holmes. She lives there as well.

20 CHAIRMAN VALENTIC: You both have been sworn in this
21 evening?

22 MS. REIGLES: Yes, yes, we have.

23 MS. HOLMES: Yes.

24 MS. REIGLES: And we've lived there for 26
25 years and we've had dealings with Dan. He's done a lot
26 of work for us. And I know for a fact that he does not
27 have customers come to his house. If they do, it's
28 just to discuss something just like you would have a
29 friend come over and talk about things. He does not
30 conduct any business at his house. He is one of the

1 most legitimate guys I know. I've had many, many
2 dealings with him both for him doing work for us and
3 he's by the book. He's an honest guy.

4 And -- AND as far as trucks going in and out two or
5 three times a day, where have we come that cars or
6 trucks going up and down your own driveway is an issue?
7 I mean, really, where have we come? During daylight
8 hours, not in the middle of the night, not when people
9 are sleeping. I just -- I have a concern about that
10 and Dan is very respectful and if he's asked to do
11 something, he'll do it. He's much better than I am.
12 I'll be honest with you. I'm serious.

13 He's a very honest man. He makes things right if
14 they aren't right. And to say something about somebody
15 using a driveway, the fact that his driveway is as big
16 as ours, we're directly behind him and our driveway is
17 275 feet, so we come in and out of our driveway. Yes,
18 it's going to make a lot more noise than it is for a
19 50-foot driveway.

20 So, I mean -- okay, that's all I'm going to say.
21 That's -- that's --

22 MS. HOLMES: The one thing I wanted to add is
23 we're retired and we have been for almost fifteen years
24 now. We're home all the time, outside often because of
25 our pets and stuff. The only time you ever hear a car
26 is when they leave, maybe 9:30, 9:00 and they come home
27 at 5:00, 5:30. That's it. There is no other traffic
28 noise. We're right there. We share our backyard.

29 MS. REIGLES: We're there seven days a week,
30 seven days a week.

1 MS. HOLMES: And still there house is
2 surrounded by trees.

3 MS. REIGLES: We're in the woods as well and
4 you can't see our house. And you can't see Dan's
5 house. And to say you hear that, you would have to
6 physically --

7 MS. HOLMES: Well, what about the vehicles
8 that are going up and down 86, which is in front of
9 their house? And there are huge trucks going up and
10 down there.

11 MS. REIGLES: And you hear them.

12 MS. HOLMES: If you're gonna protest these,
13 protest these.

14 MS. REIGLES: You hear that all the time. I
15 can hear the freeway all the time from our house.

16 MS. HOLMES: Yeah, freeway all the time.

17 MS. REIGLES: So to say that they're driving
18 trucks up and down three and four times a day --

19 MS. HOLMES: No, that's not true.

20 MS. REIGLES: -- that's barring any other cars
21 running down the street. Thank you.

22 MS. HOLMES: Okay. Thank you.

23 CHAIRMAN VALENTIC: Dan, you want to come back up?
24 Did you have something you wanted to --

25 MR. MUZIK: Oh, yes, I do. Thank you. We
26 can talk about a secondary dispute, but I'm not going
27 to do that here, but we will soon enough. What I would
28 like to talk about is I have deliveries at my house,
29 personal deliveries. There is the Fed Ex truck when we
30 have orders. Everybody shops online nowadays. Those

1 trucks are bigger than my trucks. A lot of those are
2 heavier GVWs. The garbage truck that comes makes more
3 noise and it's heavier. Any of us that live in Concord
4 Township that has a gravel driveway will also have, or
5 if they're doing a project will also have a big, heavy
6 triaxle or quad or a quint come in and drop us gravel,
7 which that's a normal thing. We live in the country.

8 The only possibility for her to see what's going on
9 in my driveway is if they're filming it. And they've
10 been filming us. They took pictures of my daughter,
11 took pictures of friends coming up and down. You
12 actively have to stand on the end of her driveway and
13 crane and film. I've seen footprints in my woods that
14 they're like spying on us.

15 CHAIRMAN VALENTIC: Let's just --

16 MR. MUZIK: There's no way to see my
17 driveway down there without being totally focused on my
18 house.

19 CHAIRMAN VALENTIC: Yeah.

20 MR. MUZIK: This is crazy.

21 CHAIRMAN VALENTIC: Hold on. Go ahead.

22 MS. MUZIK: I just have one question. I
23 don't know how you would know who our customer is.

24 CHAIRMAN VALENTIC: Hold on.

25 MR. HAMILTON: Wait, wait, wait.

26 MR. ROWE: What you're trying to say is --

27 MR. HAMILTON: Let's stick to the issue here
28 that has to do with the zoning --

29 MR. ROWE: Yeah.

30 MR. HAMILTON: -- and what's required by the

1 zoning, not anything to do with your neighbors.

2 MR. MUZIK: Right. I've never had a problem
3 in 28 years. I've been respectable to everybody,
4 everybody else around, everybody.

5 MS. JARRELL: Where is your business?

6 MR. ROWE: Wherever he's building.

7 MR. MUZIK: Every house where I work.

8 MS. JARRELL: I mean, do you have --

9 MR. MUZIK: Like today my business was in
10 Mentor. I was working in a bathroom. I was changing a
11 bathroom.

12 MS. JARRELL: So you don't have any other --

13 MR. MUZIK: I don't have any other
14 commercial building. I have nothing. I have tools, I
15 have my house, I have some barns, that's it. And it
16 would be -- for me to go get a shop, it would totally
17 disrupt my way of life. I've been doing this since --
18 I've had this way before that ordinance in '11. This
19 big vehicle and there is a problem. This is the first
20 time that -- I'm here to try to be compliant. That's
21 why I'm here tonight when I found out there was a
22 problem and gave my money for a variance and that's why
23 I'm here tonight. Thank you.

24 CHAIRMAN VALENTIC: So you're -- you're -- you're
25 taking your vehicles out to the job site. You're just
26 storing them there. You're using essentially the job
27 site as your storage?

28 MR. MUZIK: The fact that she was
29 complaining that she called a gazillion times in one
30 day, seven to nine times in one day with her boyfriend

1 or husband filming --

2 CHAIRMAN VALENTIC: I don't -- yeah, again --

3 MR. MUZIK: -- this was what was the red
4 flag. I understand, but please let me finish. I was
5 hauling in to do a privacy mound because these people
6 are filming us all the time and we find it an
7 infringement of our privacy. We are in the woods so I
8 have a plan of making a big privacy mound so I can't --
9 they -- what culminated that, this guy was across the
10 street filming like this across 86 us leaving our
11 driveway.

12 CHAIRMAN VALENTIC: So --

13 MR. MUZIK: This is insane.

14 CHAIRMAN VALENTIC: Okay. Let's just focus again on
15 the -- on the variance. So you have three trucks.

16 MR. MUZIK: Yes.

17 CHAIRMAN VALENTIC: You keep them in barns.

18 MR. MUZIK: Yes.

19 CHAIRMAN VALENTIC: And you use them as tools. You
20 pull them out of the -- in and out occasionally; right?
21 That's what I hear.

22 MR. MUZIK: One day there was more traffic.
23 I'm bringing stuff in for a project.

24 CHAIRMAN VALENTIC: For your own personal project?

25 MR. MUZIK: Yes, sir.

26 CHAIRMAN VALENTIC: So you're not bringing in
27 materials and you're not storing materials --

28 MR. MUZIK: I'm putting -- I'm putting in a
29 privacy mound. Sometimes when I -- at the end of the
30 day when I go to a job, and let's say I had a landscape

1 job and I have a half a box of topsoil, where am I
2 going to take that? I bring it back, I bring it back
3 and I use it at my place for my own personal when I
4 need it. I mean, that's where -- and they're stored in
5 bins. But what's there now is for this privacy mound.
6 I talked to Heather about it quiet extensively. It's
7 going to happen in the fall. I don't want to do a
8 planting right now. First off, we're very busy, but I
9 don't want to do a planting right now because now is
10 really not the time. You want to put trees in in the
11 fall and they do much better.

12 CHAIRMAN VALENTIC: Okay.

13 MR. MUZIK: But this is what -- this is why
14 we're really here tonight. This is why I had to give
15 \$300. This is why I've been losing work and on and on
16 and on. I can explain it, but it's going to court and
17 we will talk before a judge about it, because I've had
18 enough. I've absolutely had enough. And my -- my
19 attorneys will take care of it and they'll do the
20 talking for me in court. Thank you.

21 CHAIRMAN VALENTIC: All right. Thank you.

22 Is there anything else that's speaking for or
23 against this appeal?

24 MS. MEGGER: Am I able to speak again?

25 CHAIRMAN VALENTIC: Yeah, absolutely.

26 MS. MEGGER: Yeah. So obviously we have
27 other issues going on. Oh, my name is Danielle Megger.
28 Do I have to state my address too?

29 CHAIRMAN VALENTIC: Yeah.

30 MS. MEGGER: Danielle Megger, 12350

1 Painesville Warren Road and I have been sworn in.

2 CHAIRMAN VALENTIC: All right.

3 MS. MEGGER: It just seems questionable to
4 say he doesn't operate out of his home when he's saying
5 he doesn't have another place where he stores his
6 equipment or materials. I've seen his truck go in and
7 out multiple times. The reason why my boyfriend has
8 videotaped him across the street was because when we
9 did call the zoning department they said, "We can't
10 stand at the end of the driveway and videotape him
11 coming in and out to prove that he is doing that," so
12 that is why my boyfriend did that. We're not spying on
13 him or anything of that nature.

14 CHAIRMAN VALENTIC: Okay. But we're just here to --
15 I think we just need to focus on the vehicles and what
16 is allowed and not allowed and what we're discussing
17 today is, you know, we have to decide if we're gonna
18 let them have three vehicles over 10,000 pounds or not.

19 MS. MEGGER: Okay.

20 CHAIRMAN VALENTIC: Okay?

21 MS. MEGGER: That makes sense. So it has
22 nothing to do with operating the business? That's a
23 separate issue?

24 CHAIRMAN VALENTIC: No. We're just focusing on the
25 vehicles. That's all we can discuss and approve or not
26 approve this evening.

27 MS. MEGGER: Okay. That makes sense. Thank
28 you.

29 CHAIRMAN VALENTIC: Thank you.

30 Okay. If there is no further questions, the public

1 hearing for Variance #2019-49 is now closed to the
2 public.

3 I will entertain a motion to approve 2019-49.

4 MR. ROWE. So moved.

5 CHAIRMAN VALENTIC: Second?

6 MS. JARRELL: Second.

7 CHAIRMAN VALENTIC: All right. Open for discussion
8 to the board.

9 MR. ROWE: There are three vehicles, yes.
10 Seemingly there is one driver.

11 CHAIRMAN VALENTIC: Yeah.

12 MR. ROWE: We were told that these vehicles
13 can be under cover, I mean, besides being in the woods,
14 although the wood usually -- I mean, I don't know, that
15 just the quandary I'm going through.

16 CHAIRMAN VALENTIC: Well, yeah, I also look at that
17 two of the vehicles are, I don't know, I guess it's a
18 little gray, I guess they are over 10,000.

19 MR. ROWE: Yeah.

20 CHAIRMAN VALENTIC: By a hair.

21 MR. GOLLING: Without calling dealer or
22 decoding the VIN, 10,000, 10,5. He's got the barn
23 where the two dumpers snooze in and then the tool
24 driver. When you have to go to a job, you take the one
25 with the white cap on it. That's my understanding?

26 MR. MUZIK: Yes, sir.

27 MR. GOLLING: So that one, that's diesel
28 too?

29 MR. MUZIK: They're all diesel. If they
30 were gas, I couldn't afford to drive them.

1 MR. GOLLING: Well, if you had -- they would
2 be a little louder.

3 MR. MUZIK: Not bad. They've all got
4 muffler and everything. You can --

5 CHAIRMAN VALENTIC: We can't talk to him anymore.

6 MR. HAMILTON: We're not talking about noise,
7 we're not talking about --

8 CHAIRMAN VALENTIC: Yeah, we're talking about --

9 MR. MUZIK: They're not straight pipe, if
10 that's what you're asking. They're mufflers. We had
11 to have them --

12 CHAIRMAN VALENTIC: Okay.

13 MR. GOLLING: We're good.

14 MR. HAMILTON: I think it matters how we got
15 here, that prior to 2011 probably this was not an issue
16 and only because of the change in the zoning is why
17 we're here. And we have had many other cases, not that
18 they have any bearing on this, but that does offer some
19 consideration.

20 CHAIRMAN VALENTIC: Okay. You got anything to add,
21 Chris?

22 MS. JARRELL: No.

23 CHAIRMAN VALENTIC: Okay. I'm going to call for a
24 vote on the approval of Variance #2019-49. A yes vote
25 approves it, a no vote denies it. Heather, please call
26 the vote.

27 MS. FREEMAN: Mr. Golling?

28 MR. GOLLING: Yes.

29 MS. FREEMAN: Mr. Rowe?

30 MR. ROWE: Yes.

1 MS. FREEMAN: Ms. Jarrell?
2 MS. JARRELL: Yes.
3 MS. FREEMAN: Mr. Hamilton?
4 MR. HAMILTON: Yes.
5 MS. FREEMAN: And Mr. Valentic?
6 CHARIMAN VALENTIC: Yes.
7 Your variance has been approved.
8 MR. MUZIK: Thank you.
9 CHAIRMAN VALENTIC: So next on our agenda is
10 approval of minutes from July 10, 2019. Call for a
11 motion to approve the minutes.
12 MR. HAMILTON: So moved.
13 CHAIRMAN VALENTIC: You guys can't -- can someone
14 second it, Chris?
15 MS. JARRELL: Second.
16 CHAIRMAN VALENTIC: Are you guys abstaining?
17 MR. GOLLING: Abstaining.
18 MR. ROWE: Yeah.
19 CHAIRMAN VALENTIC: Is there any additions,
20 deletions, or changes to the minutes?
21 MR. HAMILTON: None.
22 CHAIRMAN VALENTIC: So all in favor of approving the
23 minutes from July 10, 2019 as written say "Aye."
24 MR. HAMILTON: Aye.
25 MS. JARRELL: Aye.
26 CHAIRMAN VALENTIC: Aye.
27 The minutes have been approved.
28 Our next meeting will be September 11, 2019. The
29 Concord Township Board -- Zoning Appeal Board meeting
30 for August is now closed.

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(Whereupn, the meeting was concluded at 8:15 P.M.)

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CERTIFICATE

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

WITNESS MY SIGNATURE THIS 30th day of August, A.D. 2019.

Susan Goodell
SUSAN GOODELL