

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

Held via Webex Teleconference
and YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

October 14, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Blair Hamilton, Member
Chris Jarrell, Member
Francis Sweeney, Member
Todd Golling, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Stephanie Landgraf, Esq., Legal Counsel (via
Webex)

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

1 7:00 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals for October 14, 2020, is now
4 in session. I would like to introduce my board. To my far
5 left is Skip Sweeney and Todd Golling. I am Ivan Valentic.
6 To my right is Chris Jarrell and Blair Hamilton. To our far
7 right is Heather Freeman, our Zoning Inspector.

8 Under the advice of counsel, we ask that anyone
9 speaking tonight must be sworn in. If you plan on speaking,
10 please stand and raise your right hand so you can present
11 tonight.

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

13 CHAIRMAN VALENTIC: Thank you. Please be seated.
14 When presenting your case and commenting this evening, come to
15 the microphone and state your name and address and also please
16 confirm you've been sworn in. Okay?

17 Heather, were the legal notices published in a
18 timely manner?

19 MS. FREEMAN: Yes, they were.

20 CHAIRMAN VALENTIC: Thank you.

21 We have two variances tonight. A three-vote
22 majority is required to either approve or deny a variance
23 request. First is Variance Number 2018-41 -- I am sorry.
24 That's Old Business. Sorry -- Variance Number 2020-66,
25 Stephen Mitch is requesting a variance from Section 15.03
26 (A)(6) to allow for the construction, for the construction of
27 a third accessory building on a lot less than 2 acres, in lieu
28 of the maximum one permitted for lots less than 2 acres, for
29 the property located at 7547 Kellogg Road, current Parcel
30 Number 08-A-027-0-00-051-0.

1 Mr. Mitch, please come to the microphone.

2 MR. MITCH: Hi, my name is Steve Mitch. I live at
3 7547 Kellogg Road. I have been sworn in. I am not real
4 familiar with the process. If there is any type of
5 objections, will I have an opportunity to come back and talk
6 about those or --

7 CHAIRMAN VALENTIC: You will present your case. We
8 will ask you questions.

9 MR. MITCH: Okay.

10 CHAIRMAN VALENTIC: Once -- And then we'll ask if
11 there is anybody that is either supporting or against the
12 appeal that would like to speak. And then if we, once we
13 close the case though to the public, then there is no further
14 comment from you. So --

15 MR. MITCH: Yeah. If there is people that choose to
16 speak, would I have an opportunity to address their concerns?

17 CHAIRMAN VALENTIC: Yes.

18 MR. MITCH: After that?

19 CHAIRMAN VALENTIC: Yes.

20 MR. MITCH: Okay, okay. I built a -- I had a pool
21 built in the back of the house and I spent about \$85,000.
22 It's an in-ground pool. It's a salt water pool with a heater.
23 I added some additional concrete around the pool. And I'd
24 like to put a pool building next to the pool house or -- I am
25 sorry -- a pool building next to the pool itself, next to the
26 deck. My lot is 1.92 acres, just shy of the 2 acre minimum.
27 The lots around me are similar in size. The one to the right
28 of me is over 2 acres and the one to the left is under 2 acres
29 but I believe it's about an acre and a half. It's -- They're
30 larger lots where we're at. So the houses are not real close

1 together.

2 And I think the pool is, you know, a significant
3 upgrade for the property, and I'd like to add the pool house
4 as part of that compartment.

5 I have a large building on the lot already. It's
6 about 2,000 square feet. And I park -- I've got cars. I've
7 got classic cars in there. And then I also do, I rent
8 residential real estate, so I keep appliances, spare
9 appliances and stuff like in there as well.

10 Then there is a smaller building that I keep all my,
11 keep my lawn equipment in. So the pool house would sit right
12 at the edge of the concrete.

13 And I have one, in my page here, I did make a
14 mistake. At the bottom of the page, it says there's -- it's
15 visible to one house 400 feet away through trees. It's not
16 400 feet away. It's actually 153 feet away. So I wanted to
17 be clear about that. When I wrote that up, I just, to be
18 honest with you, I didn't even measure it. I just, the houses
19 were so far away, I just kind of threw that number out there.
20 The neighbors let me know that it's not 400 feet away and I
21 absolutely agree with that. So I went out there and I
22 measured it. I just wanted to be clear and up front about
23 that. So it is 153 feet away from, from the only house that
24 can actually see the building once the building would be, you
25 know, would be installed.

26 I talked to them about the building and they, they
27 had some concerns about it. And I am willing to, you know,
28 plant six foot arbor vitae all around the building to
29 completely conceal it, you know, if their concern is looking
30 at the building, which I believe that's what we were talking

1 about. They indicated that it might be better if I put it in
2 between my other buildings but, if I do that, I won't have
3 access to my back yard for, like, tractors and, you know,
4 stuff like that that I need to get back there.

5 So that's, pretty much, it. I was going to, the
6 building itself, I was going to stain and shingle like the
7 house itself to match it and all that, and the aluminum fence
8 is right up next to it. Shannon Fence is coming out Friday to
9 put the fence up. So I believe that's it.

10 CHAIRMAN VALENTIC: I drove by and I was trying to
11 -- You know, it's hard to see. I saw the large structure
12 garage that's there.

13 MR. MITCH: Right.

14 CHAIRMAN VALENTIC: Looks like that was even added
15 on at one point. Then I couldn't see this other structure
16 that's existing out there.

17 MR. MITCH: Right.

18 CHAIRMAN VALENTIC: So, you know, so you don't feel
19 like there is any way that you could take this and add it to
20 one of those existing structures at all?

21 MR. MITCH: I have some additional pictures.

22 CHAIRMAN VALENTIC: Sure. Do you want to start with
23 Blair there at the far right.

24 MS. FREEMAN: I am sorry. Do you have one for me?

25 MR. MITCH: Yes. So the page 1, what you're looking
26 at is the largest building, accessory building on the lot.
27 That's the one that's 2,000 square feet where I keep the cars
28 in. It's an old building. It's probably close to 100 years
29 old, so it is not the most ergonomically efficient building.
30 It's still got a great value to me. The two doors that you

1 see, the two garage doors, I can park two cars straight in
2 through there and then I can park one in the back. So page 2
3 is the door on the right-hand side, it's looking straight in
4 there. Page 3 is the door on the left-hand side looking
5 straight in there.

6 MS. JARRELL: I didn't get those.

7 MR. GOLLING: Are you talking about this one?

8 MR. MITCH: No, no. There is numbers on the pages.

9 MR. GOLLING: I've got a 7 and a 9.

10 CHAIRMAN VALENTIC: Oh, I don't have that one.

11 MS. JARRELL: I have one 10.

12 MR. GOLLING: And a 10.

13 CHAIRMAN VALENTIC: I don't have that set. I got
14 this set.

15 MR. MITCH: You're missing that.

16 CHAIRMAN VALENTIC: Can I have that? I am missing
17 the second packet.

18 MR. GOLLING: So this is the barn, Number 1?

19 MR. MITCH: Right.

20 CHAIRMAN VALENTIC: Yeah, the big building.

21 MR. GOLLING: That's that one.

22 MS. JARRELL: Here, can I see yours?

23 MS. FREEMAN: This is page 9 and 10.

24 MR. GOLLING: Oh, I've got that one.

25 MS. FREEMAN: You have 9 and 10?

26 MR. GOLLING: Yes, I have 9 and 10.

27 MS. FREEMAN: I think, Chris, I don't know if you
28 have --

29 MS. JARRELL: We're sharing. It's okay.

30 CHAIRMAN VALENTIC: We're sharing.

1 MR. MITCH: Okay. So page 1 is the front of the
2 building. Page 2 is the right-hand door looking straight in.
3 Page 3 is the left-hand door looking straight in. Page 4 is
4 the back of the garage where I can park one car long ways
5 along the back. Page 5 is the middle of the garage. It's
6 used as like a tool area. Page 6 is the left-hand part of the
7 garage. In front of that man door, it used to be an
8 apartment. I turned it into a climate-controlled race center.
9 And any right, that explains that building.

10 The second building is page 7 and 8. Page 7 is the
11 front of the building. I opened the door and, when you look
12 in there, that's all the lawn equipment that I need for -- to
13 maintain the property. There is some tractors, log splitters,
14 push mowers, snow blowers, those type of items, weedwackers.
15 So that's what I use that for.

16 Page 10 is the actual view to the neighbor's house.
17 If you're standing in the proposed section where I would like
18 to put the pool building, that's the view of the neighbor's
19 house as it currently sits with the foliage. But like I
20 indicated to them, I would be more than willing to actually
21 plant arbor vitae around the entire, you know, building to
22 conceal it if -- because their concern was they didn't want to
23 look at the building. They were okay if I put it in between
24 the other two buildings but they didn't want to look at it.
25 They didn't want it over where I wanted to put it.

26 MS. JARRELL: What's in the upstairs of the big
27 building?

28 MR. MITCH: I believe it used to be for like hay and
29 stuff but, right now, there is just personal belongings. This
30 house has an in-law suite. I moved in there about a year and

1 a half ago. My parents are elderly and they weren't able to
2 take care of themselves anymore, so we all moved into this
3 building. And my dad used to own an antique store on Vine
4 Street, so everything that he had is a treasure and it takes
5 up the entire top of the barn.

6 MS. JARRELL: Mr. Mitch, you already have over twice
7 the allowed square footage in your district, allowed in your
8 district. And it seems to me, to be very candid, that if you
9 cleaned up your buildings and the belongings inside, you would
10 have 200 square feet easily.

11 MR. MITCH: Right. So you suggest, like, I put the
12 pool equipment next to the '60 Eldorado or the Mercedes?

13 MS. JARRELL: That's your choice.

14 MR. MITCH: Is that the recommendation? That's,
15 that's my concern, you know.

16 MS. JARRELL: Well, I am just saying, you give us
17 these pictures and there is a lot of stuff in there.

18 MR. MITCH: Yeah, there is a lot of stuff in there.

19 MS. JARRELL: And there's a lot of stuff upstairs.

20 MR. MITCH: Right.

21 MS. JARRELL: And you've already got over twice the
22 allowed square footage.

23 MR. MITCH: Right.

24 MS. JARRELL: I understand that you're close to 2
25 acres but you haven't made any attempt to move things around
26 to -- I mean, your pool's right there.

27 MR. MITCH: Yeah, the pool is about 35 feet away
28 from the building.

29 MS. JARRELL: I have, I have a theory. It's called
30 "the big purse theory." And what that theory is, is the

1 bigger the purse you have, the more stuff you put in it.

2 MR. MITCH: Right.

3 MS. JARRELL: So I just think that -- And it's my
4 opinion. We will decide, you know, based on our factors here.

5 MR. MITCH: Right.

6 MS. JARRELL: But you're asking for a pretty big
7 variance and you haven't made any effort to clean anything up
8 to make room. So you're putting a third building, a third
9 accessory building there and, I mean, what is that giving you?

10 MR. MITCH: Well, each unit has, you know, its own,
11 you know, own compartment and that. I have, my house is large
12 and I've got, you know, a clothes dresser but I don't, you
13 know, just because I have room in my family room doesn't mean,
14 you know, it belongs there. So --

15 MS. JARRELL: Did you use your pool this summer?

16 MR. MITCH: Well, it was just done about a month ago
17 and we used it probably a dozen times since then.

18 MS. JARRELL: Where did you keep your toys?

19 MR. MITCH: We don't have any yet. We aren't buying
20 anything till the spring, till we get this all worked out.

21 MS. JARRELL: Okay.

22 MR. MITCH: We don't have anywhere to put it.

23 CHAIRMAN VALENTIC: So, you know, the square footage
24 is a struggle and really understanding where the hardship is
25 is difficult to see right now. And I get back to, you have
26 two structures already.

27 MR. MITCH: Right.

28 CHAIRMAN VALENTIC: Making room in them is one
29 option. The other thing is, it sure looks like that there is
30 -- you could expand that smaller building and not have three

1 buildings on the site. I mean, did you really look at that as
2 an option instead of adding a third building to the site?

3 MR. MITCH: Would I need a variance for that to make
4 the building larger? We would be right back to this again
5 or --

6 CHAIRMAN VALENTIC: Heather, would he need a
7 variance for the square footage if he is already over?

8 MS. FREEMAN: What is this square footage of the
9 smaller building again?

10 MR. MITCH: I believe it's 12 by 24.

11 MS. JARRELL: It's 300, 336.

12 CHAIRMAN VALENTIC: In total, he's way over the
13 whole square footage already.

14 MS. JARRELL: Yeah, way over.

15 CHAIRMAN VALENTIC: Yeah. I am not sure. Todd or
16 Skip, do you have any questions?

17 MS. FREEMAN: I would have to look at that.

18 MR. SWEENEY: Yeah. Mr. Mitch, thank you for coming
19 tonight. This building that you want to put, will it serve
20 solely as a storage?

21 MR. MITCH: Right.

22 MR. SWEENEY: Will it serve any purpose for, say,
23 like changing or a cabana-type situation where you go in and
24 change clothes or put a couple chairs in there or something
25 like that?

26 MR. MITCH: Well, the plan is to put the pool cover
27 in there, all the chairs, you know, the barbecue grill,
28 everything that's out on the deck. You know, the deck is
29 going to be enclosed, fenced in. We were going to put this
30 right, you know, there so that all the items from, you know,

1 that area of the property goes right into the pool house. So
2 that would mostly entail, you know, the pool furniture and
3 the, storing the cover through the time when we're using the
4 pool, so items like that. But we're not going -- I don't plan
5 on putting, like, a lavatory or changing room or anything like
6 that in there whatsoever. It was just going to be used, you
7 know, to keep a place for, you know, the items that were on
8 the pool deck.

9 MR. SWEENEY: Okay. Thank you.

10 CHAIRMAN VALENTIC: Todd, do you have any questions?

11 MR. GOLLING: No.

12 CHAIRMAN VALENTIC: Blair?

13 MR. HAMILTON: No, I think I will hold my comments
14 for later. I guess, well, I guess I will say, I mean, to
15 follow up on what Chris had indicated, the problem, to me,
16 seems it could be resolved by some other manner other than
17 having to put another building in. There is quite a bit of
18 square footage there available. I am sure it could be
19 utilized in a better way. And granting a variance is a real
20 stretch for us because of the square footage involved.

21 MR. MITCH: Right.

22 CHAIRMAN VALENTIC: Okay, okay. We will call you up
23 if we have any other questions.

24 Is there anyone else here that is speaking for or
25 against -- or for this appeal that would
26 like to come up?

27 (No response.)

28 Okay. The other thing, I just want to make sure
29 that the Board has seen the letter from the neighboring
30 property. We received some communication, that's part of our

1 consideration as well.

2 Also, then I will just give the option if there is
3 anyone here that would like to speak against the appeal, if
4 they want to come up, they can speak. If not, we will move
5 on.

6 (No response.)

7 Okay. If no one else is speaking against the
8 appeal, Heather, is it okay to open it up to discussion for
9 the Board or should we close it to the public first in case
10 anybody wants to -- If we close it to the public, we can't ask
11 Mr. Mitch any more questions, correct, or comments?

12 MS. FREEMAN: Right.

13 CHAIRMAN VALENTIC: Is it okay to keep it open but
14 have a motion so we can have open discussion or should I just
15 close it right now?

16 MS. FREEMAN: Stephanie? Stephanie?

17 MS. LANDGRAF: I can't, obviously, see if there is
18 anybody both in favor or against. Ivan, are you talking if
19 the property owner wants to come back up?

20 CHAIRMAN VALENTIC: Yes, or if anyone wants to speak
21 again with him.

22 MS. LANDGRAF: I would not make a motion while
23 you're doing the discussion. The motion should really be made
24 once the discussion is completed. But if you have any more
25 inquiries for him, you certainly can do that now.

26 MR. GOLLING: I do have a question for Mr. Mitch.

27 CHAIRMAN VALENTIC: Can you come back up, sir.

28 MR. GOLLING: Yeah, sorry. So you stated you moved
29 into the in-law suite. Is this your parents' home or your
30 home?

1 MR. MITCH: It's my house.

2 MR. GOLLING: Your house, okay. I just needed some
3 clarification on that. Thank you.

4 CHAIRMAN VALENTIC: Okay. So it sounds like I will
5 just, since there is no more questions, the public hearing for
6 Application Number --

7 MS. FREEMAN: You can leave it open and still have
8 the some discussion if you think you are going to ask the
9 applicant something else. You don't have -- Stephanie was
10 saying, don't make the motion yet.

11 CHAIRMAN VALENTIC: Okay. I would rather wait on
12 that because I feel like this group might have more questions,
13 but I could be wrong. All right. Can I get then a motion to
14 approve Variance Number 2020-66?

15 MR. SWEENEY: So moved.

16 MS. JARRELL: Second. I thought we weren't going to
17 make a motion yet.

18 CHAIRMAN VALENTIC: Oh, okay. So we -- Sorry,
19 nevermind. All right. Open discussion on the Board. My bad.

20 I will just start. I struggle with the square
21 footage, not the number of -- The number of the units is one
22 thing. You know, it's close to the acreage. But then we're
23 blowing the square footage out of the water and I don't -- I
24 am having a hard time seeing a hardship to look at anything.

25 MS. JARRELL: I don't really see a hardship either
26 and I agree, I agree with you. I echo your sentiments.

27 MR. GOLLING: Well, my first thought was the little,
28 the smaller 12 by 24 building, when I looked at that, I do
29 love me some lawn mowers. I will say that right now. I love
30 me some small engines. But with that, my first thought is, it

1 would be cool if we just make a little room, put up a wall,
2 and then we have plenty of place for barbecue grills, put away
3 your chairs for the winter, pool floaties and whatnot. I
4 think there is --

5 MS. JARRELL: It's 322 square feet.

6 MR. GOLLING: -- three snow blowers, I see, two
7 riding mowers, a couple push mowers. But I, you know, me,
8 what I would do is I have my pool here. I can make use of
9 this shed halfway through. Give me a chance to purge out some
10 stuff that I don't need or want anymore. I don't think I
11 would really need to build another structure, just personally.
12 But then I am also with -- That is a lot of a square footage
13 over already. And I would, personally, try to make best with
14 what I have versus the bigger purse area.

15 CHAIRMAN VALENTIC: We all learned something new
16 tonight.

17 MR. GOLLING: Don't tell my wife.

18 CHAIRMAN VALENTIC: Skip, did you have anything to
19 add?

20 MR. SWEENEY: No.

21 CHAIRMAN VALENTIC: Blair.

22 MR. HAMILTON: I agree. I mean, I just believe
23 that, given the criteria that we would use in evaluating the
24 variance in this case, most of those criteria are not met by
25 this applicant. And I guess, more specifically, it says, you
26 know, can the problem be resolved by some manner other than
27 granting the variance? And I strongly believe that, based on
28 what everybody has commented on, that's absolutely true.

29 CHAIRMAN VALENTIC: Yes, I feel the same way. You
30 know, is this variance substantial? Yes. So, okay.

1 Does any anyone have any other questions for
2 Mr. Mitch? Okay. So we can move forward then. So if there
3 is no further questions, the public hearing for Application
4 2020-66 is now closed to the public. I will entertain a
5 motion to approve Variance 2020-66.

6 MS. JARRELL: So moved.

7 CHAIRMAN VALENTIC: Second?

8 MR. HAMILTON: Second.

9 CHAIRMAN VALENTIC: All right. Heather, I guess --
10 sorry. The question is for the approval of the Variance
11 2020-66. A yes vote is for the approval of the variance. A
12 no vote denies the variance. Heather, please call the vote.

13 MS. FREEMAN: Ms. Jarrell?

14 MS. JARRELL: No.

15 MS. FREEMAN: Mr. Sweeney?

16 MR. SWEENEY: No.

17 MS. FREEMAN: Mr. Golling?

18 MR. GOLLING: No.

19 MS. FREEMAN: Mr. Hamilton?

20 MR. HAMILTON: No.

21 MS. FREEMAN: And Mr. Valentic?

22 CHAIRMAN VALENTIC: No. The nays have it. The
23 variance has been denied. Please contact Heather at some
24 point if you would like to appeal your decision this evening.

25 Okay. Next is Variance Number 2020-67, Timothy
26 McNamee is requesting a variance from Section 15.03(A)(6) to
27 allow for the construction of a second accessory building on a
28 lot less than 2 acres, in lieu of the maximum one permitted
29 for lots less than 2 acres, for the property located at
30 10424 Buckeye Road, current Parcel Number 08-A-032-M-00-002-0.

1 Please come and state your name and address and
2 confirm you've been sworn in.

3 MR. McNAMEE: Hi. My name is -- Can I take this
4 off? My name is Tim McNamee. I live at 10424 Buckeye Road,
5 Concord, and I have been sworn in.

6 CHAIRMAN VALENTIC: Thank you. If you want to go
7 ahead and, kind of, walk us through your appeal and what you
8 are looking for.

9 MR. McNAMEE: Okay. I have an existing, I actually
10 had two existing structures. I could not find a variance for
11 the second structure anywhere. The structure that, if you're
12 looking at this picture -- I don't know if you guys have this
13 or not.

14 MR. GOLLING: Yes. This one?

15 MR. McNAMEE: It's, yeah, that would work. If you
16 look at the house, directly behind the house is a pool, and
17 then just to the west of that is a small shed. That shed was
18 an 8 by 12, I believe it was. That, I took down. It was
19 falling apart. If you go further in back, you will come to
20 here and there is a structure that was built prior to me
21 owning the property. I believe it's 16 by 20, I believe.
22 It's, for my purposes, it's useless. It's almost 200 feet
23 behind the house.

24 What I am looking to do is, up towards that pool
25 where that shed was that I took out, put a structure in there
26 that I could put toys in for the grandkids, the pool stuff,
27 any of that, the lawn furniture that was kind of crammed into
28 that little 8 by 12 shed that I took down. Other than that, I
29 am just looking for that second structure, approval for the
30 second structure.

1 CHAIRMAN VALENTIC: I am sorry. How big did you say
2 the one in the back was already?

3 MR. McNAMEE: I believe it's either 16 by 20 or 20
4 by 20. I am not positive which one it is.

5 MS. JARRELL: It says 256 feet in the write-up, in
6 your write-up, Mr. McNamee.

7 MR. McNAMEE: Would that be 20 by 24?

8 MS. JARRELL: No, that would be 400. 16 by 20 is
9 320.

10 MR. McNAMEE: I may have that square footage wrong.
11 I believe the structure is 16 by 20.

12 CHAIRMAN VALENTIC: What do you keep in that
13 structure in the back?

14 MR. McNAMEE: I have, in the past, up until,
15 hopefully, I can get the variance for this, I have drug the
16 lawn furniture back there and the riding lawn mower, I throw
17 back there. The log splitter, that stuff, I kind of just pack
18 it in there. Whoever built that, I don't know if they built
19 that for like a little get-away for themselves or what but
20 it's kind of useless for what I need to have done. There is a
21 natural runoff creek in front of that building, between the
22 house and that building, and I have to drag everything over
23 that creek to get to there.

24 CHAIRMAN VALENTIC: But you want to still keep that
25 building and build a new one?

26 MR. McNAMEE: Correct. The small shed where I want
27 to, where I propose for the new building, that small shed was
28 there and I demolished that. It's gone.

29 MR. GOLLING: So I see the black rectangle here. Is
30 that the proposed -- Mr. McNamee, right here.

1 MR. McNAMEE: Yes.

2 MR. GOLLING: And that's, I think, is it what I
3 think the other shed is right there?

4 MR. McNAMEE: Yes, it's right there.

5 MR. GOLLING: What was there? Is that --

6 MR. McNAMEE: This is, well, this bigger one, this
7 is a trampoline and that is just --

8 MR. GOLLING: Oh, I thought that was the pool. My
9 bad.

10 MR. McNAMEE: The pool is right here.

11 MR. GOLLING: Gotcha. And that's the old shed that
12 you took down.

13 MR. McNAMEE: That's the old shed that I took down.

14 MR. GOLLING: Thank you. Clear.

15 CHAIRMAN VALENTIC: So you want to have two
16 structures. Total square footage will be roughly 912 square
17 feet. We're assuming the other one is 20 by 20.

18 MR. McNAMEE: The new structure is going to be 32 by
19 16, so that would be 512 square feet, plus the existing.

20 CHAIRMAN VALENTIC: Maybe it's -- We will just
21 assume it's 400 for now, if that's okay.

22 MR. McNAMEE: Yeah, that's fine.

23 CHAIRMAN VALENTIC: I can't imagine it's bigger than
24 20 by 20 looking at the picture.

25 MR. McNAMEE: This one has it a little bigger, yeah,
26 right here. This one was an 8 by 12.

27 MS. JARRELL: So you said the one in the back is
28 kind of useless, you've got to go over a creek and everything,
29 but you're still going to use it?

30 MR. McNAMEE: It will be used for, back there will

1 probably be used for lawn mower, whatever else, for storage.
2 And for kids, the grandkids and stuff to play in and stuff
3 back there, I can't really tell the grandkids, "Hey, go back
4 there to play," you know. I would like to put the second one
5 up in the front closer for them to play and have their toys
6 and stuff in there.

7 MR. GOLLING: What is next to you here at Buckeye?
8 What is that?

9 MR. McNAMEE: That's the church, a church on the one
10 side and a residence on the other side.

11 CHAIRMAN VALENTIC: Did you talk to the any of your
12 neighboring properties?

13 MR. McNAMEE: My adjoining neighbor, I talked to.
14 Other than that, no. It's all -- There is a lot of trees and
15 stuff around there. If you look at the second page of the
16 handout I gave you, all these little circles here are trees,
17 where trees are.

18 CHAIRMAN VALENTIC: Do you have to clear anything
19 out to build this larger shed? Are you cutting any trees
20 down?

21 MR. McNAMEE: No, just the old shed.

22 CHAIRMAN VALENTIC: Okay.

23 MS. JARRELL: Is there a structure over here, too?
24 What is this? It is kind of hard to see but what is right
25 there?

26 MR. McNAMEE: That is where I put like a little sand
27 box, a 20 by 20 sand area for the kids to play.

28 MS. JARRELL: And this is a fire pit?

29 MR. McNAMEE: Yeah, that's a fire pit.

30 MS. JARRELL: You've got a lot going on in your

1 yard.

2 MR. McNAMEE: I try to.

3 CHAIRMAN VALENTIC: Skip or Todd, do you, either of
4 you have any questions?

5 MR. SWEENEY: No.

6 MS. JARRELL: So I guess, you know, similarly with
7 this case, is there is some kind of something that's, you
8 know, a hardship that's preventing you from making due with
9 what you have? It seems like a pretty big building back there
10 and you've been using it.

11 MR. McNAMEE: Well, it is. It's just a pain in the
12 butt to use that building. I've got to -- It's almost, it's
13 almost 200 feet behind the house, over the creek. The
14 grandkids are small. I don't want to send them back there to
15 play.

16 MS. JARRELL: They would probably prefer playing in
17 the woods than --

18 MR. McNAMEE: Well, they prefer --

19 MS. JARRELL: But how long have you lived in the
20 house?

21 MR. McNAMEE: We bought the house in 2011, so nine
22 years. The structure in back, the existing structure, I
23 believe, was built in 2001.

24 CHAIRMAN VALENTIC: Blair, did you have any
25 questions?

26 MR. HAMILTON: No, I am fine. Thanks.

27 MR. SWEENEY: I do have a question. Mr. McNamee,
28 the shed that used to be there, you said it's been taken down.

29 MR. McNAMEE: Um-hum.

30 MR. SWEENEY: How many square foot was that about?

1 MR. McNAMEE: That was an 8 by 12 shed, so 96 square
2 feet.

3 MR. SWEENEY: Did we go over this already?

4 MS. JARRELL: No.

5 MR. SWEENEY: Oh, okay. I thought I missed
6 something. So about 100 square feet?

7 MR. McNAMEE: About a hundred, yes.

8 MR. SWEENEY: Approximately, okay. Thank you.

9 CHAIRMAN VALENTIC: Okay. If there's no further
10 questions, you can be seated.

11 MR. McNAMEE: Thank you.

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

14 (No response.)

15 Is there anyone else speaking against this appeal
16 that would like to come up?

17 (No response.)

18 Okay. If there is no further questions, the public
19 hearing for Application Number 2020-67 is now closed to the
20 public. Can I have a motion to approve Variance Number
21 2020-67?

22 MS. JARRELL: So moved.

23 MR. HAMILTON: Second.

24 CHAIRMAN VALENTIC: Discussion for the Board, anyone
25 want to start?

26 MS. JARRELL: Well, I guess we need to, I think we
27 need to look at the Duncan Factors.

28 MR. HAMILTON: Chris, could I interrupt, if you
29 don't mind?

30 MS. JARRELL: Please.

1 MR. HAMILTON: Just to establish some facts before
2 we do that and make sure that I am correct on my thinking,
3 that the two buildings that will be on the property should
4 this variance be approved will equal 768 square feet.

5 CHAIRMAN VALENTIC: I disagree. I mean, I don't
6 think that square footage was maybe right on that back
7 building. It might be a little bit bigger.

8 MR. HAMILTON: Okay.

9 CHAIRMAN VALENTIC: That's why I said maybe we can
10 assume that it's 20 by 20, at the largest, or something
11 smaller than that.

12 MR. HAMILTON: So that still puts us below what the
13 individual square footage requirement would be.

14 MR. GOLLING: Right.

15 CHAIRMAN VALENTIC: Correct.

16 MR. HAMILTON: We can agree on that. I guess that's
17 the primary thing I wanted to cover, just to have that out
18 there, and we will hear what Chris has to say.

19 MS. JARRELL: But it's two, two accessory
20 structures.

21 MR. HAMILTON: Right.

22 MS. JARRELL: Not one. You know, I guess we need to
23 talk about, you know, how substantial this is.

24 CHAIRMAN VALENTIC: The other thing I kind of, when
25 I am looking at the site plan, is, too, I just want to just, I
26 try to take into account that the adjacent property is the
27 church. And when you look at that adjacent property, there is
28 not only just a large building but several structures over
29 there, too, and he's kind of positioned this adjacent, you
30 know. I'm not saying that this is a deciding factor but just

1 take that into account. I think it's important to note that
2 it's on that side near the church, not the residential
3 property, you know, and it's even still, I guess, probably
4 screened from the church with the vegetation, too.

5 MR. HAMILTON: I did visit the property and you are
6 correct. There is heavy foliage and trees along that entire
7 property line. So if you are in the church parking lot, you
8 actually cannot see into the back yard of the house.

9 CHAIRMAN VALENTIC: Okay. Todd or Skip?

10 MR. GOLLING: No.

11 MR. SWEENEY: No.

12 CHAIRMAN VALENTIC: Do you want to, maybe we should,
13 if we want to just go through the Duncan Factors, I can read
14 them off and let folks comment. Will the property yield a
15 reasonable return or can there be a beneficial use of the
16 property without the variance?

17 MS. JARRELL: I would say so.

18 CHAIRMAN VALENTIC: Yeah.

19 MR. HAMILTON: Yes.

20 CHAIRMAN VALENTIC: Is the variance substantial? In
21 my opinion, it feels like it's not only because the square
22 footage, you know. We are not looking at a much bigger square
23 footage and two structures.

24 MR. HAMILTON: Right.

25 CHAIRMAN VALENTIC: It's the two. So I don't know.
26 I feel like it's not substantial, in my opinion.

27 MR. GOLLING: I agree.

28 MR. SWEENEY: Agree.

29 CHAIRMAN VALENTIC: Will the essential character of
30 the neighborhood be substantially altered or will adjoining

1 properties suffer a substantial detriment if the variance is
2 granted? It feels like a no.

3 MS. JARRELL: No.

4 MR. GOLLING: No.

5 CHAIRMAN VALENTIC: Will the variance adversely
6 affect the delivery of governmental services?

7 MR. GOLLING: No.

8 MR. HAMILTON: No.

9 CHAIRMAN VALENTIC: No. Did the property owner
10 purchase the property with knowledge of the zoning
11 restrictions?

12 MS. JARRELL: We don't know.

13 CHAIRMAN VALENTIC: We don't know.

14 MR. SWEENEY: Presumably, no.

15 CHAIRMAN VALENTIC: Did he say that in the letter?
16 Can the problem be resolved by some other manner
17 other than granting of the variance?

18 CHAIRMAN VALENTIC: Yes, I guess, if you build one
19 new one and rip down, tear down the old one, that would be one
20 approach.

21 MS. JARRELL: Or just keep using the old one.

22 CHAIRMAN VALENTIC: Yeah, just keep using the old
23 one. Can the -- Let's see. Will the variance preserve the
24 spirit and intent of the Zoning Resolution, and will
25 substantial justice be done by granting the variance? I feel
26 like it's still going to preserve the spirit and intent of the
27 zoning. I mean, I think the intent is that we're not, you
28 know, impacting our adjacent properties with cluttering up,
29 you know, with all these structures on the property. I don't
30 know how everyone else feels about that.

1 MR. GOLLING: I guess I would feel differently if
2 there were maybe another residential lot right next door but
3 the, I guess, that church, being a commercial lot, I just, it
4 just kind of dulls it for me. I don't think it's really a big
5 issue at all, being as that the church already has, it looks
6 like, one or two extra buildings themselves there. It kind of
7 blends in, I guess.

8 MR. SWEENEY: Yeah, I agree, Todd. I don't know
9 about the other Board members but I don't weight the Duncan
10 Factors equally when I evaluate a variance. Some are more
11 important to me than others. That may not be a proper
12 interpretation but it's the way I do it. And substantialness,
13 I think, is a big one. And the effect of the variance, if it
14 was granted, on the character of the neighborhood is another
15 big one, I think. And then I put, I put another one in,
16 whether anyone is complaining or disagrees or objects, and
17 that's not present here. So that also, that's, I weigh that
18 heavily as well and none of that is really here for me. So I
19 just don't think it's substantial. I don't think the
20 character of the neighborhood -- as Todd said, you've got the
21 church right next door with a myriad of buildings and things
22 like that -- so it doesn't really affect it. It kind of
23 almost is, in a way, it is consistent with it. So --

24 CHAIRMAN VALENTIC: Okay. Anyone else have anything
25 to add to what Skip said?

26 Okay. The question then is on the approval of
27 Variance Number 2020-67. A yes vote approves the variance. A
28 no vote denies the variance. Please call the vote.

29 MS. FREEMAN: Mr. Golling?

30 MR. GOLLING: Yes.

1 MS. FREEMAN: Ms. Jarrell?

2 MS. JARRELL: Yes.

3 MS. FREEMAN: Mr. Sweeney?

4 MR. SWEENEY: Yes.

5 MS. FREEMAN: Mr. Hamilton?

6 MR. HAMILTON: Yes.

7 MS. FREEMAN: Mr. Valentic?

8 CHAIRMAN VALENTIC: Yes. Your variance has been
9 approved. Congratulations.

10 Okay. Next is the approval of minutes -- I am
11 trying to figure out where the minutes are from -- the
12 approval of minutes from August 12, 2020. I don't know if
13 anyone has any questions or deletions or additions to the
14 meeting minutes from then. I think a few people here were not
15 at that meeting, so I want to make sure that they will plan on
16 abstaining.

17 MR. GOLLING: I will abstain.

18 CHAIRMAN VALENTIC: But is there any changes?

19 MS. JARRELL: I have none.

20 CHAIRMAN VALENTIC: Nothing, okay. So then I
21 will -- Can I get a motion to approve the minutes as written
22 from August 12, 2020?

23 MS. JARRELL: So moved.

24 MR. SWEENEY: Second.

25 CHAIRMAN VALENTIC: All in favor? Who is
26 abstaining?

27 MR. GOLLING: Abstain.

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

29 CHAIRMAN VALENTIC: Okay. The minutes have been
30 approved as written.

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Our next meeting is on November 10, 2020. The
Concord Township Board of Zoning Appeals for October 14th is
now closed.

(Whereupon, the meeting was adjourned at 7:43 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 proceeding extension 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 extension 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 9th day of November 2020.

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

