

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

November 10, 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
Brandon Dynes, Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Abigail Bell, 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 meeting for November 10,
4 2020, is now in session. I would like to first introduce the
5 Board. To my far left is Skip Sweeney and Brandon Dynes. I
6 am Ivan Valentic. To my right is Chris Jarrell and Blair
7 Hamilton, and far right is Heather Freeman, our Zoning
8 Inspector.

9 This evening, under advice of counsel, we ask that
10 anyone speaking tonight must be sworn in. If you plan on
11 speaking, please stand and raise your hand. Are you sure
12 you're not going to be speaking tonight?

13 If there is anybody on the phone, I'm going to --
14 Can I swear them in at the same time?

15 MS. FREEMAN: Sure.

16 CHAIRMAN VALENTIC: Sure, we'll try it. So if you
17 are on the phone, I am going to swear you in right now and
18 then I will confirm if you speak at any point tonight.

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

20 CHAIRMAN VALENTIC: Thank you. Please be seated.
21 When presenting your case this evening, come to the
22 microphone, state your name and address, and also confirm that
23 you've been sworn in. Okay?

24 If everybody, anybody that's on the line, if you can
25 mute your phone for now and we will give you a chance to speak
26 as we go through each case.

27 Heather, were the legal notices published in a
28 timely manner?

29 MS. FREEMAN: Yes.

30 CHAIRMAN VALENTIC: Great. Tonight we have one Old

1 Business item and three appeals. A three-vote majority is
2 required to either approve or deny an appeal. If your request
3 is denied, you have the right to file an appeal.

4 Okay. So Old Business, just acknowledge we have an
5 Appeal Number 1018-41, Randy Viviani, of 7757 Concord LLC, has
6 requested that we postpone or table that discussion, so that
7 continues to remain as Old Business.

8 We have three items for New Business, the first of
9 which is Variance Number 2020-68. Alexander J. Gurbis is
10 requesting a variance from Section 15.03(A)(6) to allow for
11 the construction of a second accessory building on a lot less
12 than 2 acres, in lieu of the maximum one permitted for lots
13 less than 2 acres, for the property located at 10391 Pinecrest
14 Road, current parcel number 08-A-024-A-00-022-0. Please come
15 up to the microphone.

16 MS. GURBIS: I want to --

17 MR. GURBIS: We have to say --

18 CHAIRMAN VALENTIC: State your name, address --

19 MR. GURBIS: My name is Alexander J. Gurbis and I've
20 been sworn in.

21 MS. GURBIS: I am Erica L. Gurbis and I've also been
22 sworn in.

23 CHAIRMAN VALENTIC: Just the address for the record.

24 MR. GURBIS: 10391 Pinecrest Road.

25 CHAIRMAN VALENTIC: Thank you. Go ahead.

26 MS. GURBIS: Okay. So I am presenting our case for
27 us. To Whom It All -- Whom It May Concern: Evidently, we
28 mistakenly misunderstood permit rules for our new shed and our
29 zoning permit request Number 9 -- 0920-1393 was recently
30 denied. The reason cited for the denial was that we are in

1 violation of Section 15.03(A)(6). Our property at
2 10391 Pinecrest Road, parcel number 08-A-024-A-00-022-0, is
3 1.65 acres and is under the 2 acre mark for the allowance of
4 two accessory buildings.

5 We are requesting this variance on the grounds that
6 we really do need the use of two accessory buildings on our
7 property at the corner of Pinecrest Road and Viewmount Drive.
8 We have decided that we needed to designate separate area
9 spaces, separate spaces for very definite purposes after we've
10 been experiencing some severe adverse effects from the
11 allergens on the property. As of late, breathing difficulties
12 and various skin irritations and infections have caused a
13 great -- caused great distress. As a result, we decided that
14 the smaller 12 by 14 shed would house the equipment and tools
15 necessary for our outdoor property maintenance so as to keep
16 any allergens as far from the living and recreational working
17 quarters as possible. The large newer shed, being 14 by 32,
18 where a lot more time would be spent, would be designated
19 entirely for recreational vehicles and their maintenance.

20 For this project we decided to clear brush to
21 reclaim an area of our property that hasn't been mowed or
22 maintained since we moved in. Though the aerial view of our
23 property, you know, was also included, though the aerial view
24 of our property shows dead trees we had to fell a couple of
25 years ago -- that was from 2016 -- we did not cut any of our
26 trees in clearing of our property for this new shed.

27 So just so everyone understands, we took great pains
28 to look for a shed that would be aesthetically pleasing to all
29 passersby, to choose a location on the property that was
30 functionally practical to drive into and one that would not

1 interfere with the septic or drainage layout on our oddly
2 shaped lot. This arrangement is much better for our overall
3 health and well-being.

4 We humbly ask for your reconsideration in the matter
5 and allow us to keep our property arrangement by looking
6 favorably on this variance and making an exception in our
7 case. Thank you.

8 CHAIRMAN VALENTIC: I will start with some
9 questions. So what do you -- What is kept exactly in the new
10 structure that was built?

11 MR. GURBIS: In the new structure, I have my -- I am
12 restoring a 1975 CV750, so I have it all organized in there in
13 little bags and stuff and then I have two other motorcycles
14 that I keep in there with that and that's it.

15 CHAIRMAN VALENTIC: Okay.

16 MS. JARRELL: Did you know you needed a permit to
17 construct that?

18 MR. GURBIS: I didn't know at the time. When I -- I
19 thought that if it was on skids, I didn't need -- it wasn't a
20 permanent structure, so I didn't realize that I needed a
21 permit for it at the time. I actually ordered the building
22 and had like six weeks when I was going to get it. I bought
23 it from Sturdi-Built down in Warsaw, Ohio, and they delivered
24 it. All I did was prepare the site. I brought in -- There
25 was a swale in the yard. That's why, part of how we made the
26 decision. It wasn't used anymore after we put in the
27 drainage, so I filled that in with topsoil on the one side and
28 then gravel, a pad for it, leveled it out, and they brought it
29 in.

30 MS. JARRELL: Did you build it?

1 MR. GURBIS: No, I did not build it. Sturdi-Built
2 built it and they're out of Warsaw, Ohio, and so it was built
3 by them. It's knotty pine siding with a plywood floor and a
4 steel roof.

5 MS. JARRELL: And they didn't ask you if you had
6 gotten a permit?

7 MR. GURBIS: No. They, I -- It was an Amish
8 company. So when I ordered it and then they were going to
9 transport it and I asked them if I needed it and they said
10 that they didn't think so in the township because it was on
11 skids and I said okay and I should have checked into it
12 further.

13 MR. HAMILTON: Did you, in addition to this newer
14 building, did you also install the other building?

15 MR. GURBIS: The other building, there was, there
16 was one there before that was in disrepair, so I put one right
17 in its place. There was a little, two little concrete pads
18 that were there and the other building -- The house was
19 foreclosed for like six years. So there was, and there was a
20 big hole in my yard kind of, too, where the new building is.
21 It was a 20 by 35 foot hole that I filled in with like 110
22 yards of dirt. So it was, it was very unclear when I moved
23 in, like, what had been done.

24 I know that in -- And the other thing is I knew that
25 in, I think, 2005 they pulled a permit for a garage. So I
26 didn't know exactly what they meant by that because all we
27 have is an attached garage. So, you know, I did look at that
28 but, you know. And so, yes, I put the, I put a 12 by 14 foot
29 shed where there was a 12 by 14 foot but the other one was
30 decayed.

1 MR. HAMILTON: And you also did not seek a permit
2 for that installation?

3 MR. GURBIS: That is correct. And, basically, it
4 was on the same premise that I truly thought that, if it was a
5 nonpermament structure, like didn't have a foundation, that I
6 didn't have to pull a permit. I talked to Heather and I
7 realize that now and I regret that I did that.

8 MS. JARRELL: You talked to Heather when you rebuilt
9 the first structure?

10 MR. GURBIS: No, I didn't talk to no one when I
11 rebuilt -- I didn't rebuild it. I actually bought a used
12 shed, that one, and put it over there. And I brought that
13 home myself and I bought it in Lorain, Ohio, and transported
14 it myself and put it there. And then the -- I was just
15 saying, when I talked to Heather, that was about the building,
16 when she stopped by when the other building, the day after it
17 arrived.

18 CHAIRMAN VALENTIC: The smaller structure, the 12 by
19 14.

20 MR. GURBIS: Yes.

21 CHAIRMAN VALENTIC: Is that full, jam-packed, filled
22 with stuff?

23 MR. GURBIS: Yeah. I have a, inside of there, I
24 have my gas edger. I am highly, highly, highly allergic to
25 poison ivy and poison oak and get it all the time, even from
26 the bagger that blows it out, and we had a lot of it on our
27 property because it was overgrown. But I basically put on, I
28 put on full cover. If I don't, I end up getting it. I got it
29 really bad on my legs this year. So that's how I was like --
30 And what else is in there is my tractor and I have a Cyclone

1 Rake for picking up leaves. So it's like 4 foot wide and like
2 13 foot long. There's like a foot between the door and that.
3 Then I just have garden tools hanging on the side walls and
4 leaf blowers, that type. All, it's all yard maintenance stuff
5 that's in the 12 by 14 and I just built new doors for it
6 because the doors were in disrepair.

7 MR. HAMILTON: What was the time span between the
8 installation of the two buildings?

9 MR. GURBIS: Four years.

10 MR. HAMILTON: Okay.

11 MR. GURBIS: And I did talk to my neighbor, Cindy,
12 that's behind me when the other shed and then also talked to
13 her about the one that's there, the bigger one. We also have
14 a drive off of Viewmount. That's another reason why we picked
15 out the placement. We have our utility gas and water come in
16 on the front of the house, and our septic system is right
17 beyond our driveway and goes 120 feet behind the house. So I
18 just was trying -- And it was, like I said, a spot that wasn't
19 usable and that he, whoever had the property before, dug a
20 hole and then built a swale so it drained out to a little
21 creek that runs along the side of the property. And what I
22 decided was to fill in that swale and I put in about 30
23 tons -- or 30 yards of dirt and about 60 tons of recycled
24 concrete to level out that area to make it, you know, grade.
25 That's actually when Heather showed up is while I was just
26 finishing off grading. She said there was no issue with
27 grading but --

28 CHAIRMAN VALENTIC: Brandon, did you have a
29 question?

30 MR. DYNES: Yeah. You know, I appreciate you have

1 two nice buildings here. I guess I don't quite understand the
2 causal link between your allergies and the buildings but I
3 understand what you are saying, I guess, to some degree. The
4 difficulty I have and the difficulty we have as a board is
5 that you've got a 1.65 acre lot. You're allowed one building.
6 There is two there now. I don't know what you considered as
7 far as this new company to the extent -- And we're not here to
8 tell you what to do or how to do it. We're here to make a
9 decision based upon the facts presented to us.

10 MR. GURBIS: Okay.

11 MR. DYNES: But you just got this building, correct,
12 September you said?

13 MR. GURBIS: I just got it, yes.

14 MR. DYNES: I am guessing the company isn't one
15 that's inclined to take the building back and sell you a
16 larger building that accommodates everything you need.

17 MR. GURBIS: No. I actually even submitted plans
18 that I could put the building and then take the other one and
19 put it onto that one but I don't think it would look good.
20 But, yeah, no, I ordered it specifically and I paid for it.
21 It was \$7,100.

22 CHAIRMAN VALENTIC: Can you -- Is there a way to
23 wall off a section of it so you could put the lawn equipment
24 in part of it and keep the lawn equipment separate from the
25 rest of it?

26 MR. GURBIS: I don't see how. There is a man door
27 on the front and there is one side door. So -- And the other
28 thing is that if I am around -- I have no hair anywhere. I
29 have an autoimmune disease and that's part of the reason I get
30 so allergic to, like, poison ivy, poison oak, anything like

1 that. I know you say it doesn't -- But I just, literally, if
2 I am around, like, even my lawn equipment, I clean it, I do
3 all that and I put it away but even that, just that fine dust
4 that comes from there --

5 MR. DYNES: Yeah. And I don't mean to cut you off.
6 I am not disputing that you have those issues. I guess I just
7 don't understand the causal link to how that requires two
8 buildings. Maybe I am missing something. I mean, you don't
9 have a physician who said, "Well, all right, Mr. -- you've got
10 to have a couple different buildings here because of your
11 autoimmune or your issues."

12 MR. GURBIS: I mean, let's put it this way: If I
13 would've known now what I knew then, I would have just ordered
14 a bigger building because, between the two, the square footage
15 is far less than the allowable square footage of one building.
16 I would have just sold my shed that I have on there for \$800
17 and I would have spent another \$1,000 or \$1,100 and just made
18 it bigger.

19 CHAIRMAN VALENTIC: Skip, do you have any questions?

20 MR. SWEENEY: No.

21 CHAIRMAN VALENTIC: Anything else from anyone?

22 MR. HAMILTON: Nothing else.

23 CHAIRMAN VALENTIC: You good?

24 MR. DYNES: Yep.

25 CHAIRMAN VALENTIC: Okay, thank you. You can be
26 seated.

27 MR. GURBIS: Thank you.

28 CHAIRMAN VALENTIC: Is there anyone else here this
29 evening that would like to speak for this appeal or is there
30 anyone else here that would like to speak against this appeal?

1 (No response.)

2 Okay. Then I am going to ask that if there is
3 anybody on the line that if they would like to, first, if
4 there is anyone that would like to speak for the variance
5 that's 2020-68? Is there anyone that would like to speak
6 against this appeal on the phone?

7 (No response.)

8 Heather, is anyone --

9 MS. FREEMAN: There are people on. I am not sure.
10 Give it a couple of seconds and ask again.

11 CHAIRMAN VALENTIC: Yeah, maybe ask in the chat if
12 there is anybody that would like to speak.

13 MR. DYNES: So while we're waiting, again, I am not
14 being quarrelsome with you. I just want to understand. Is
15 the suggestion that because of the allergens and the allergic
16 reactions you have, you go inside these buildings to do things
17 and that's where you perform work so you're not outside? Is
18 that --

19 MR. GURBIS: No. I am just saying I store my lawn
20 equipment in a separate area than where I --

21 MR. DYNES: Than where you are working.

22 MR. GURBIS: Right.

23 MR. DYNES: Okay, thanks. I am a little dense. I
24 was trying to understand that.

25 MR. GURBIS: No, that's fine. And like I said, if I
26 would have known any different, I could have got a bigger
27 building and put another door on the other end and made it
28 longer, if I would have known.

29 MS. GURBIS: If I may, he spends a lot of time on
30 his hobby. And when he's in that environment for a long

1 period of time, he could have adverse effects, you know, just
2 breathing, you know, the allergens.

3 MR. GURBIS: Well, and I, also, part of my -- I have
4 no body hair, so I have no nose hair either. So anything
5 that's like -- I don't, like, cut wood in my -- or do anything
6 that creates dust or anything like that because I am like a
7 human vacuum cleaner.

8 MR. DYNES: You have a two-car attached garage in
9 your home?

10 MR. GURBIS: Yes. And my wife parks in the garage
11 and we keep our grill in the garage and I keep one other
12 motorcycle in the garage and just household, like, that's her
13 potting, potting area.

14 MR. DYNES: Thank you.

15 CHAIRMAN VALENTIC: No one, there is nobody else
16 that wants to speak?

17 MS. FREEMAN: No one wants to speak.

18 CHAIRMAN VALENTIC: Okay. Any other questions for
19 them before we close it to the public?

20 MR. DYNES: No.

21 CHAIRMAN VALENTIC: Okay. If there's no further
22 questions, the public hearing for Variance Number 2020-68 is
23 now closed. I will entertain a motion to approve variance
24 2020-68.

25 MS. JARRELL: So moved.

26 MR. HAMILTON: Second.

27 CHAIRMAN VALENTIC: Thank you. Open for discussion
28 if anybody would like to start. Anyone? Okay.

29 MS. JARRELL: I went to the property. I don't think
30 that it's an eyesore in any way. I know that we have this

1 letter from the Eagle Ridge Homeowners Association and they're
2 making quite a big deal out of it, for lack of better terms.
3 I don't see what -- I don't see what the issue is except that
4 there are two buildings. It seems like there is a situation,
5 a physiological situation. I don't like when people build
6 things and don't get permits. It just boggles my mind that
7 people don't understand that they have to have permits to
8 construct things and get renovations done. But I don't think
9 it's -- I think it's a lovely building.

10 CHAIRMAN VALENTIC: Yeah. And I guess to be clear,
11 I mean, I guess they don't care for the appearance or whatever
12 but we are not even here to judge the appearance of the
13 building.

14 MS. JARRELL: No, I know. But, I mean, that's, I
15 think, one of the biggest issues that the homeowners
16 association is having.

17 CHAIRMAN VALENTIC: Yes.

18 Skip?

19 MR. SWEENEY: Yeah, I don't think the homeowners'
20 objection has any merit in this variance application. And I
21 tried to look at the difficulty here that begs for a variance
22 and, ironically, the only difficulty I can see is that, if the
23 variance is not granted, they've got a problem on their hands
24 as to what to do with this building. That seems to be the
25 only difficulty and that difficulty was -- no offense --
26 caused by their own actions. So I guess I am having a problem
27 finding the practical difficulty that meets the Duncan
28 standards that would convince me to grant the variance.

29 It's tough because, you know, this, we have seen
30 this for years where people come in -- and, again, this is no

1 offense. You testified that you didn't have the knowledge of
2 a need for the permit. That's fine. We understand that. But
3 it seems that we have a rash of people coming in asking for
4 forgiveness rather than permission and it makes our job very
5 difficult. So that's what I think.

6 CHAIRMAN VALENTIC: You know, Brandon or Skip, if
7 you want to go, we can, if you have anything you want to add,
8 we can always go through to Duncan Factors together as a
9 group, too, afterwards or we can do it right now.

10 MR. DYNES: Well, I would only say I think, I think
11 we all know those. We probably all know them like the back of
12 our hand after all these years. We're a community and we're a
13 board that, in the past over the years, has tried to work with
14 the residents as best we can to accommodate them in certain
15 circumstances and in extreme circumstances to the extent that
16 they present themselves to us. I think we try, as a board, to
17 assist and help the residents and try to find reasons by which
18 we can grant of some of these appeals to assist them.

19 This is, obviously, a bit of an undertaking and
20 expense. You've got some, as Ms. Jarrell mentioned, some
21 physiological issues that seem to indicate, present to you a
22 particular problem, if you will, or a particular situation by
23 which you need to separate some of these things. You know,
24 almost tongue in cheek, I'd say hire a landscaper if I were
25 you and stay out of the woods, but maybe not everybody can
26 afford to do that. I don't know. But maybe you enjoy cutting
27 stuff. I don't know. Again, that's not for me to say.

28 They're two nice buildings. This Board continually,
29 as Mr. Sweeney and Ms. Jarrell both have indicated, we
30 struggle when people do this without permission first and then

1 ask for redress as a result. But I am inclined, based upon
2 the factors, based upon the condition of the property and the
3 buildings, aside from some of the Duncan Factors -- I think as
4 a Board we have the ability to do that -- but I am inclined to
5 vote yes on this because I think the buildings do look nice.
6 I think he's presented some circumstances here by which, as a
7 Board, we have the ability to take that into consideration and
8 maybe a better decision otherwise aside from the Duncan
9 Factors. I am rambling on. That's just my two cents. We can
10 hear from the rest of you.

11 CHAIRMAN VALENTIC: Thanks.

12 MR. HAMILTON: I guess I just want to say that I
13 agree with Mr. Sweeney that -- And I'll add, in this case, the
14 applicants didn't do this once but they did it twice in
15 putting in a structure without seeking a permit. And had they
16 done this in the first place, they may have then known what
17 their limitations were moving forward. But to do this over
18 and over again and then come and ask for redress on a variance
19 for the building, I think, has me inclined to vote no.

20 CHAIRMAN VALENTIC: Yeah. Unfortunately, the first
21 time, it sounds like we didn't catch them the first time
22 either. Maybe then if we would have caught them the first
23 time, they would have known then. So we had two chances.

24 (Webex interference.)

25 Can you mute that? Thank you.

26 Okay. Anyone else have anything? All right.

27 MS. JARRELL: If we vote no on this, then their
28 recourse is to take down one of the buildings.

29 CHAIRMAN VALENTIC: One of the buildings if we vote
30 no, yes, one of the buildings would have to come down. It

1 doesn't matter, it is up to them which one but, yes, if we
2 vote no, one of them would have to come down.

3 So anyone else have anything? Skip? No.

4 MR. DYNES: Well, you know, the only thing I would
5 say, to the extent you can do it quickly or now, I don't know.
6 I mean, you're .35 acres away from being 2 acres and not
7 having an issue. I was looking at some of the contiguous
8 properties. I don't know to the extent that you can acquire
9 .35 acres and if that's going to happen in due time but it
10 looks like there might be one parcel there that -- You're
11 pretty close. You're almost a quarter of an acre away from
12 not having this issue but, you know, that, again, that doesn't
13 change anything here. It is what it is for our purposes.

14 MR. GURBIS: Yes.

15 WEBEX SPEAKER: Hello?

16 CHAIRMAN VALENTIC: Should I, we acknowledge him?
17 We're closed -- Do you want to go over it?

18 MS. FREEMAN: Sir, you are going to have to wait
19 until it's public comment.

20 CHAIRMAN VALENTIC: Okay. Then it's on the approval
21 of Variance Appeal Number 2020-68. A yes vote is for the
22 approval of the variance, a no vote denies the variance.
23 Heather, please call the vote.

24 MS. FREEMAN: Mr. Hamilton?

25 MR. HAMILTON: No.

26 MS. FREEMAN: Mr. Sweeney?

27 MR. SWEENEY: No.

28 MS. FREEMAN: Mr. Dynes?

29 MR. DYNES: Yes.

30 MS. FREEMAN: Ms. Jarrell?

1 MS. JARRELL: Yes.

2 MS. FREEMAN: Mr. Valentic?

3 CHAIRMAN VALENTIC: Yes.

4 Your appeal has been approved.

5 MR. GURBIS: Thank you.

6 CHAIRMAN VALENTIC: Okay. Next on the docket is
7 Variance Number 2020-69. James W. Torre II is -- excuse me --
8 is requesting a variance from Section 15.04(A)(2)(d) to allow
9 for the construction of an accessory building on the corner
10 lot to be set back 12 feet from the road right-of-way, in lieu
11 of the minimum 50 foot required, for the property located at
12 9849 Weathersfield Drive, current parcel number
13 10-A-026-N-00-001-0.

14 MR. TORRE: My name is William Torre. I've taken
15 the oath and my address is 9849 Weathersfield Drive. I am
16 just going to read the letter of intent.

17 THE REPORTER: I'm sorry. Would you feel
18 comfortable removing your mask?

19 MR. TORRE: Sure, sure, that's fine. I am not used
20 to that at work but -- This letter of intent is in support of
21 my request for variance in the side yard setback requirement
22 for an existing lot. The intention is to build a new 20 by 20
23 garage. The proposed new garage is 20 feet wide. As such,
24 based on the current code in Section 15.04(2)(d), the setback
25 side yard requirement for my particular lot of record is 50
26 feet. However, in an effort to provide privacy on the
27 property and for our children to have a yard to play in, we
28 are requesting to build the proposed new garage on the
29 southeast corner of the property with a 12 foot setback from
30 the right-of-way.

1 This would be a benefit to the new garage for
2 functionality as it would be easier access from the street, as
3 well as keeping the back yard more open for a future
4 children's swingset and creating more privacy.

5 I am requesting the variance permit for the location
6 of the garage on the site plan 30 feet east of the 50 foot
7 setback line. I believe the essential character of the
8 neighborhood will not be substantially altered or suffer a
9 substantial detriment if this variance is granted. This would
10 not adversely affect the delivery of governmental services of
11 any kind. We did purchase the property with the knowledge of
12 the zoning restrictions and have adhered to them since moving
13 into the neighborhood. I believe that this problem cannot be
14 resolved by some manner other than the variance because of the
15 shallowness of our back yard. Following the current setbacks
16 from both streets puts the garage squarely behind our house or
17 further west, taking up a lot of the back yard space. Also,
18 putting the garage anywhere on the west side of our lot would
19 not look aesthetically appealing.

20 Current zoning effective for the lot district calls
21 for a 50 foot setback. As a result of this, shifting the
22 garage on the site plan to it would require a variance on the
23 east side of the garage to allow for a 12 foot setback instead
24 of a 50 foot setback line to, again, allow for privacy and
25 easier access from the road.

26 I have spoken to several adjacent neighbors and they
27 have all supported the building in this location on the
28 property. Any other location on the property would require
29 you to drive through the yard or put in a long driveway, which
30 would be give an unappealing look to the property and

1 neighborhood and potentially reduce property value.

2 What is perhaps most relevant here is, what I would
3 ask the Board to consider, is the fact that the side setback
4 has no neighboring properties. With the woods line behind the
5 building, this would create an undue -- no undue burden on any
6 neighboring residents.

7 The proposed style and structure of the garage is in
8 step with the existing neighborhood and will match our house
9 in both color of this vinyl siding and the color of its
10 shingles. The proposed project would be an improvement to the
11 neighborhood and result in overall increase in property value
12 and tax basement created by improvement. Thank you for your
13 consideration.

14 CHAIRMAN VALENTIC: So are the garage doors intended
15 to face which road?

16 MR. TORRE: They will be the same as the house, so
17 they will face --

18 CHAIRMAN VALENTIC: Weathersfield?

19 MR. TORRE: Well, yeah, it's all Weathersfield.

20 MS. JARRELL: It's all Weathersfield.

21 MR. TORRE: They'll be facing the front of the
22 house. It will all be facing the same way is what I am trying
23 to say.

24 CHAIRMAN VALENTIC: So you said you are intending to
25 put in a driveway to this structure?

26 MR. TORRE: Not if I can put it all the way over.
27 It would just be like, you know, 30 feet or whatever. I can
28 just drive on the grass. But if it's 80 feet or whatever it
29 is on the other side, that's quite a ways in the early spring
30 and late months to put a car back there.

1 MS. JARRELL: So you are planning on putting a car
2 back there?

3 MR. TORRE: I have a classic car that I store in the
4 wintertime. It's currently not at my house, it's at my
5 grandfather's garage.

6 MS. JARRELL: And so you are just going to drive
7 across the grass?

8 MR. TORRE: Yeah, if it's right by the street.

9 MS. JARRELL: Oh, okay, just go off the curb.

10 MR. TORRE: Yeah.

11 MR. DYNES: You mentioned that the adjacent property
12 owners, no one disputed this or no one has any problem?

13 MR. TORRE: I spoke to a gentleman and a lady that
14 are right behind me and the people that are adjacent to me.
15 There is not anyone really across the street because it's
16 Morley, so it's a back yard that butts up to it. And I spoke
17 to the other neighbor that's right next to me and another
18 neighbor in the cul-de-sac. I've spoken to four out of five.

19 MR. DYNES: The reason I ask is sometimes we have
20 letters of support that they would provide to us or do you
21 know if they are on the phone today to support you?

22 MR. TORRE: I didn't ask them about that.

23 MR. DYNES: That's all right, just curious.

24 MR. TORRE: The one gentleman is hard of hearing.
25 His wife is a little better at communicating. So I guess I
26 should have asked them. They were the ones I was worried
27 about the most because they're right behind me, and I spoke to
28 them on Sunday and it was thumbs up, everything was okay.

29 So --

30 CHAIRMAN VALENTIC: You realize this is a very

1 substantial variance to push it that close to the road.

2 MR. TORRE: Yeah, I think so. I mean, in speaking
3 to Heather, yeah.

4 MS. JARRELL: It's really not that close to the
5 road. I mean, if you -- Did any of you go over there and look
6 at it?

7 CHAIRMAN VALENTIC: I looked at it through the map.

8 MS. JARRELL: Because it's -- Did you, Blair?

9 MR. HAMILTON: Um-hum.

10 MS. JARRELL: Maybe you could let me know if you
11 agree or not but I did, I looked at the yard and I thought
12 there is nowhere else in this yard that I would even consider
13 putting a building, and I don't think it's that close to the
14 street. It's, well, it's just my thought from looking at it.
15 What did you think?

16 MR. TORRE: The right-of-way and the easement, I
17 think it was 42 feet from the road. I don't remember.

18 MS. JARRELL: What did you think, Blair?

19 MR. HAMILTON: I think the fact that, you know, the
20 houses are pretty well set back from the road, the way the
21 trees are situated on this property, it certainly doesn't seem
22 to stick out like a sore thumb or be any kind of -- I don't
23 know.

24 MR. DYNES: Do you have a septic system over there?

25 MR. TORRE: No, it's sewer.

26 CHAIRMAN VALENTIC: All the vegetation is going to
27 stay on that back line?

28 MR. TORRE: Yeah.

29 MR. HAMILTON: I will say, corner lots are
30 difficult. We have dealt with other situations similar to

1 this, perhaps not in the same scope. I'm certainly not trying
2 to say there is any precedence been set but there is a
3 difficulty with corner lots and setback issues, particularly.
4 We see it repeatedly.

5 MS. JARRELL: I would concur.

6 CHAIRMAN VALENTIC: Skip, do you have anything
7 questions?

8 MR. SWEENEY: No.

9 CHAIRMAN VALENTIC: Okay. You can be seated, sir.
10 Thank you.

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

14 (No response.)

15 Is there anybody on the phone that would like to
16 speak for or against this appeal?

17 MS. FREEMAN: Mr. Chairman, there is somebody on the
18 phone that would like to. They're watching on YouTube.

19 CHAIRMAN VALENTIC: Okay.

20 MS. FREEMAN: They might be a little bit delayed,
21 may be a little bit unusual. So, oh, okay. So I have Angie
22 Battistone on the phone and she is hard of hearing and she is
23 having trouble with an interpreter. She can't use her relay
24 service to speak through the Webex. She was chatting and
25 indicated that she does have an interpreter that can call in
26 for her. In the alternative, she was going to ask me to read
27 what she was going to type. So if you want to hang on just
28 one second while I give her the --

29 MS. JARRELL: Yeah, why don't you just do that.

30 MS. FREEMAN: -- give her the code.

1 MS. JARRELL: Read what she puts.

2 MS. FREEMAN: Let me --

3 CHAIRMAN VALENTIC: Yeah, if she has a comment, if
4 that's easier, she can just put the comment in the chat.

5 How far off that back property line is that building
6 going to be?

7 MR. TORRE: Off the back property, 15.

8 MS. FREEMAN: Okay. Mr. Chairman, I am going to
9 read. This is from Angela Battistone and she lives at the
10 property directly behind Mr. Torre.

11 MR. DYNES: Is that 9865, Heather?

12 MS. FREEMAN: Yeah.

13 CHAIRMAN VALENTIC: Yeah.

14 MS. FREEMAN: I am looking for her address. The one
15 right -- 9865 Weathersfield Drive and she confirmed that she
16 has been sworn in. Okay?

17 CHAIRMAN VALENTIC: Okay.

18 MS. FREEMAN: Okay. She said, "My husband, Ken, and
19 I are in favor of neighbor Jim and Stacey Torre's new garage."

20 CHAIRMAN VALENTIC: Okay, great.

21 MS. FREEMAN: I am asking if there is anything else.

22 CHAIRMAN VALENTIC: Yeah, ask her if there is
23 anything else.

24 MS. FREEMAN: She says, "No, that's it. I am good.
25 Thank you."

26 CHAIRMAN VALENTIC: All right. Thank you. So with
27 that being said, is there anyone else that's on the line,
28 potentially?

29 MS. FREEMAN: I have a call in. I don't know if
30 they're for this case or the next one.

1 CHAIRMAN VALENTIC: Okay. I'll just ask one more
2 time. Is there anyone else on the line that would like to
3 speak for or against this appeal?

4 (No response.)

5 Okay. If there's no further questions, the public
6 hearing for Variance Number 2020-69 is now closed to the
7 public. Can I get a motion to approve the variance?

8 MS. JARRELL: So moved.

9 MR. DYNES: Second.

10 CHAIRMAN VALENTIC: Second, all right. Discussion
11 for the Board, anyone have anything? Everyone good to go?

12 Okay. The question is for the approval of Variance
13 Appeal Number 2020-69. A yes vote approves it, a no vote
14 denies the variance. Heather, please call the vote.

15 MS. FREEMAN: Ms. Jarrell?

16 MS. JARRELL: Yes.

17 MS. FREEMAN: Mr. Dynes?

18 MR. DYNES: Yes.

19 MS. FREEMAN: Mr. Sweeney?

20 MR. SWEENEY: Yes.

21 MS. FREEMAN: Mr. Hamilton?

22 MR. HAMILTON: Yes.

23 MS. FREEMAN: And Mr. Valentic?

24 CHAIRMAN VALENTIC: Yes.

25 Your variance has been approved. Thank you.

26 MR. TORRE: Thank you.

27 CHAIRMAN VALENTIC: Next is Variance Number 2020-70.
28 Chris Nagy is requesting a variance from Section
29 15.04(A)(2)(d) to allow for the construction of an accessory
30 building on the corner lot to be set 15 feet back from the

1 right-of-way, in lieu of the minimum 50 feet as required, for
2 the property located at 10575 Nobhill Lane, current parcel
3 number 08-A-030-H-00-045-0. Come on up and present your case.

4 MR. NAGY: My name is Chris Nagy. I am at
5 10575 Nobhill Lane. I affirm that I have been sworn in.

6 Members of the Board of Zoning Appeals: We're
7 requesting an area variance due to the limited available space
8 in our back yard. Without the variance, the beneficial use of
9 our back yard would be further reduced. We've been denied a
10 zoning permit for an accessory building for Section
11 15.04(A)(2)(d). The proposed location does not meet the
12 requirement for a 50 foot front setback on a corner lot.

13 As you can see from the survey documents provided,
14 we are significantly encumbered by the detention basin that
15 takes up half of our back yard. The proposed location allows
16 for us to maintain a small section of back yard for our
17 children to enjoy and will provide the additional benefit of
18 blocking the beams of headlights from flooding our master
19 bedroom from vehicles traveling south on Summerhill. I am a
20 fireman and the ability for me to get quality rest while at
21 home is vital to be able to fulfill my oath of service safely.

22 For these reasons, it is practically difficult to
23 relocate the accessory building. Therefore, we are requesting
24 a 35 foot variance from the frontage requirement. The
25 essential character of the neighborhood will be maintained and
26 all adjoining neighbors have agreed they will not suffer a
27 substantial detriment. The variance will not affect the
28 delivery of government services, as has been confirmed from
29 the Concord Township Services Department. The building will
30 be located outside the utility easement. This request

1 preserves the spirit and intent of the Zoning Resolution and
2 subsequently provides us substantial justice. We appreciate
3 your consideration.

4 I think you have all the accompanying paperwork.
5 The only thing that I didn't have to be able to provide nine
6 copies of was a rendition of the building that we will be
7 putting up. I will be happy to submit it to the Board if you
8 want to take a look at it.

9 MS. JARRELL: Sure.

10 MR. NAGY: Absolutely. So it will be similar in
11 style but not size. As you can see, that's listed as a 16 by
12 32.

13 MS. JARRELL: And it will match the house, right?

14 MR. NAGY: Yes, ma'am. My wife said it better not
15 come with a motorcycle though.

16 MS. JARRELL: Yeah. I was going to ask.

17 CHAIRMAN VALENTIC: Okay. I don't have any
18 questions for you. Does anyone else up here?

19 MR. DYNES: I don't have any.

20 MS. JARRELL: I do not.

21 MR. HAMILTON: No, nothing.

22 CHAIRMAN VALENTIC: All right. You can be seated,
23 sir.

24 MR. NAGY: Do you guys still need that or -- Thank
25 you, sir.

26 CHAIRMAN VALENTIC: I will just check to see if
27 there is anybody on the phone that's here to speak for or
28 against this appeal. Are you going to type something in the
29 message, the chat?

30 MS. FREEMAN: There is one caller on the but they

1 don't have chat. They're on the phone.

2 CHAIRMAN VALENTIC: Oh, okay, give it a second.

3 (No response.)

4 If there is no further questions, the public hearing
5 for Variance Number 2020-70 is now closed to the public. Can
6 I get a motion to approve the variance?

7 MR. DYNES: So moved.

8 MR. HAMILTON: Second.

9 CHAIRMAN VALENTIC: Thank you. Any further
10 discussion of the Board?

11 MR. DYNES: I would just simply say this is, to me
12 anyway, about as a no-brainer as they come. A remarkable lot,
13 such that it presents a complete difficulty in all of its
14 respects. There is nobody speaking against it. I think the
15 positioning of it doesn't really have any other options
16 whatsoever. No sense to belabor it.

17 CHAIRMAN VALENTIC: Okay. So the question is
18 approval of Variance Number 2020-70. A yes vote approves it,
19 a no vote denies it. Heather, please call the vote.

20 MS. FREEMAN: Mr. Sweeney?

21 MR. SWEENEY: Yes.

22 MS. FREEMAN: Mr. Dynes?

23 MR. DYNES: Yes.

24 MS. FREEMAN: Mr. Hamilton?

25 MR. HAMILTON: Yes.

26 MS. FREEMAN: Ms. Jarrell?

27 MS. JARRELL: Yes.

28 MS. FREEMAN: And Mr. Valentic?

29 CHAIRMAN VALENTIC: Yes.

30 Your variance has been approved.

1 MR. NAGY: Thank you.

2 CHAIRMAN VALENTIC: Okay. Next on the agenda is
3 approval of minutes. Can I get a motion to approve the
4 minutes from October 14, 2020?

5 MS. JARRELL: So moved.

6 MR. HAMILTON: Second.

7 CHAIRMAN VALENTIC: Thank you. Is there any changes
8 or deletions or revisions to the minutes?

9 MS. JARRELL: Excellent, as usual.

10 CHAIRMAN VALENTIC: Okay.

11 MR. DYNES: Please note my abstention, Mr. Chairman.
12 I was not present at the meeting.

13 CHAIRMAN VALENTIC: Okay, Brandon would be
14 abstaining. The question is the approval of the minutes from
15 October 14, 2020. A yes vote, again, will approve the
16 minutes, a no vote denies it. All in favor say aye.

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

18 CHAIRMAN VALENTIC: And one abstention. The minutes
19 have been approved.

20 Our next meeting is December 9th. The meeting,
21 the Concord Township Board of Zoning Appeals meeting for
22 November 10, 2020, is now closed.

23 (Whereupon, the meeting was adjourned at 7:48 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 18th 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

