

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

March 11, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Francis Sweeney, Member
Blair Hamilton, Member
James Rowe, Alternate Member
Todd Golling, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Marty Pitkin, Assistant Zoning Inspector

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

1 7:01 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Board of
3 Zoning Appeals meeting for March 11, 2020, is now in session.
4 I would like to introduce my Board. To my left is Skip
5 Sweeney and Todd Golling. I am Ivan Valentic. To my right is
6 Jim Rowe and Blair Hamilton. To my far right is Heather
7 Freeman, our township Zoning Inspector.

8 Under the advice of counsel, we ask that anyone
9 speaking tonight must be sworn in. So if you plan on
10 speaking, please stand. If there is a chance you are going to
11 speak, you might want to stand so we can get you sworn. All
12 right. Raise your right hand.

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

14 CHAIRMAN VALENTIC: Great. Thank you. Please be
15 seated.

16 This evening when anyone is presenting their case or
17 commenting, come to the microphone, state your name, your
18 address for the record and confirm that you've been sworn in.
19 Okay?

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

22 MS. FREEMAN: Yes.

23 CHAIRMAN VALENTIC: Okay. We have one Old Business
24 appeal and one New Business appeal tonight. A three-vote
25 majority is required to either approve or deny the appeal.

26 First is Old Business, which is Appeal Number
27 2018-41, Mr. Randy Viviani, of 7757 Concord LLC, has requested
28 that we table this variance.

29 MS. FREEMAN: Continue it.

30 CHAIRMAN VALENTIC: I am sorry. Continue the

1 variance for another month. We hope to address this in the
2 future at some point.

3 Then we have New Business. We have Variance
4 Number 2020-57, Michael and Patricia Hammer are requesting a
5 variance from Section 15.03, Table 15.03-1, to allow an
6 accessory building to be 1,528 square feet in lieu of the
7 maximum 1,024 square feet permitted on lots less than two
8 acres for the property located at 6980 Auburn Ridge Road,
9 current Permanent Parcel Number 08-A-018-0-00-065-0.

10 Mr. Hammer, please come up and present your case.

11 MR. HAMMER: My name is Mike Hammer, 6980 Auburn
12 Ridge Drive, Concord, Ohio. I've been sworn in. I am asking
13 for a variance to go larger than what under two acres, to be
14 allowed what I can build on two acres because, one, I am so
15 close to two acres and I have plenty of property. I currently
16 have, as noted, the properties that I rent off site where I
17 store -- I have vintage cars, toys, general storage, stuff
18 like that -- are for sale and it's looking like they're going
19 to move quickly.

20 And basically, as I am getting older, I just want to
21 move stuff onto my property to be able to utilize it more. I
22 have plenty -- The property, as you can tell by the drawings
23 and the overhead photo, that I have plenty of flat land. It's
24 not like I would be jamming it in there or anything. And it
25 would save me, you know, considerable amount of money in off-
26 site rent, bring taxes back into the township.

27 Is there anything else you need to know or --

28 CHAIRMAN VALENTIC: No, no. I mean, I guess I can
29 start with, you know, a question or two. Is the, what was
30 sketched, do you have -- Is that the exact model or do you

1 have the exact model picked out yet or you just --

2 MR. HAMMER: No, I don't, because I kind of wanted
3 to see, either get a yea or nay before I followed through on
4 that. I do have a better defined, if you want to call it
5 that. The sketch, what you have, this is roughly along the
6 lines of what (handing) --

7 MR. HAMILTON: That's good.

8 MR. HAMMER: Do you need more?

9 CHAIRMAN VALENTIC: Oh, so this is what you are kind
10 of leaning towards getting right now?

11 MR. HAMMER: Correct. And it would match the house
12 exactly, be well built.

13 MS. FREEMAN: Do you have an extra copy?

14 MR. HAMMER: Pardon me?

15 MS. FREEMAN: Do you have an extra copy for the
16 record?

17 MR. HAMMER: I think I actually gave them --

18 MS. FREEMAN: Oh, I'll get it.

19 CHAIRMAN VALENTIC: I'll give, yeah, I'll save this
20 one for the record.

21 MS. FREEMAN: Oh, okay.

22 CHAIRMAN VALENTIC: So here is my question. And
23 this is where we probably need to just get confirmation from
24 you, is that whatever we approve tonight is what -- It is what
25 it is at this point, okay, so if we either approve it or don't
26 approve it. So you had requested -- I am sorry -- 1,528
27 square feet. So if that's what it is, when it goes out to get
28 built and inspected, it can't be a square footage over.

29 MR. HAMMER: Correct.

30 CHAIRMAN VALENTIC: When I did the math on the 32 by

1 48, I get 1,536 square feet.

2 MR. HAMMER: Right. And if you look at the
3 foundation on there, on the larger drawing, what I did was I
4 cut out for a man door, which actually brings it under the, I
5 believe, 1,528.

6 CHAIRMAN VALENTIC: Okay. So that puts it at that
7 number.

8 MR. HAMMER: Correct.

9 CHAIRMAN VALENTIC: And then does this, the building
10 here -- I didn't look at the dimensions yet -- does this match
11 that exact? Will this get you to that exact square footage?

12 MR. HAMMER: Not yet. That's what I wanted to
13 refine if we were to pass it or not.

14 CHAIRMAN VALENTIC: Okay.

15 MR. HAMMER: That's just more of a defined off the
16 sketch that I had.

17 CHAIRMAN VALENTIC: Is this smaller or is this the
18 same size? That's where I'm getting --

19 THE COURT: That is a 32 by 48 but it would, the new
20 one, would reflect the cut-out with the door.

21 CHAIRMAN VALENTIC: Okay, with the door. So you're
22 good --

23 MR. HAMMER: Right.

24 CHAIRMAN VALENTIC: So you're good with the square
25 footage of 1,528?

26 MR. HAMMER: Oh, yeah.

27 CHAIRMAN VALENTIC: That's exactly what you want to
28 request tonight?

29 MR. HAMMER: Yes, yes.

30 MR. GOLLING: Are the doors going to be made facing

1 the Partin's house?

2 MR. HAMMER: Correct.

3 MR. GOLLING: And then you're going to have a
4 driveway like Partins have that goes back to their property?

5 MR. HAMMER: Pretty much matches, go back, and then
6 we are contemplating either a fence behind it or landscaping.

7 MR. GOLLING: By the horse property?

8 MR. HAMMER: Right, which that's a whole 'nother
9 issue, which we decided that if anything was to ever happen
10 back there, we would like to try and create some kind of
11 privacy.

12 CHAIRMAN VALENTIC: Sure, that's fine. I just want
13 to make sure we got the right number in here so we're
14 approving the correct number.

15 MR. HAMMER: The 1,528, yes, is --

16 CHAIRMAN VALENTIC: Okay, okay.

17 MR. HAMMER: I don't know how that works or not, if
18 we were to pass it, if I would need to supply you with the
19 final plans.

20 CHAIRMAN VALENTIC: Heather, you can probably answer
21 that question but I would assume you are going to have to get
22 permit approval. You are going to have to provide the plans
23 and all that stuff.

24 MR. HAMMER: Sure, right.

25 CHAIRMAN VALENTIC: It just has to be at that number
26 or below that number if that's the number we approve tonight.

27 MR. HAMMER: Right, right.

28 CHAIRMAN VALENTIC: Okay.

29 MR. HAMMER: Like I said, I just didn't go through
30 the full process until I had an answer either way.

1 CHAIRMAN VALENTIC: Okay. I just hate for us to
2 approve 1,528 and you're like, "I want 1,529."

3 MR. HAMMER: Nah, I am not that way.

4 CHAIRMAN VALENTIC: Yeah, it's a big request from
5 the variance. It's significant. So that's something the
6 Board needs to think about.

7 MR. HAMMER: Like I said, just being so close to two
8 acres and having the available property, I just -- 1,000
9 square feet is kind of like another garage.

10 CHAIRMAN VALENTIC: Yeah. Was there any neighbors
11 that you have that were supportive of this?

12 MR. HAMMER: Actually, they all are but I did not
13 produce paperwork from them.

14 CHAIRMAN VALENTIC: Okay.

15 MR. HAMMER: Because I just assumed with the letters
16 they received, I did talk to them and thought if they had,
17 basically, if they had an issue with it, they would respond to
18 it. If not, then --

19 CHAIRMAN VALENTIC: Sure.

20 MR. HAMMER: But if need be, we can table and I can
21 get that.

22 CHAIRMAN VALENTIC: Okay. I think we're okay for
23 now.

24 MR. HAMMER: Okay.

25 CHAIRMAN VALENTIC: I will let the Board decide.
26 Thank you.

27 You guys got any other questions?

28 MR. SWEENEY: Sir, how big is the, if you know, the
29 outbuilding just to the north of you?

30 MR. GOLLING: Partin's barn, how long big is theirs?

1 MR. HAMMER: I believe he is 30 -- He's right around
2 there because he is way larger than two acres. I think he is
3 32 by 40 --

4 MR. SWEENEY: Oh, so his parcel is larger than two
5 acres.

6 MR. HAMMER: Correct.

7 MR. SWEENEY: And then do you know the square
8 footage of outbuilding?

9 MR. HAMMER: I want to say 32 by 46, somewhere
10 around there.

11 MR. SWEENEY: What is that?

12 CHAIRMAN VALENTIC: About the same.

13 MR. SWEENEY: Like 1,500?

14 MR. GOLLING: Yeah, about the same.

15 MR. SWEENEY: Yeah, about the same size.

16 MR. HAMMER: I don't know the exact size.

17 MR. SWEENEY: I just want to get an idea.

18 MR. HAMMER: Right, right.

19 CHAIRMAN VALENTIC: You good?

20 MR. SWEENEY: Yep.

21 CHAIRMAN VALENTIC: Jim or Blair, do you have any
22 questions?

23 MR. HAMILTON: Maybe. I know you made some comments
24 at the beginning but perhaps you could give a little more
25 detail on what the hardship is you're experiencing.

26 MR. HAMMER: The hardship is I am currently renting
27 off-site, you know, space to store stuff. I kind of want to
28 consolidate. It's hard to use what I own. It's hard to enjoy
29 what I have. I would like to bring it, you know, on site to
30 be able to use it more, enjoy it. I am not getting any

1 younger. It's basically consolidating, you know, off site.
2 Plus, it's putting me in a hardship with where I have and what
3 I am renting, they're for sale. So I have to get out and do
4 something.

5 MR. HAMILTON: All right.

6 CHAIRMAN VALENTIC: Jim, do you have any questions
7 for Mr. Hammer?

8 MR. ROWE: No.

9 CHAIRMAN VALENTIC: You good?

10 MR. ROWE: I think so, yeah.

11 MR. HAMMER: And as you can tell by the larger
12 drawing, there is quite a bit of room for, you know, to move
13 around.

14 CHAIRMAN VALENTIC: Yeah.

15 MR. HAMMER: There is not even close to issues with
16 setbacks or anything.

17 CHAIRMAN VALENTIC: You think you would be able to
18 see this thing from Prouty Road?

19 MR. HAMMER: Not when I'm done, no. You wouldn't be
20 able to see it, A. But, B, like I said, I would like to --

21 CHAIRMAN VALENTIC: Soften it a little bit.

22 MR. HAMMER: Well, we're just trying to -- We've
23 been spoiled with the horse farm behind us and that's getting
24 -- something is going to happen back there development wise.
25 And --

26 MR. GOLLING: I would say probably -- Because my son
27 has two friends on either side of his house up there. And
28 even from Prouty, you have the -- I hate to call him the RV
29 guy up front, the Ferencaks, which are right next to him. And
30 just past Ferencak's house, it goes uphill and then the Maddox

1 lot is -- I think that's the high part of Auburn Ridge up
2 there.

3 MR. HAMMER: Correct.

4 MR. GOLLING: So I don't -- I can't see any homes
5 past there. I can't see yours or the Partins past the Maddox
6 lot, at least, from when I drive by on there. So --

7 MR. HAMMER: Right.

8 CHAIRMAN VALENTIC: Okay. Thanks. You can be
9 seated if there are no further questions from the Board.

10 MR. HAMMER: Okay.

11 MR. SWEENEY: Thank you.

12 CHAIRMAN VALENTIC: Is there anyone else this
13 evening that is speaking for this appeal that would like to
14 come up or anyone that is speaking against this appeal that
15 would like to come up?

16 If there is no further questions, the public hearing
17 for Variance Number 2020-57 is now closed to the public. I
18 will entertain a motion to approve Variance Number 2020-57.

19 MR. SWEENEY: So moved.

20 CHAIRMAN VALENTIC: Second?

21 MR. HAMILTON: Second.

22 CHAIRMAN VALENTIC: Discussion for the Board?
23 Anybody want to add anything?

24 MR. SWEENEY: Heather, do you know what, what is the
25 square footage requirement or limit on acreage over two acres?

26 MS. FREEMAN: 1,528 square feet.

27 MR. HAMMER: No.

28 CHAIRMAN VALENTIC: No, 1,532.

29 MS. FREEMAN: I am sorry. Yeah.

30 MR. SWEENEY: 1,532?

1 MS. FREEMAN: It's 1,532.

2 CHAIRMAN VALENTIC: If it's two acres or more, it's
3 1,532 square feet.

4 MS. FREEMAN: Yeah. I apologize.

5 MR. SWEENEY: Okay, a couple of feet.

6 CHAIRMAN VALENTIC: So he's .03 acres off of being
7 eligible to build what he wants.

8 MR. SWEENEY: Right.

9 MR. GOLLING: So worst case scenario -- Go ahead.

10 MR. SWEENEY: I am sorry. I am not sure if I was
11 clear.

12 MS. FREEMAN: So if you have two acres --

13 MR. SWEENEY: Let's say I have three acres or five
14 acres, how big of an outbuilding can I build?

15 CHAIRMAN VALENTIC: 1,532 square feet.

16 MS. FREEMAN: Right.

17 MR. SWEENEY: But even --

18 MS. FREEMAN: And you also can have multiple
19 buildings, not just one.

20 MR. SWEENEY: Multiple buildings, which is not an
21 issue. But then you went to talk about his acreage, so it
22 kind of threw me off.

23 CHAIRMAN VALENTIC: Yeah, sorry.

24 MR. SWEENEY: Yeah, no, I realize it's very close to
25 two acres, can't get much closer.

26 MR. GOLLING: Yeah, .03 acres, like, yeah.

27 CHAIRMAN VALENTIC: Yeah.

28 MR. SWEENEY: Well, I had another question for him.

29 CHAIRMAN VALENTIC: Too late.

30 What do you have, Blair? What are you thinking?

1 It's a big ask. I know we've had --

2 MR. HAMILTON: It's a big ask. It's, you know, very
3 close to what he would need to have to have the larger
4 building. I don't think it will impact the essential
5 character of the neighborhood.

6 CHAIRMAN VALENTIC: I don't either.

7 MR. HAMILTON: Neighboring homes. So I really don't
8 see any problem with this.

9 CHAIRMAN VALENTIC: Yeah. I mean, we've had some
10 where they've had a much smaller lot, you know, not that close
11 to the two acres and they've come in.

12 MR. ROWE: We had one a few months ago.

13 MR. HAMILTON: Yeah.

14 CHAIRMAN VALENTIC: Yeah. This one is so close that
15 I think we can kind of look at it that way.

16 MR. ROWE: I think it is, as I say, for that area,
17 it's not the problem it would be like we had off of 84. I
18 don't know. It was a while back. It was a pretty large thing
19 and just didn't make --

20 CHAIRMAN VALENTIC: No, it didn't make it.

21 Okay, yeah. You good, Skip, then?

22 MR. SWEENEY: Yeah, I'm fine.

23 CHAIRMAN VALENTIC: Okay. All right. If there is
24 nothing else then, the question is approval of Variance Number
25 2020-57. A yes vote approves the variance. A no vote denies
26 it. Heather, please call the vote.

27 MS. FREEMAN: Mr. Hamilton?

28 MR. HAMILTON: Yes.

29 MS. FREEMAN: Mr. Sweeney?

30 MR. SWEENEY: Yes.

1 MS. FREEMAN: Mr. Rowe?
2 MR. ROWE: Yes.
3 MS. FREEMAN: Mr. Golling?
4 MR. GOLLING: Yes.
5 MS. FREEMAN: Mr. Valentic?
6 CHAIRMAN VALENTIC: Yes.
7 Congratulations. Your variance has been approved.
8 MR. HAMMER: Thank you.
9 MR. SWEENEY: Good luck.
10 MR. HAMMER: Thank you.
11 MR. GOLLING: Next on the agenda is approval of the
12 minutes. I call for a motion to approve the minutes from
13 February 12, 2020.
14 MR. HAMILTON: So moved.
15 MR. SWEENEY: Second.
16 CHAIRMAN VALENTIC: All right. Any -- Todd.
17 MR. GOLLING: I just want to point out it says
18 February 12, 2019, on the minutes.
19 MR. HAMILTON: It's 2020.
20 MR. SWEENEY: Oh, my.
21 MS. FREEMAN: Can we note the correction?
22 CHAIRMAN VALENTIC: Yeah. So do you want to make a
23 note there, Skip, that --
24 MR. SWEENEY: Yes.
25 CHAIRMAN VALENTIC: -- the minutes need to be
26 corrected?
27 MR. SWEENEY: I will do that now.
28 CHAIRMAN VALENTIC: Do you want to say something for
29 the record because he wasn't really -- you and Blair were the
30 only ones there.

1 MR. SWEENEY: Do I do it by way of a motion?

2 MS. FREEMAN: Yes.

3 MR. SWEENEY: All right. Well, just note a
4 correction to the date of the February 12th hearing as 2019,
5 which it is not, it's 2020.

6 CHAIRMAN VALENTIC: Okay. Blair, any other
7 corrections for you?

8 MR. HAMILTON: None.

9 CHAIRMAN VALENTIC: All right. So the question is
10 approval of the minutes as noted by Skip for February 12,
11 2020. A yes vote approves the minutes. All in favor of
12 approving the minutes as noted by Skip say "aye." Aye.

13 MR. HAMILTON: Aye.

14 MR. SWEENEY: Do I say "aye"?

15 CHAIRMAN VALENTIC: Yeah.

16 MR. SWEENEY: Okay.

17 MR. HAMILTON: We're the only two.

18 MR. GOLLING: I wasn't here.

19 CHAIRMAN VALENTIC: So you want to abstain?

20 MR. GOLLING: I will abstain.

21 CHAIRMAN VALENTIC: Jim, do you want to abstain?

22 MR. ROWE: I am abstaining, yes.

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

24 CHAIRMAN VALENTIC: All right. The minutes have
25 been approved.

26 MR. ROWE: I think it's a year out of date, I am not
27 so sure.

28 CHAIRMAN VALENTIC: All right. So that's it, right?
29 The minutes have been approved for February 12, 2020, as
30 corrected.

1 So our meeting for March 11, 2020, is now closed to
2 -- now closed.

3 (Whereupon, the meeting was adjourned at 7:18 p.m.)
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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 proceedings were
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 was 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 19th day of March 2020.

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Melinda A. Melton
Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

