

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

December 9, 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
James Rowe, Alternate Member

Also Present:

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

Melton Reporting
11668 Girdled Road
Concord, Ohio 44077
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7:03 p.m.

CHAIRMAN VALENTIC: Good evening. The Concord Township Board of Zoning Appeals meeting for December 9, 2020, is now in session. I would like introduce the Board. To my far left is Skip Sweeney and Jim Rowe. I am Ivan Valentic. To my right is Chris Jarrell and Blair Hamilton to the far right. To the far, far right is Heather Freeman, our township Zoning Inspector.

Under the advice of counsel, we ask that anyone speaking tonight must be sworn in, so please stand to be sworn in. I'd ask that anybody that's on the phone, that you will also be sworn in at this time. Please stand. Please stand and raise your right hand.

(Whereupon, the speakers were sworn en masse.)

CHAIRMAN VALENTIC: Thank you. This evening when you're presenting, come to the microphone, state your name and your address and confirm that you've been sworn in. Anybody that's on the phone, we will give them a chance to speak as well and we will confirm that they've been sworn in as well.

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

MS. FREEMAN: Yes, they were. And, Mr. Chairman, just so you know, we do have attorney Mike Lucas on the line.

CHAIRMAN VALENTIC: Okay.

MS. FREEMAN: I see he is on the line. You might want to verify that he can hear what's going on.

CHAIRMAN VALENTIC: Mike, I believe you're on the line. Can you confirm that you can hear us okay or type something in the chat maybe as well.

MR. EDGAR: Mr. Valentic, this is Chad, with Soil

1 and Water. During the initial first few minutes of the
2 meeting, it was very difficult to hear but that last one was
3 quite clear.

4 CHAIRMAN VALENTIC: Okay, Chad.

5 Is Mr. Lucas on the line? (No response.) Okay, I
6 am not sure if he is.

7 MS. FREEMAN: I see him here.

8 CHAIRMAN VALENTIC: We have two -- We have Old
9 Business, Appeal Number 2018-41, Randy Viviani, of 7757
10 Concord LLC, they have requested to table this appeal and this
11 will continue to stay on here until that can be resolved.

12 New Business, we have two variance requests for this
13 evening. A three-vote majority is required to either approve
14 or deny an appeal. If your request is denied, you have to
15 right to file an appeal.

16 So first is Variance Number 2020-71, ProBuilt Homes,
17 on behalf of the property owner, Mountainside Farms LLC, is
18 requesting a variance from Section 17.07(A) to allow for the
19 construction of a single-family dwelling and related soil
20 disturbing activities within the riparian setback area, which
21 is otherwise prohibited use, for the property located at
22 7996 Burgundy Court, current parcel number 08-A-023-E-00-
23 048-0.

24 Chad, just to confirm, were you able to hear that
25 okay at that point?

26 MR. EDGAR: Yes, sir.

27 CHAIRMAN VALENTIC: All right.

28 MR. ROWE: I think you, the last three numbers,
29 I think you flipped.

30 MR. LUCAS: Just as a matter of the record, Mike

1 Lucas is on the line.

2 MR. ROWE: I thought I heard -- Where is it? I
3 thought our heard "480" instead of --

4 CHAIRMAN VALENTIC: 084-0. Thank you, Jim.

5 Thank you, Mike. We got you.

6 Okay.

7 MR. DAVIS: All right. Thank you, Chairman
8 Valentic, and everyone else tonight. I've been here on
9 numerous times before for Mountainside Farms for variances
10 similar to this. I will try to be brief because I know most
11 of you were on the Board, if not all, before. Mountainside
12 Farms was platted prior to -- when I say "platted," meaning it
13 was designed and built and the road put in prior to the
14 riparian variance being installed. On a hillside, there is
15 numerous streams. The developer was not afforded the
16 opportunity to move the road layout so it would work with the
17 riparian.

18 So this lot in question, again, is a half acre lot
19 in what I would consider an executive level subdivision where
20 you're having larger homes. And this lot, especially, the
21 creek not only is in the front yard but it is sort of angling
22 as you head north. So a good portion of the lot is now
23 unusable by the riparian.

24 So what we're requesting here, we do have a client
25 that is purchasing this home. So we have -- What we're
26 requesting is to grade into the riparian and install the front
27 walk in the riparian. We've pushed the house back as far as
28 we can. We're at the rear setback line with the rear of the
29 home and, you know, we have tried to do everything possible to
30 stay as far away from the stream as we can. And, you know, we

1 would ask that, you know, in lieu of the hardship of where the
2 stream is on the lot and that it was designed, the subdivision
3 was designed prior to the riparian, we would hope that you
4 would, as you've done in the past, grant a variance so that we
5 can grade into it. The house itself is not in the riparian.
6 It is just some of the front walk and the grade off the front
7 of the house.

8 CHAIRMAN VALENTIC: What's the status of the house
9 right now?

10 MR. DAVIS: It's sold. We have a customer. There's
11 a resident that's purchasing the home.

12 CHAIRMAN VALENTIC: Okay. When they purchased the
13 property, were they aware of the riparian setback?

14 MR. DAVIS: Well, they have not, they have not
15 closed on the purchase yet.

16 CHAIRMAN VALENTIC: Okay.

17 MR. DAVIS: They are aware of the riparian. We met
18 them on site. We explained it. You know, I believe Mr. Edgar
19 is going to talk about rotating it. We tried to rotate it in
20 all the different directions and, at the end of the day, with
21 the needs of the client and with trying to stay as far away as
22 possible, this was, you know, deemed to be the best solution.

23 CHAIRMAN VALENTIC: Okay.

24 MR. DAVIS: And we do have the developer, Larry
25 Nadler -- I am doing this because it's my customer but it's on
26 behalf of him because my customer hasn't closed yet. The
27 developer himself is on the phone if you wish to speak with
28 him.

29 CHAIRMAN VALENTIC: Okay. Did you guys -- I
30 understand you looked at maybe the position of the house.

1 What about a retaining wall or something to reduce the
2 encroachment into the riparian setback, did you look at
3 anything like that?

4 MR. DAVIS: Well, yes and no. Ultimately, what we
5 want to do here is going to be, pretty much, identical to what
6 we did on subplot 100 up the street, which is the, you know --
7 The guy that bought Sublot 100 bought Sublot 101. He is
8 retaining it, not building on it. But if you remember, we're
9 grading it exactly like that. We are going straight down and
10 it will be a natural rock that we -- On that one at 100, we
11 have rocks in there to retain the soil. I don't know if you
12 have seen that. We have rocks. And Chad can help me with the
13 verbiage. It's a ground cover vine thing and then mulch that
14 holds the thing back.

15 And I think Chad mentioned, we do, just to answer
16 Chad's question in his recommendations, as, you know, we've
17 told our client that we are not allowed to do anything in the
18 riparian other than what's approved in the variance. So we
19 are not, we do not intend to, you know, to do anything else
20 contrary to the Concord ordinance within the riparian.

21 CHAIRMAN VALENTIC: What are we putting back then in
22 that disturbed area that's in the riparian? That's not going
23 to be dirt, that's going to be left natural even after it gets
24 disturbed?

25 MR. DAVIS: I mean, if you, you know -- I guess I
26 was confused by some of the comments but if you would rather,
27 on the street side, that we seed that, I am sure the client
28 would much rather have that. We were just, as of right now,
29 we were leaving everything in the riparian natural.

30 CHAIRMAN VALENTIC: No, I understand that. I think

1 we have -- I think it's recommended to leave everything in the
2 riparian area natural. My question is around the area in the
3 riparian corridor that you are grading and filling.

4 MR. DAVIS: Yes.

5 CHAIRMAN VALENTIC: What is that? What are you
6 going to put back in that area?

7 MR. DAVIS: Well, that's going to be like what was
8 done up the street at 100 with we're going to use
9 strategically placed rocks into the hillside, right, and then
10 you put -- and I am not good at the term. I am not a
11 landscaper but it's like a, gosh, ivy-type thing that retains
12 the soil and you put mulch in with it.

13 CHAIRMAN VALENTIC: Okay.

14 MR. DAVIS: Exactly, it will look exactly like we
15 did at 100.

16 MR. ROWE: Yeah, there is a point in Chad's notes
17 even where he does not see favor in seeding.

18 MR. DAVIS: Yeah.

19 CHAIRMAN VALENTIC: Yeah, we would -- I think the
20 point is I think he is emphasizing that we put native plants
21 back in there.

22 MR. ROWE: Right, absolutely.

23 MR. DAVIS: I do want to address one other thing, so
24 if you bear with me. You know, this was what I would call
25 initially like an ephemeral stream, you know, it just sort of
26 comes out of that hillside, you know, south of where Lake Erie
27 College built up for their -- or north of where Lake Erie
28 College built up for their equestrian center. You know, it
29 used to flow pretty good because, when none of those houses
30 were built on the hillside, all the water would go to that

1 stream. Now that those houses are built and all their
2 downspouts are tied in and they're going to the storm sewer,
3 which exhausts on the other side of, on the north side of
4 Caribou, there is very little water in that stream now. I
5 mean, there is not a lot, you know. So I don't, I don't feel
6 like, you know -- It's not like that whole thing is ever going
7 to fill up with water because most of the water has been
8 diverted by either sump pump structures or by tied in
9 downspouts of the uphill houses.

10 CHAIRMAN VALENTIC: Anyone else have any questions?

11 MR. SWEENEY: Yeah. I just want to get, kind of,
12 the lay of the land here. Across the street is, and beyond
13 the houses across the street going north, I believe, there is
14 a retention pond.

15 MR. DAVIS: Yes.

16 MR. SWEENEY: It's pretty big, too, isn't it?

17 MR. DAVIS: It used to be a lot bigger. I mean, I
18 don't know how long you've been around Concord but that used
19 to be a pretty high dam.

20 MR. SWEENEY: Yeah, no, I recall that.

21 MR. DAVIS: Part of the whole deal was they had to
22 lower that, yes.

23 MR. SWEENEY: Right. And in the back of this house
24 to the west, is there also a small creek?

25 MR. DAVIS: No.

26 MR. SWEENEY: I took a look at that today and I
27 just, it seemed like there was just a small, I mean, nothing
28 of any real significance.

29 MR. DAVIS: Nothing on this lot. I think what
30 you're talking about, so the property to the west on the rear

1 line of this lot is owned by Lake Erie College. About 20 feet
2 into that is where, like, some water comes down the hillside.
3 It really hasn't even almost channelized yet.

4 MR. SWEENEY: Yeah, it doesn't --

5 MR. DAVIS: And you will notice, Larry Nadler, the
6 developer, he added a little yard drain there to catch that
7 because it was rushing out into the road. But that's not on
8 the rear of this lot, that's coming off of Lake Erie College
9 property.

10 MR. SWEENEY: Okay.

11 MR. DAVIS: It may be slightly channelized but it
12 sort of doesn't really matter. It's not on this lot but it's
13 very small.

14 MR. SWEENEY: Yeah, it's inconsequential.

15 MR. DAVIS: I live in Mountainside Farms, so I
16 remember, I mean, when that road was first put in, that little
17 bit of water was flooding over and putting mud on the road and
18 that's why Larry added that little drain there.

19 But, so that's what we're hoping to do. And, you
20 know, this, knock on wood, we're sold out in Mountainside now,
21 so there shouldn't be any of these variances anymore. The new
22 subdivision, we're designing around the 25 foot riparian
23 properly. So --

24 CHAIRMAN VALENTIC: Anyone else on the Board have
25 questions? No. You can be seated.

26 MR. DAVIS: Okay. Thank you, all.

27 CHAIRMAN VALENTIC: Thank you.

28 Chad, you're on the line. I will let you maybe
29 start first and then we will open it up to the public, if you
30 want to expand on your recommendations briefly. We've all

1 read them and we have them in front of us.

2 MR. EDGAR: Okay, thank you. I would like to ask a
3 clarification question from George. Can he hear me?

4 CHAIRMAN VALENTIC: Yes, he can hear you.

5 MR. EDGAR: Okay. So one of the comments that I
6 generated was, What's the intent of the ground between the
7 stream and Burgundy? Is the intent to leave the existing
8 vegetation exactly as it is?

9 MR. DAVIS: Well, so the, at the right-of-way, you
10 know, the part that's in the right-of-way, that's grass right
11 now, and then when you step off of that it's a bunch of
12 prickles. So, I mean, I can't speak for my client but I am
13 assuming they're going to convert those prickles into grass,
14 but we're not grading on that or putting any fill because
15 that's in the riparian as well. You know what I am talking
16 about, Chad? All those, there's like, you know, all those
17 prickles.

18 MR. EDGAR: Yes, sir. That was the clarification I
19 was looking for.

20 So I think my comment would be in relation to the
21 final disposition of the vegetation in there, my
22 recommendation would be to plant that in native vegetation.
23 Turf grass isn't native. I understand the goal of a homeowner
24 but I am looking at it from the goal of protecting the stream
25 and the infrastructure, green infrastructure that the stream
26 provides.

27 So other than that, you know, I agree that, with
28 George's statement that that lot was platted beforehand, a
29 very small lot, not a lot of options for them. I think a
30 slight rotation of the footprint of the house where it was

1 more parallel to the stream rather than parallel to Burgundy,
2 maybe 10 degrees of rotation at most, would pull some of that
3 footprint of the fill as it rounds the front elevation and
4 goes around to the north elevation, would kind of pull that
5 footprint of that fill out of the riparian a little bit more.
6 That would make the back yard not a perfect rectangle but
7 there certainly is plenty of space to the north there not in
8 the riparian that could be established for general lawn and
9 landscaping usage. But that, it's a pretty similar lot to the
10 other variances that have been brought up in that subdivision.

11 CHAIRMAN VALENTIC: Chad, I haven't seen what was
12 completed on subplot 100. Is that, George, that you
13 referenced? Have you seen how that finished out and it was
14 completed, by chance?

15 MR. EDGAR: No. I've got 400 active lots in Lake
16 County right now --

17 MR. DAVIS: Chad, that one, Chad, to refresh your
18 memory, that's the --

19 MR. EDGAR: (Inaudible.)

20 MR. DAVIS: I am sorry. To refresh your memory,
21 that's the house immediately to the south going up Burgundy on
22 the same side of the street with the white siding. Probably,
23 you'd remember it.

24 MR. EDGAR: Okay, okay, yeah, I've got a general
25 recollection of what that looks like.

26 CHAIRMAN VALENTIC: So, Chad, are you
27 recommending -- Obviously, you want anything that's in the
28 riparian corridor in that setback to remain native. Are you
29 saying that you would like to see that anything that's, you
30 know, in between Burgundy Court and the creek, all of that

1 area even if it's outside of the riparian, to stay, to remain
2 as native vegetation?

3 MR. EDGAR: Well, I think my wish would be that
4 anything in that riparian corridor be maintained in woody
5 vegetation because that's what ultimately provides the most
6 erosion control and the most benefit for water quality. So if
7 there is areas outside of the riparian setback between that
8 and Burgundy, that's a bonus. It's certainly close enough to
9 the stream that it would provide shade cover and filtration of
10 runoff from surrounding areas, but I don't have really any
11 justification to say it should be.

12 CHAIRMAN VALENTIC: Gotcha, okay. So you just
13 want --

14 MR. EDGAR: Outside of it would be good.

15 CHAIRMAN VALENTIC: Yeah, okay. So you are just
16 looking, at a minimum, that riparian setback gets restored
17 with native species, okay.

18 MR. DAVIS: Can I make a couple of comments?

19 CHAIRMAN VALENTIC: Uh-huh.

20 MR. DAVIS: So the 10 degree rotation, we are okay
21 with. However, the big issue why we didn't do it, Chad, is it
22 pulls the front corner of that garage, the southeast corner of
23 that garage, because as we rotated it, as we rotated it that
24 10 degrees, we've got to pull that closer so that that back
25 corner isn't in the rear setback. And so when we did that,
26 yeah, it sort of, it could create less of an area into the
27 riparian but the problem is now we've got to put the sidewalk
28 even farther into the riparian, which means I've got to go
29 flat, at least, 4 feet away from the house for the front walk
30 anyway. So once we did that, we didn't really see that much

1 of a difference. That's why we went back to, you know,
2 because we did try to angle it. It's just a tough lot because
3 so much of it's in the riparian.

4 MR. EDGAR: I appreciate you went through that
5 effort.

6 MR. DAVIS: And then the only other question I will
7 make on the native vegetation, you know, if you put yourself
8 in, you know -- Larry Nadler put this development in with the
9 intent of putting executive level homes there. Obviously,
10 this got placed on that afterwards, which has had a negative
11 impact on this lot. He had to sell it -- He is selling it at
12 a discount. It was impossible to sell, right? We finally
13 found someone who was willing to take some of the
14 accommodation.

15 But imagine if you're building a \$600,000 house and
16 you've got to leave prickles in your front yard. Like, you
17 know, I think it would be fair, as we've done on all the other
18 riparian variances where, you know, because before it was said
19 that you could plant grass in the riparian. I think it would
20 be fair to allow them, on that street side, you know, the
21 street side, you know, to plant grass in the riparian on the
22 street side so they can have some nice street appearance. I
23 feel that would be fair to the client. I don't want to, you
24 know -- There is not a ton of water going there and, at some
25 point, we've got to look at aesthetics, I would think.

26 CHAIRMAN VALENTIC: Yeah, I don't -- We're not here
27 to approve them clearing and doing, you know. We are just
28 only here to approve the additional fill and earth disturbing
29 activities within the riparian zone. That's all we're here,
30 I mean --

1 MR. DAVIS: My client's aware of what they can and
2 can't do per the -- You know, we have your ordinance. So, you
3 know, we shared that with the client so they are aware of
4 that.

5 CHAIRMAN VALENTIC: And I am sure someone will be
6 out to review during construction to confirm, you know, that
7 you are following those, the ordinance. Okay.

8 MR. DAVIS: Thank you.

9 CHAIRMAN VALENTIC: Any questions for Chad from the
10 Board?

11 MR. ROWE: No.

12 CHAIRMAN VALENTIC: Thank you, Chad.

13 I am going to ask that, if there is anyone else in
14 the room that's either speaking for or against this appeal, if
15 they would like to come up?

16 (No response.)

17 Okay. I would ask that, if there is anybody on the
18 phone that would like to speak for or against this appeal,
19 that they speak now or put something in the chat maybe if you
20 want to speak and then we can get you all set up.

21 (No response.)

22 Okay. So it doesn't sound like we have anyone else
23 that's here to speak for or against this appeal. So if there
24 is no further questions, the public hearing for Variance
25 Number 2020-17 is now closed to the public. Can I get a
26 motion to approve Variance Number 2020-71?

27 MS. JARRELL: So moved.

28 MR. ROWE: Second.

29 CHAIRMAN VALENTIC: Open for discussion on the
30 Board. Anybody want to -- I don't know. I do say that I am

1 glad that we're done with Mountainside. I know, George, I
2 know you are, too.

3 MR. DAVIS: Me, too.

4 CHAIRMAN VALENTIC: I would say that my only thing
5 is, I feel like I am slightly disappointed in the fact that
6 maybe we didn't see some of the tweaks and things that they
7 tried. I would've liked to maybe see even a wall version
8 shown of what it would look like with the wall just to try to
9 reduce it a little bit more. I mean, it's not a huge variance
10 request but it's a decent variance request. So they are in a
11 difficult situation. So that's my piece. Anyone else?

12 MR. ROWE: I think adhering to Chad's line to stick
13 with the native vegetation and so forth, I mean, I am not --
14 Again, as he points out, if you've got grass, it's not a
15 situation in his favor.

16 CHAIRMAN VALENTIC: Yeah, I don't think they're
17 allowed to clear and put grass in that riparian zone, correct,
18 Heather, or do we have to make that a stipulation?

19 MR. HAMILTON: Based on the zoning?

20 MS. FREEMAN: Based on the zoning, they can
21 cultivate a lawn.

22 CHAIRMAN VALENTIC: Oh, they can?

23 MR. DAVIS: Yeah.

24 CHAIRMAN VALENTIC: Okay.

25 MR. ROWE: Well, as I say, it's a sticky situation.
26 I mean, if the guy who spends his lifetime figuring how to do
27 this, you know, is saying not really in favor of saying no,
28 no, you're not right, you know --

29 CHAIRMAN VALENTIC: Yeah.

30 MR. ROWE: I say, I've had experience living along

1 the riparian and, you know, it's better to stick with
2 dictates.

3 CHAIRMAN VALENTIC: Okay. Skip?

4 MR. SWEENEY: No.

5 CHAIRMAN VALENTIC: Chris, anything to add?

6 MS. JARRELL: No.

7 MR. HAMILTON: I guess I will just say, outside of
8 granting this variance, anything that does happen in the
9 riparian, as long as it happens per the zoning, I am fine.

10 CHAIRMAN VALENTIC: Okay.

11 MR. ROWE: That's well put, yeah.

12 CHAIRMAN VALENTIC: I think what Jim is saying is
13 that, it sounds like, Jim, there was a recommendation that
14 they put back the native plants. It doesn't sound like
15 anybody is pushing for that on the Board. I am just reading
16 the situation here. So we could just, you know, we don't have
17 to make that a condition. It's just look at it the way it is.

18 MS. JARRELL: I think what Mr. Davis is suggesting
19 with, you know, putting in a bunch of rocks and foliage in
20 there, and it correlates with the rest of the development, and
21 that makes sense.

22 CHAIRMAN VALENTIC: Okay.

23 MR. ROWE: I just -- Chad was in agreement on the
24 lot 100?

25 MS. JARRELL: I don't remember that but --

26 CHAIRMAN VALENTIC: Yeah, I think he made
27 recommendations but we may not have accepted all those
28 recommendations at that time. I don't remember, to be honest
29 with you.

30 MR. ROWE: Okay. I wasn't involved with that one.

1 CHAIRMAN VALENTIC: Yeah.

2 MR. ROWE: Okay.

3 CHAIRMAN VALENTIC: Okay. Anything else? All
4 right. Then we will go with -- Then it's approval on the
5 variance for Appeal Number 2020-71. A yes vote approves the
6 variance, a no vote denies the variance. Heather, please call
7 the vote.

8 MS. FREEMAN: Mr. Sweeney?

9 MR. SWEENEY: Yes.

10 MS. FREEMAN: Mr. Hamilton?

11 MR. HAMILTON: Yes.

12 MS. FREEMAN: Ms. Jarrell?

13 MS. JARRELL: Yes.

14 MS. FREEMAN: Mr. Valentic?

15 CHAIRMAN VALENTIC: Yes.

16 MS. FREEMAN: Mr. Rowe?

17 MR. ROWE: No.

18 CHAIRMAN VALENTIC: Okay. Your variance has been
19 approved. Thank you.

20 MR. DAVIS: Thank you, all. Have a good holiday.

21 MS. JARRELL: You, too.

22 CHAIRMAN VALENTIC: You, too.

23 Next on the agenda is Variance Number 2020-72, James
24 and Marian Mantel are requesting a variance from Section
25 17.07(A) to allow for the construction of a single-family
26 dwelling and related soil disturbing activities within the
27 riparian setback area, which is otherwise a prohibited use,
28 for the property located at 11805 Cali Drive, current parcel
29 number 08-A-004-D-00-060-0.

30 MR. CHORBA: Good evening. Frank Chorba, from Land

1 Design Consultants. We did the site plan for this lot. And
2 Mrs. Mantel is here with me tonight.

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

4 MR. CHORBA: Yes, I've been sworn in.

5 CHAIRMAN VALENTIC: And can you give your address
6 for the record?

7 MR. CHORBA: Company or home? Company.

8 CHAIRMAN VALENTIC: Company is fine.

9 MR. CHORBA: Land Design Consultant, 9025 Osborne
10 Drive, Mentor, Ohio.

11 CHAIRMAN VALENTIC: Okay.

12 MR. CHORBA: As I said, we designed the site plan.
13 Wetland C and wetland D that you see in there are in the
14 process of being mitigated through the Army Corps of
15 Engineers. Basically, it's up to the point where everything
16 is approved and they just have to send in the fee for the
17 mitigation.

18 We placed the house so that we could be on the 50
19 foot setback and kind of equidistance from the banks of the
20 stream all around the house to keep it as far away as possible
21 and still remain behind the setback, and the house is ending
22 up on basically the highest portion of the property. That was
23 our reasoning for placement of where it is. If need be, that
24 stream through wetland D is going to stay the way it is and to
25 the west of that. Even though that portion of wetland is
26 being mitigated, that could remain natural without affecting
27 the building of the house.

28 I got a bunch of comments from Soil and Water
29 tonight and it was mentioned that the stream is moving. The
30 banks of the stream as shown on our drawing were done by a

1 real topo done two years ago, maybe two and a half years ago,
2 and you can see where the floodplain is over to the right-hand
3 side of the drawing on the easterly portion of the property.
4 The stream is east of where the floodplain actually is, which
5 shows some of the movement that's taken place since the
6 floodplain was designed on the FEMA maps.

7 Basically, we show the green area where we're
8 disturbing the riparian setback. What we did is basically
9 graded out from the house and then drew that along where the
10 grading lines ended. I would imagine, if need be, the slopes
11 could get steeper going toward the stream with like maybe some
12 kind of retaining landscaping around the house and it can drop
13 down in more of the, some of the green area toward along the
14 stream could be left natural the way it is now by pulling the
15 contours back with landscaping around the house.

16 And would that be all right with you if --

17 MS. MANTEL: Yes, definitely.

18 MR. CHORBA: I guess, if there is any other comments
19 or questions, I would be glad to answer them but --

20 CHAIRMAN VALENTIC: So this is Jordan Creek, right?

21 MR. CHORBA: Pardon me?

22 CHAIRMAN VALENTIC: This is Jordan Creek through the
23 property?

24 MR. CHORBA: Yes. And then there is, there is that
25 stream to the, on the east side of the house where you see
26 through wetland D. That's from a culvert that's coming across
27 the street. We're leaving that. Through that wetland area,
28 we're leaving it as it is.

29 MR. HAMILTON: You have a comment that that will be
30 mitigated. What's involved with that?

1 MR. CHORBA: Basically, the Army Corps gives you
2 permission to fill the wetlands, to place fill in so they
3 wouldn't be there anymore.

4 CHAIRMAN VALENTIC: And this property was purchased
5 after our riparian setback was established, correct? Our
6 riparian setbacks were established in July 2016.

7 MR. CHORBA: Do you know when you purchased it?

8 MS. JARRELL: This lot was bought in 2017. I don't
9 know what month.

10 CHAIRMAN VALENTIC: Okay. Anyone have any
11 questions?

12 MS. JARRELL: Can you just kind of take us through
13 the process of getting all this stuff approved and where
14 you're at there because there was a lot of stuff here, so if
15 you could just kind of walk us through that, if you would.

16 MR. CHORBA: Well, of course, the first thing we
17 have to do is get the variance for the riparian setback and
18 then we were going to complete the wetland mitigation with the
19 Corps. And after seeing these comments tonight, we're
20 probably going to have to meet with Soil and Water and address
21 these as best we can to get to build a house on this property.

22 Is Chad still on the line?

23 CHAIRMAN VALENTIC: Yeah, Chad is still on the line.
24 Yeah, we will get to Chad, too.

25 MR. CHORBA: Okay.

26 CHAIRMAN VALENTIC: I mean, we had -- Some of us are
27 more familiar with streams and the impact that a stream can
28 have in a riparian setback. So we've had some training in,
29 you know, with us to kind of educate the Board. Like, if I
30 were to pull out a picture of a site that the reason we

1 established riparian setbacks is so we wouldn't end up in the
2 situation that we have here this evening with this lot. I
3 mean, this is a significant, significant impact to the
4 riparian corridor, to the stream floodplain that's getting
5 proposed. And that's, that's our, that's the difficulty we
6 have right now is to find a way to really understand, you
7 know, why you guys are attempting what you are trying to
8 attempt and if we should allow you to do that.

9 MR. CHORBA: And the difficulty we have is that this
10 is the only spot we can possibly put a house.

11 CHAIRMAN VALENTIC: Yeah.

12 MR. CHORBA: So the only other thing we can do is, I
13 was reading through these comments real quick tonight and Chad
14 mentioned moving it, moving the house southerly, which would
15 be encroaching into the normal setbacks. We'd have to get a
16 variance for that from the township if we did move the house
17 forward toward the road.

18 MS. JARRELL: I think it would be easier to get
19 something like that.

20 MR. CHORBA: Well, it still wouldn't solve the
21 problem but it would help.

22 MS. JARRELL: So, I mean, I'm curious. I mean, the
23 very first question that we always ask is if, you know, the
24 property was purchased with the knowledge of the setback
25 requirements.

26 MS. MANTEL: No.

27 MR. CHORBA: They didn't know about it when they
28 purchased the property. They knew about the frontage setback
29 but not the riparian setback.

30 MS. JARRELL: Okay. And you didn't really answer my

1 question on what this process is because I see this
2 preliminary JD in here. You know, just take me through the
3 approval process with the powers that be.

4 MR. CHORBA: Well, first it goes to, first it goes
5 to the township to get zoning approval and then it goes to the
6 county engineer and, I believe, Soil and Water at the same
7 time to get approval for the site plan.

8 MS. JARRELL: I am talking about the EPA.

9 MR. CHORBA: Oh, the EPA.

10 MS. JARRELL: And the Army Corps.

11 MR. CHORBA: Okay. That is, basically, that got
12 started a couple years ago and we, our company, didn't do it.
13 We hired, the Mantels hired HZW to present it to the Corps.
14 The Corps came out and looked at the land. They had to agree
15 with where we said the wetlands were. And then we asked
16 permission to fill this .02 acres and .03 acres of wetland.
17 And we got to the point where they said they would approve it
18 to be mitigated, in other words, they would allow us to fill
19 those wetland areas and the Mantels would have to pay a fee to
20 be able to do that, and that's where we are now, but we wanted
21 to get approval through the township prior to them paying that
22 fee so that that would be taken care of.

23 MS. JARRELL: Is there a contract on this property
24 or what? I mean, because you already live in the development.

25 MS. MANTEL: We live on Nancy Ann, correct. What do
26 you mean, a contract?

27 MS. JARRELL: Are you selling this? Are you going
28 to be living there?

29 MS. MANTEL: Oh, I am going to be moving, yes. I
30 want to build a one-floor ranch home and downsize from, you

1 know, our big home up on Nancy Ann Drive, yes. That's the
2 reason I bought the lot. I was told we could build on it.

3 MS. JARRELL: Maybe you should come up here and give
4 us your name and address.

5 CHAIRMAN VALENTIC: Yeah, I was going to say, go
6 through the whole give us your name and address and confirm
7 you've been sworn in.

8 MS. MANTEL: I am sorry. Go on. Where was I?

9 MS. JARRELL: State your name and address.

10 MS. MANTEL: Oh, my name is Marian Mantel,
11 7595 Nancy Ann Drive, Concord.

12 MS. JARRELL: And you have been sworn in?

13 MS. MANTEL: Yes.

14 MS. JARRELL: Okay, great. So you are moving from
15 your house?

16 MS. MANTEL: Right.

17 MS. JARRELL: And you're going to be, you want to
18 build a ranch on this property.

19 MS. MANTEL: Correct.

20 MS. JARRELL: And you had no idea that --

21 MS. MANTEL: No.

22 MS. JARRELL: Any of this?

23 MS. MANTEL: None. We had no idea there was
24 wetlands on it. We bought it with the, you know, there were
25 no wetlands, everything was fine and we went into it and we
26 bought the lot, and then I bought some other property next to
27 it so I'd have a bigger area to build on, and that's where we
28 are now. I want to downsize. I want to build a smaller home
29 and I am hoping we can get some of this approved so we could
30 start moving forward on it.

1 MS. JARRELL: There are substantial issues and a
2 whole lot of comments from Soil and Water.

3 MR. ROWE: Well, very salient is the opening
4 recommendation regarding this property.

5 MS. JARRELL: What are you talking about, Jim?

6 MR. ROWE: From Chad's recommendations.

7 MS. JARRELL: Oh, well, I don't think that
8 Mrs. Mantel was aware --

9 MS. MANTEL: No.

10 MS. JARRELL: -- that it wasn't suitable at all for
11 residential development. I mean, you bought this from Home
12 Savings, right?

13 MS. MANTEL: No, I bought this from Cali Development
14 or Cali Properties.

15 MS. JARRELL: Cali, it didn't indicate that on the
16 Auditor's site.

17 MS. MANTEL: No. I bought the lot next to this lot
18 from Home Savings.

19 MS. JARRELL: Oh, okay.

20 MS. MANTEL: And I combined both 39-B with 38-A or
21 something like that to make this section here.

22 CHAIRMAN VALENTIC: I don't know. Anyone else have
23 any questions?

24 MR. SWEENEY: Yeah. Ms. Mantel, I want to ask you a
25 couple of questions. Now, you lived in this neighborhood for
26 how long?

27 MS. MANTEL: Pardon?

28 MR. SWEENEY: You lived in the neighborhood for how
29 long?

30 MS. MANTEL: Twenty-two years.

1 MR. SWEENEY: And Nancy Ann is a couple minute walk
2 from here.

3 MS. MANTEL: Um-hum.

4 MR. SWEENEY: From this?

5 MS. MANTEL: Yes, right.

6 MR. SWEENEY: Okay. So you must have driven past
7 this lot a long time.

8 MS. MANTEL: Right.

9 MR. SWEENEY: Many times, thinking about it, what
10 you want to do?

11 MS. MANTEL: Absolutely.

12 MR. SWEENEY: The possibilities. Did you ever take
13 a walk on the property?

14 MS. MANTEL: No.

15 MR. SWEENEY: Or your husband or I don't know who
16 your --

17 MS. MANTEL: We did a walk once, yes, and it's so
18 thick with vegetation and trees, we really couldn't get very
19 far but we did do a walk but not all the way into it because
20 you -- I couldn't walk it.

21 MR. SWEENEY: Yeah, it's pretty overgrown.

22 MS. MANTEL: Right.

23 MR. SWEENEY: And that lot, had that lot been up for
24 sale the entire time you lived in Cali?

25 MS. MANTEL: I really don't know. I know the person
26 I bought it from had called me. He knew I was trying to
27 downsize and said he wanted to sell it, Joe Cali. And I said,
28 yeah, I'd be interested in it. And, you know, I asked, I
29 says, "Is there any problem?" No, nothing going on. I just
30 want to sell it and be done with it, you know, selling all his

1 property up here. So I bought it and I was told that, you
2 know, all lots are buildable and I went into it with really
3 good faith and --

4 MS. JARRELL: Who told you that it was buildable?

5 MS. MANTEL: Well, I was told any lot was buildable
6 when I called Land Design, you know, but, of course, nobody,
7 we didn't have these plans or anything like that. So I bought
8 the lot. And then a year later or a couple years later Home
9 Savings had these two lots that I knew weren't really
10 buildable but I wanted to, you know, buy it so I'd have the
11 land next to this, the good property, to make sure that I had
12 enough property to build on. So --

13 MS. JARRELL: May I asked how much you paid for the
14 lot?

15 MS. MANTEL: I paid \$25,000 for the subplot.

16 MS. JARRELL: The subject lot?

17 MS. MANTEL: That lot, and \$5,000 for the one next
18 to it.

19 CHAIRMAN VALENTIC: The other thing that kind of
20 jumped out at me and I think Chad brought up, too, was this
21 100-year flood limits. You know, I don't know how accurate.
22 I mean, they're not very accurate because the creek's moved.
23 You know, this is from FEMA. I am not sure when they mapped
24 it. Maybe, it maybe was a while back because the creek's in a
25 different position from where that's located. And Chad's
26 alluding to the fact that, you know, there might need to be a
27 new H&H study done to confirm the FEMA flood limits. Are you
28 aware of that or do you --

29 MR. CHORBA: Not till tonight.

30 CHAIRMAN VALENTIC: Not till tonight.

1 MS. JARRELL: So I am curious. When you closed on
2 the property, title would have known that it was in a
3 floodplain. That would have been disclosed to you.

4 MS. MANTEL: It never was, no, there was no mention
5 of it.

6 MS. JARRELL: I mean, that is a requirement.

7 MS. MANTEL: I could look at my title papers but
8 nothing was ever brought up that it was in a -- it's not -- I
9 thought it's not in a floodplain.

10 MS. JARRELL: It is in a floodplain.

11 CHAIRMAN VALENTIC: Yeah. Well, part of the
12 property is definitely in the floodplain and there might be
13 more of the property in the floodplain if you go, if you,
14 really, if they do the H&H study and determine what the
15 existing 100- year floodplain actually is. This survey is how
16 old, did you say, two years?

17 MR. CHORBA: I think it was done in August of '17.

18 MS. JARRELL: I just don't think we have enough
19 information. There is way too many questions.

20 MR. SWEENEY: Did you get the property insured?

21 MS. MANTEL: No. Insured for what?

22 MS. JARRELL: She would have title insurance, that
23 would --

24 MS. MANTEL: I have title insurance.

25 MR. SWEENEY: I mean, subsequent to purchasing the
26 house.

27 MS. MANTEL: There is no house on it.

28 MS. JARRELL: There is no building on it.

29 MR. SWEENEY: I think your answer is no.

30 MS. JARRELL: Yeah.

1 MS. MANTEL: There is no house on here.

2 MS. JARRELL: There is no house on it.

3 MR. SWEENEY: I know, but that wasn't my question.

4 MS. MANTEL: No.

5 MR. SWEENEY: Okay. I just, I took a drive past
6 this and I got out and I looked around on this property, and
7 I've got to tell you, there is a lot going on. There is a lot
8 of elevation change. There is a lot of, there is a lot of
9 stream meandering, not to mention, when you look at the
10 property, it looks like a swamp, the entire property. Did it
11 ever occur to you that you might not be able to build on it?

12 MS. MANTEL: No.

13 MR. SWEENEY: Did you -- You mentioned your builder
14 said, "Oh, there is no problems with that." Have you talked
15 to him in the past three years?

16 MS. MANTEL: I talked to him about a year ago and he
17 says he swears that when he -- He was the original owner of
18 the whole property there and that area is where they had the
19 sand pit. And he swore to me there was no wetlands, there was
20 no issue with it.

21 MR. SWEENEY: If you look at old pictures of this
22 area, I would think the term "sand pit" would be an
23 understatement. This guy owned the entire Cali Woods
24 property?

25 MS. MANTEL: Cali Woods, right.

26 MR. SWEENEY: And he told you it's fine, it's fine,
27 you can build on it?

28 MS. MANTEL: Um-hum.

29 CHAIRMAN VALENTIC: Regardless, if -- I mean, we can
30 let Chad talk, too. My view on this whole thing is that,

1 regardless, this is a very large impact to the riparian zoning
2 code. It's a huge impact. I mean, it's not minor. And I
3 haven't heard enough or anything really today that's going to
4 convince me of why we should give a variance to this. So I am
5 really having a hard time with that. You know, more
6 information or not, I don't know if it's really going to
7 change much, in my opinion.

8 But if there is no further questions for either of
9 them, then I would like to let Chad kind of go through his
10 comments and then you guys can maybe ask Chad questions if you
11 have questions for Chad. Does that make sense?

12 Chad, can you hear me?

13 MR. EDGAR: Yes, sir.

14 CHAIRMAN VALENTIC: Okay. The Board has a copy of
15 your comments, your recommendations. The property owner was
16 given the comments earlier this evening. If you would like to
17 just kind of go through your points and just kind of let us
18 know kind of where you're at, what you're thinking, and then
19 maybe we will have some, you know, comments for you or
20 questions.

21 MR. EDGAR: Sure, thanks. You know, the lot was
22 platted before the riparian setbacks, which were 2015,
23 correct?

24 MS. MANTEL: Yes.

25 MR. EDGAR: The setbacks were in '15?

26 CHAIRMAN VALENTIC: I believe so.

27 MR. EDGAR: The Mantels bought the lot in '17, I
28 believe, according to the Auditor's website. It has enough
29 frontage, it has enough acreage that you could put a house in
30 there but it doesn't mean that it's suitable. Again, you

1 might have enough acres on a 1 to 1 slope leading down to Lake
2 Erie Bluff. Does that mean it's buildable or suitable? It
3 might meet the county standards that there is -- or the
4 township standards for having enough room but that's a
5 separate question, in my head.

6 The reason that the township enacted their riparian
7 setback is because you were experiencing substantial erosion
8 and flooding, loss of property value, culverts getting
9 destroyed, a lot of infrastructure being damaged that was
10 falling on your staff and the residents to have to fix. This
11 site represents all of those issues. The reason you have
12 these setbacks in place is to stop problems from starting in
13 these areas or from having improvements that are going to
14 cause additional problems in these areas for downstream
15 residents. And in my opinion, this project will.

16 Could it potentially be engineered to not? Yes,
17 that is a potential. But I don't believe that this plan
18 represents that. There is not enough questions answered.
19 There's been enough migration of that stream recently to put
20 it completely outside the mapped floodplain. That should give
21 the Mantels cause for concern alone for building their house
22 for their investment. But that really doesn't tell you where
23 your riparian setbacks are going to be impacted either.

24 So I think that that H&H study that they're going to
25 have to do to get a permit to fill in the floodplain in that
26 wetland area, that will give them the information they need to
27 adjust that boundary so that you will know how much of your
28 setback is going to be impacted and will allow you to make a
29 more informed decision. I think the migration rate of that
30 channel should be evaluated at the same time so that they can

1 properly plan for siting the house and know that, hey, this
2 channel is going to move this far in this many years.

3 That, obviously, is a hot spot of issues.
4 Immediately downstream we had the houses that had to be
5 removed from the floodplain because they were constantly
6 getting flooded. Immediately above it, you've got the Sarah
7 Lee culvert that is now almost completely full of sediment
8 from that channel. There is just a lot of work that needs to
9 be done, in my mind, to convince me that this site is not
10 going to cause problems for downstream homeowners and probably
11 the Mantels in the very near future. So I could take
12 questions.

13 CHAIRMAN VALENTIC: Does anyone from the Board have
14 questions for Chad? When Chad talks about the migration of
15 the channel, we can really, you can see it as, you know, that
16 blue line was put maybe where the floodplain was mapped by
17 FEMA and then you can see that the channel has even moved
18 outside of that. The channel is outside of the 100-year
19 floodplain that was mapped by FEMA at one point. So it's
20 definitely moved and it's moving towards where the house is
21 being located. I think that's, that's just one area. Several
22 other areas we can see that it's moved and migrated.

23 MR. EDGAR: Yes, it's certainly a very active
24 channel, much more active than a natural erosion rate.

25 CHAIRMAN VALENTIC: Yeah. And it's not just a --
26 It's a pretty large watershed and creek through here as well.

27 Does anyone on the Board have questions?

28 MS. JARRELL: Have you considered getting this
29 approved JD completed?

30 MR. CHORBA: Approved what?

1 MS. JARRELL: A jurisdictional determination from
2 the Army Corps. In their letter from 2018, they recommended,
3 you know, maybe getting that done. And they also strongly
4 recommended -- This was back in September of 2018, so, you
5 know, that's over two years ago. They strongly recommend, you
6 know, having this be reevaluated in five years but, you know,
7 per Chad's observations that, you know, that may need to be
8 moved up just because it's moving.

9 So in this letter from the Army Corps, they're
10 saying that this preliminary jurisdictional determination -- I
11 don't know -- maybe that's the fast track but they're
12 requesting or suggesting maybe getting an approved JD, which
13 is a stronger study, I would suspect, and it seems like that
14 you need to get something more updated at this time.

15 MR. CHORBA: Where?

16 MS. JARRELL: Am I looking at that incorrectly?

17 MR. CHORBA: I don't have that letter. Where is it?

18 MS. FREEMAN: She is referencing this, the Army
19 Corps.

20 MR. CHORBA: The one from the -- Okay, the one that
21 came through from HZW.

22 CHAIRMAN VALENTIC: Have you received -- Have they
23 received the JD already? Do you know if the owners had
24 received the JD? Has it been approved, the jurisdictional
25 determination?

26 MS. JARRELL: That's what I am asking.

27 MR. CHORBA: Everything's been approved.

28 MS. JARRELL: Well, this is just the preliminary
29 one. Where is the final one?

30 MR. CHORBA: They have to pay for the mitigation and

1 the final one will come through.

2 MS. JARRELL: Oh, the chicken or the egg kind of
3 thing here, isn't it?

4 MS. MANTEL: I have to clarify one thing. According
5 to what you said about the buying that property in '17, I
6 think that was the property I bought from the bank. I bought
7 the big lot, like, I think it was in 2015, the subplot 39,
8 whatever.

9 MR. CHORBA: Was it these two together?

10 MS. MANTEL: No, it wasn't. Originally, there was
11 just this one and then I bought these two lots, 39-A and B,
12 and this was -- or this was 39-B and this was 38-A and C or
13 something.

14 MS. JARRELL: Chad, did you look that up? I
15 obviously looked at the wrong one in my haste. Chad, did you
16 look that up and see when this property was purchased?

17 MR. EDGAR: I can try and do that, yeah. I am at
18 home sitting on my phone, so I am trying to listen and read my
19 email and do the Auditor's website on my phone but I will make
20 an effort right now.

21 MS. JARRELL: Reading his email. Well, in any
22 event, you know, there is just so many questions and I feel
23 like you -- I mean, I'm real in estate. So you got a
24 significant discount on buying these properties, I mean,
25 significant. Property of that size right now in Concord would
26 probably be \$150,000 or more. I mean, there is -- And you're
27 probably spending a big ole penny trying to get all of this
28 approved.

29 MS. MANTEL: Right, I am.

30 MS. JARRELL: I just, I mean, my sense -- and I

1 don't know until we take the roll -- but I am a landowner's
2 advocate. Let me just emphasize that. But this particular
3 property is not really too buildable. And even before the
4 riparian issues, if you did buy it before the riparian issues
5 were in place, still dealing with the EPA and wetlands, I
6 mean, I know that firsthand how arduous that can absolutely
7 be. And I am suspecting that you probably were not
8 represented by a realtor or an attorney when you bought this.
9 Am I right or wrong?

10 MS. MANTEL: Correct, correct.

11 MS. JARRELL: So I am very sorry. I mean, I feel
12 for you that you bought this property. And, of course, the
13 guy sold it to you because he was getting anything he could
14 get for it. That's just my take on it. But there is just so
15 many things going on here.

16 MS. MANTEL: What do I do with it now? I mean, will
17 the city, will the township buy it? I mean, can we use it as
18 a -- What can we use it as?

19 MR. SWEENEY: Well, that's not our role here.

20 MS. JARRELL: Yeah. And I don't -- And as a real
21 estate professional, I wouldn't know what to tell you about
22 that either. You know, it's caveat emptor. You have to, when
23 you buy pieces of property, you just have to conduct your due
24 diligence to make sure, you know, looking at restrictions,
25 looking at ordinances and all of that.

26 MR. ROWE: I would agree to that.

27 MS. JARRELL: So I am very sorry.

28 CHAIRMAN VALENTIC: Does anyone else on the Board
29 have any questions for the applicant or for Chad? Do you have
30 any questions for Chad on your end of things?

1 MR. SWEENEY: I do have a question for Chad.

2 CHAIRMAN VALENTIC: Hold on. Skip, Skip, go ahead.

3 MR. SWEENEY: Chad, I am looking at the green area,
4 which is the impact area. And do you see to the left of it
5 the edge of the setback on the creek in blue, blue dash lines?
6 Are you, when you talk about migration rates, I mean, is there
7 a very real possibility that this or any part of this creek is
8 going to move significantly over the years?

9 MR. EDGAR: Yeah.

10 MR. SWEENEY: Okay. Thank you.

11 MR. EDGAR: So there are different ways to do
12 lateral migration studies, physically measure them over time
13 and you can come up with averages or you can do your best with
14 the sort of aerial photograph if you've got enough record that
15 you can see them, and that's a little bit less scientific but
16 that's a way.

17 But what we need to understand is that it's not a
18 constant rate that it moves one inch per month for every
19 month. It's typically a very small amount of erosion on a
20 very daily basis that we couldn't measure and then, all of the
21 sudden, you get a good storm and it moves 4 feet, and then it
22 stays where it's at for a while and then it moves 5 feet the
23 next big storm and then it stays where it is for a while. So
24 it's a regression or -- excuse me. Lateral migration rates
25 are a tricky thing to measure. So without setting up survey
26 equipment and measuring that over years, it would be tough to
27 say, here is the safe box.

28 MR. SWEENEY: Well, yeah, I am not asking you to
29 stick to any sort of prediction but the potential for
30 significant migration is all I am really after.

1 MR. EDGAR: Yes.

2 MR. SWEENEY: And if I am looking at this correctly,
3 is this, is the creek, is the migration rate, I mean, it's
4 actually flowing into the proposed property area on the
5 outside bend; is that correct?

6 MR. EDGAR: Correct.

7 MR. SWEENEY: All right.

8 MR. EDGAR: That's where erosion occurs is on the
9 outside of the meander and it is meandering towards the
10 proposed home location.

11 And to answer the question about the purchase of the
12 property, there are three parcels that come up on the
13 Auditor's website when you search the last name Mantel. One
14 is their existing home site and two on Cali. Both of those
15 are showing on the Auditor's website as being purchased in
16 '17. So they still have to get that rectified if there was an
17 earlier purchase date. I am just putting what I see on the
18 Auditor's website.

19 MS. MANTEL: We combined them in '17 or '18, we
20 combined. I will get all my records.

21 MS. JARRELL: Well, it's still two parcels. You
22 didn't --

23 MS. MANTEL: We bought three parcels. I combined
24 two parcels to make the 2 acres and then I have another parcel
25 on the other side of the stream.

26 MR. EDGAR: Using the most recent when you combine
27 the two parcels, using that date.

28 MS. MANTEL: Okay, that's what he's using, but I
29 bought the original parcel way before that.

30 MS. JARRELL: I mean, I am thinking it's neither

1 here nor there in regards to riparian.

2 MS. MANTEL: Rihgt, I know what you mean. I know
3 what you mean.

4 MS. JARRELL: Wetlands are always a big issue.
5 They're always a big issue.

6 CHAIRMAN VALENTIC: I mean, again, going back to
7 what Chad said from the beginning and what we have talked
8 about, we put the riparian setbacks in place because of
9 degradation to our watershed, to the streams, the flooding
10 within Concord Township. And I think the point, I guess,
11 what's happening if this were to go forward is that this is,
12 could potentially just expedite further degradation and
13 flooding downstream from here because it's a significant
14 impact to the riparian corridor and the floodplain. I mean,
15 it's this close to Jordan Creek. So that's something that, I
16 guess, we have to consider if, you know, we do give the
17 variance.

18 MR. ROWE: Yeah.

19 MR. HAMILTON: And I think not to mention that it
20 imperils whatever is built there, potentially.

21 CHAIRMAN VALENTIC: Yeah.

22 MS. JARRELL: It just may not be a great place for
23 you to build your house.

24 MR. CHORBA: Well, we want to ask, we're not going
25 to get any further tonight. So could we table this and then
26 we're going to go and probably talk to Chad and see if there
27 is any possibilities or whatever and then decide what to do
28 from there? But if we could just table it tonight, that would
29 probably be the best thing.

30 CHAIRMAN VALENTIC: Okay.

1 MS. FREEMAN: Mr. Chairman, before we do that, you
2 may want to see if there is any other public on the phone that
3 want to speak.

4 CHAIRMAN VALENTIC: Great point. Is there anybody
5 else on the phone that would like to speak for or against this
6 appeal? Again, you can use the chat to let Heather know that
7 you want to speak.

8 (No response.)

9 MS. FREEMAN: No.

10 CHAIRMAN VALENTIC: Nothing?

11 MS. FREEMAN: I guess not.

12 CHAIRMAN VALENTIC: Okay. We do have a few people
13 on the phone, so I will just give you one more chance to jump
14 on if you want to speak against or for this appeal.

15 (No response.)

16 Okay. I would like to -- So can I put forth the
17 motion and then we need somebody to, a motion to table this?

18 MR. LANGAN: Hello. Can anyone hear me?

19 CHAIRMAN VALENTIC: Yeah, we can hear you, sir.

20 MR. LANGAN: I am sorry. I was having trouble
21 getting in. I will only take a moment.

22 CHAIRMAN VALENTIC: Could we have your name and
23 address for the record?

24 MR. LANGAN: Sure. My name is Joe Langan,
25 11744 Cali Drive.

26 CHAIRMAN VALENTIC: And have you been sworn in, sir?

27 MR. LANGAN: I think I was virtually. I've been on
28 the whole time.

29 CHAIRMAN VALENTIC: Were you on when we, when I
30 swore everybody in the room and on the phone?

1 MR. LANGAN: Yes, sir.

2 CHAIRMAN VALENTIC: Okay. Go ahead then.

3 MR. LANGAN: I just wanted to very quickly say, you
4 know, I really empathize with the situation of the property
5 owner. But, you know, being immediately upstream from this
6 property and the variance request and seeing it every day, you
7 know, I have a great amount of Jordan Creek that flows through
8 my property and, like I said, I am immediately upstream.
9 Having had this property for seven years and what I paid for
10 it, you know, I'm just very concerned. And I think you've
11 brought up all of the issues but as someone who directly
12 stands to be impacted by this, it concerns me a great deal.
13 So I appreciate the thoroughness that the zoning committee is
14 putting into this and the consideration that you are giving
15 it. Again, I am sympathetic to the property owner but I am
16 also sympathetic to myself and other property owners. So
17 that's all I wanted to say. Thank you.

18 CHAIRMAN VALENTIC: Thank you.

19 Heather, is there anyone else?

20 MS. FREEMAN: No.

21 CHAIRMAN VALENTIC: Okay. Do I have to have someone
22 put the motion or can I put forward a motion to table Variance
23 Number 2020-72?

24 MS. JARRELL: So moved.

25 MR. HAMILTON: Second.

26 MR. LUCAS: Mr. Chairman.

27 CHAIRMAN VALENTIC: Yes? There we go, Mike.

28 MS. JARRELL: Did we do that wrong?

29 CHAIRMAN VALENTIC: Go ahead, sir.

30 MR. LUCAS: Mr. Chairman, Mike Lucas speaking again.

1 MR. ROWE: Who?

2 MR. LUCAS: Don't blame me for saying that.

3 CHAIRMAN VALENTIC: Go ahead, Mike.

4 MR. LUCAS: My question I had -- I apologize for
5 this -- did you close the public hearing on this?

6 CHAIRMAN VALENTIC: No, we have not closed the
7 public hearing on that. That is a good point.

8 MR. LUCAS: Okay. So what you want to do, you want
9 to just recess the public hearing to the next meeting then.

10 CHAIRMAN VALENTIC: Okay.

11 MR. LUCAS: And that will move -- to enable the
12 applicant to talk to Mr. Edgar and that, which I think is,
13 from what I am hearing, is the primary purpose we want to do
14 this, which is fine.

15 CHAIRMAN VALENTIC: Yeah. So we haven't closed it,
16 so we would then -- Do we need a motion?

17 MR. LUCAS: Actually, Mr. Chairman, I believe, as
18 the chairman, you can determine to recess it.

19 CHAIRMAN VALENTIC: Okay. All right.

20 MR. LUCAS: Until the next meeting.

21 MR. ROWE: You're the man.

22 CHAIRMAN VALENTIC: Easy enough, okay. So we're
23 going to, we're going to take this variance request 2020-72
24 and recess it and revisit it at a later time.

25 MS. FREEMAN: At the next meeting.

26 CHAIRMAN VALENTIC: To our next meeting.

27 MS. FREEMAN: To the next meeting.

28 CHAIRMAN VALENTIC: Yes, which is --

29 MR. ROWE: January 13th.

30 MS. FREEMAN: January 13th.

1 CHAIRMAN VALENTIC: And I would just encourage you
2 to reach out to Heather and to Chad, go visit the site, get
3 your boots on and get somebody to get you through there, take
4 a look at it. And there's probably some other people at the
5 county you might want to talk to, also, in regards to the
6 floodplain. So I would speak to the floodplain administer as
7 well. You can -- Just, just some ideas. So I will let you
8 guys take it from there.

9 MR. EDGAR: So if I could jump in real quick, their
10 engineer has already reached out to Bruce Landeg, who is the
11 floodplain administrator in the unincorporated areas, and he
12 has advised what they need to, what they need to do. So their
13 engineer is aware of the next steps for that process.

14 CHAIRMAN VALENTIC: Okay. Thank you, Chad.

15 MR. EDGAR: You're welcome.

16 CHAIRMAN VALENTIC: Okay. So we're good. So then
17 we're going to move -- You can be seated if you want to stay
18 for minutes or you can leave.

19 (Whereupon, discussion was held off the record.)

20 CHAIRMAN VALENTIC: Great. So next on the agenda is
21 the approval of minutes. Can I get a motion to approve the
22 minutes from November 10, 2020?

23 MR. SWEENEY: So moved.

24 MS. JARRELL: Second.

25 CHAIRMAN VALENTIC: Is there any changes to the
26 minutes, additions, deletions? No. All in favor of approving
27 the minutes for November 10, 2020, as written say "aye."

28 Do you want to abstain, sir?

29 MR. ROWE: I abstain.

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

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CHAIRMAN VALENTIC: Okay. The minute from
November 10, 2020, have been approved.

As Jim said, our next meeting is January 13, 2021.
It is going to be a much better year, looking forward to it.
The Concord Township meeting, Board of Zoning Appeals meeting
is now closed.

(Whereupon, the meeting was adjourned at 8:11 p.m.)

1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA)

CERTIFICATE

3 I, Melinda A. Melton, Registered Professional
4 Reporter, a notary public within and for the State of Ohio,
5 duly commissioned and qualified, do hereby certify that, to
6 the best of my ability, the foregoing proceeding extension
7 reduced by me to stenotype shorthand, subsequently
8 transcribed into typewritten manuscript; and that the
9 foregoing is a true and accurate transcript of said
10 proceedings so taken as aforesaid.

11 I do further certify that this proceeding took
12 place at the time and place as specified in the foregoing
13 caption and extension completed without adjournment.

14 I do further certify that I am not a friend,
15 relative, or counsel for any party or otherwise interested
16 in the outcome of these proceedings.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 22nd day of December
19 2020.

20 *Melinda A. Melton*

21 Melinda A. Melton
22 Registered Professional Reporter

23 Notary Public within and for the
24 State of Ohio

25 My Commission Expires:
26 February 4, 2023

