

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

May 13, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Francis Sweeney, Member
Blair Hamilton, Member
Brandon Dynes, Member
Chris Jarrell, Member

Also Present:

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

Melton Reporting
11668 Girdled Road
Concord, Ohio 44077
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1 7:02 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Board of
3 Zoning Appeals for May 13, 2020, is now in session. I would
4 like to introduce my board. To my far, far left is Skip
5 Sweeney and Brandon Dynes. I am Ivan Valentic, and Chris
6 Jarrell to my right and Blair Hamilton to my far, far right.
7 And then Heather Freeman, our Zoning Inspector, is in the
8 audience.

9 Under the advice of counsel, we ask that anyone
10 speaking tonight, they must be sworn in. So if you plan on
11 speaking, please stand and raise your right hand.

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

13 CHAIRMAN VALENTIC: All right. Thank you. Please
14 be seated.

15 This evening when presenting your case or
16 commenting, come to the microphone and state your name and
17 address and also confirm that you've been sworn in.

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

20 MS. FREEMAN: Yes, they were.

21 CHAIRMAN VALENTIC: All right. Thank you.

22 We have Old Business first. We have one item,
23 Appeal Number 2018-41, Mr. Randy Viviani, of 7757 Concord LLC,
24 they had requested that this gets tabled again. It's been on
25 Old Business for a while and will continue to stay there
26 tabled, correct?

27 Next is the New Business. First is Variance Number
28 2020-58 Paul C. and Maria J. Lazuka requesting a variance from
29 Section 31.04(B)(1), which requires permanent in-ground pools
30 to be enclosed on the property by a fence not less than four

1 feet in height to prevent access to the pool except through a
2 controlled point; Section 31.04(B)(2), which requires doors
3 and gates to be equipped with suitable locking devices to
4 prevent unauthorized access; and Section 31.04(B)(4), which
5 states that the pool cover is not considered a suitable
6 alternative to the enclosure requirements, for the property
7 located at 12863 Girdled Road, Permanent Parcel Number
8 08-A-008-A-00-020.

9 Somebody please come up and present the case.

10 MR. FORBES: Mr. Chairman, members of the board, my
11 name is Glenn Forbes and I am the attorney for the applicants,
12 Paul C. and Maria Lazuka. There are three pieces, I think, to
13 this presentation. The first piece is that the ordinance is
14 obviously in place for safety, and the system that they have
15 on their pool, the Safe-T 3 automatic pool cover, is
16 incredibly safe. In fact, I will argue that it's safer than a
17 fence.

18 The second point to be considered by the board is
19 that this area is sparsely populated. This is not a situation
20 where you've got a neighborhood and a whole bunch of kids.

21 Thirdly, the neighbors are in favor of this, and I
22 have submitted their letters. This property has a neighbor on
23 either side and a park across the street. So there is really
24 hardly any -- There is hardly ever anybody around.

25 So turning to the first point, certainly, the
26 applicants want safety, too. They have little kids. And if
27 you have the pictures in front of you, you will see them and I
28 will ask Ms. Freeman to play a video. This system is, it
29 almost makes the pool like a waterbed and you will see that in
30 the in the video. The reason I say it's safer than a fence is

1 that this is not like an ordinary pool cover. This is not
2 like where a child -- and we all know how ingenious children
3 are -- can get over the fence, undo the lock, do whatever, and
4 if they get in the pool, with a regular, everyday pool cover,
5 they're at the bottom real quick. But this is specifically
6 designed for safety and it protects whoever would be there for
7 whatever reason.

8 Now, these people that market the Safe-T 3 automatic
9 pool cover, as part of their marketing, say there's never been
10 an accident, there's never been a problem. Well, I'm kind of
11 suspicious. So I did a nationwide search on Case Maker, the
12 Ohio State Bar Association's case reporting service, and I
13 found no cases in any state anywhere in the union regarding
14 this automatic pool cover or the company that makes it as a
15 defendant.

16 If you look at the specifications, which I have
17 given to you, you will see, and we acknowledge, that this
18 system requires maintenance. And the last picture in your
19 packet, if I am remembering correctly, shows a pump. It's an
20 automatic pump that pumps the water out whenever there is
21 water that would tend to weight down this cover. And whenever
22 the, whenever there is the threat of rain, that pumps out
23 there. And I think you also have a picture of what looks kind
24 of like a wall with an electrical outlet on it. That's the
25 system that drives the pump.

26 In addition to that, the applicants maintain two
27 services to keep this maintained. There is a service called
28 High-Tech which comes out and opens and closes the pool every
29 year, and they're familiar with this system and they check it.
30 Every other week, a representative of Lillie's Pools comes out

1 and, certainly, you know, they make sure the chlorine is right
2 but they also make sure that this pool cover is doing its job.

3 I almost hesitate to call it a pool cover because
4 it's not what you think of as a pool cover. The pictures that
5 you have will show that this is a rural area. This is not a
6 neighborhood where there are kids running around all the time.
7 And there is also a picture there of the children of the
8 applicants on the pool cover. And if Ms. Freeman would put it
9 on, I'd like to play a video to show how this pool cover
10 operates.

11 (Whereupon, the video was started.)

12 As you can see, there is three children on the, on
13 that pool cover climbing in and out. It really operates
14 almost like a waterbed and that's because of the way its
15 constructed. As I look at that, I don't think that anybody
16 could get hurt. They'd have to really try. They'd have to
17 bang their head against the side of the pool or something.
18 And, again, that's different than what a normal pool cover
19 does. A normal pool cover is just to keep heat in the pool
20 and it collapses as soon as anybody gets on. Here, we've got
21 a little guy walking across the pool, climbing up on the
22 diving board.

23 (Whereupon, the video concluded.)

24 So because of that, the safety has been established.
25 There does not seem to be an issue that this is unsafe. And
26 as I said before, I think it's safer than a fence. Nobody can
27 climb it. Nobody can jimmy the lock. And as I said before,
28 this is not a neighborhood. This is not a place where you've
29 got a lot of kids. Now, I know that there would be some
30 speculation that maybe somebody was in the park that would go

1 across the street and get in trouble. But I think, as the
2 video shows, you can't get in trouble. And beyond that, it
3 hasn't happened.

4 Finally, the neighbors are in favor. You've got the
5 letters in front of you and I know that, and you probably have
6 figured it out, too, that Walter Lazuka and his wife are
7 relatives. They're Paul's parents. But I don't know that
8 that taints their support for this because, if anybody thought
9 that their grandchildren were in any danger, they wouldn't be
10 supporting this.

11 Now, I mentioned to both Paul and Maria and Walter
12 that, if they would call in, they could be recognized when
13 there is comments from the public. So if there are any
14 questions, I will be happy to answer it. Otherwise, that's
15 the end of my presentation.

16 CHAIRMAN VALENTIC: Does anyone from the board have
17 any questions?

18 MR. HAMILTON: I do.

19 CHAIRMAN VALENTIC: Go ahead.

20 MR. HAMILTON: If no one else does.

21 Mr. Forbes, this cover needs to be manually
22 deployed; does it not?

23 MR. FORBES: Manually what?

24 MR. HAMILTON: Manually deployed.

25 MR. FORBES: Yes.

26 MR. HAMILTON: Someone has to actually physically do
27 something to cover the pool.

28 MR. FORBES: It depends. Flip a switch, yes.

29 MR. HAMILTON: And, likewise, it has to be rolled up
30 again, right?

1 MR. FORBES: Flip a switch.

2 MR. HAMILTON: So is that switch safety protected?
3 Is there any way for anyone else to flip that switch?

4 MR. FORBES: My understanding -- And if Paul is on
5 the line, I will have him indicate it to the board. My
6 understanding is that switch is safety, safety protected
7 because, as you saw in the video, there is three little kids
8 and it would not be wise to have that switch available.

9 MR. HAMILTON: So your understanding would be that
10 there is some kind of key pad or code or something that --

11 MR. FORBES: Correct. And, again, if Mr. Lazuka is
12 on the line, and I hope he is, he can explain that to you
13 better.

14 MR. HAMILTON: And then a second question, you did
15 mention the pump because the pool will collect water on top.

16 MR. FORBES: Correct.

17 MR. HAMILTON: A few inches of a puddle is enough
18 for an infant to drown in. That pump has to be manually
19 deployed, also.

20 MR. FORBES: No. It has to be, when the cover goes
21 back on, it has to be placed but it's automatic.

22 MR. HAMILTON: But somebody has to place it there.

23 MR. FORBES: Somebody has to place it there for
24 sure, yeah.

25 MR. HAMILTON: Okay. So I am not home. It rains.
26 I've got water on my pool. How does that pump get out there?

27 MR. FORBES: As a matter of fact, when I was talking
28 to Mr. and Mrs. Lazuka, they watched the weather. And
29 whenever there is a threat of rain, it's out there. In fact,
30 as a practical matter, unless it's, you know, there is no

1 threat of rain, every time the cover goes back on the pump
2 goes out.

3 MR. HAMILTON: So there is going to be an
4 intervention required.

5 MR. FORBES: There is.

6 MR. HAMILTON: Again, you gave us the owner's manual
7 for the cover and I read, on page 5 -- I don't know if you
8 want to read this to the board or not or have me read it --
9 but the second paragraph on page 5, under Pool Safety, says,
10 "Cover-Pools recommends 'layers' of protection. The cover is
11 a reliable layer; however, you should not rely on any one
12 layer to be fail proof."

13 They further go on to say, "Don't rely on one system
14 - layering," in quotes, "pool cover, fence, alarm, et cetera,"
15 end quote, "safety precautions provides the strongest
16 safeguard." Now, would you not think that the zoning that is
17 in place is in place because of those statements from the
18 manufacturer of the cover itself?

19 MR. FORBES: Well, and as a matter of fact, if
20 you're reading what I think you're reading, that statement is
21 required by the federal government. And, certainly, in
22 anything in life, you can triple, quadruple and quintuple
23 safety measures. But especially based on the video and based
24 on the pictures, the situation we have there, as I said
25 before, is safer than a fence because somebody gets on there,
26 they're not going anywhere.

27 MR. HAMILTON: Safer than a fence, a closed, locked
28 fence that some child is going to be able to breach to get in
29 the pool?

30 MR. FORBES: Correct. There are all sorts of legal

1 cases running around of children being able to get over a
2 fence or around a fence or through a fence.

3 MR. HAMILTON: So it seems to me there is quite a
4 bit of vigilance involved with this cover when it's in the
5 open position. It would require that somebody is constantly
6 watching the pool to make sure that nobody wanders into it.

7 MR. FORBES: Well, in this situation, certainly,
8 when the applicants' children are out there, they're out there.

9 MR. HAMILTON: Correct.

10 MR. FORBES: And so when, and when the pool is done
11 with its uses, then flip the switch and the cover goes over
12 it.

13 MR. HAMILTON: So we should take on faith that a
14 nice day in the summer, you have your pool open, kids come
15 out, they use it, they get tired, they leave, they go off to
16 do something else. I'm always going to cover that pool at
17 that point?

18 MR. FORBES: Well --

19 MR. HAMILTON: Instead of leaving it open?

20 MR. FORBES: Well, Mr. and Mrs. Lazuka are always
21 out there. So, I mean, to the extent, to the extent you take
22 the position that you take on faith that, once the kids are
23 done with it, the parents close it up, well, yeah, but they
24 do.

25 MR. HAMILTON: Okay. All right. I think I am done.

26 CHAIRMAN VALENTIC: Just to add on to -- I saw that
27 on page 5 as well, Blair. Also on page 5 towards the bottom
28 of the first column, it says, "Enclose the pool with a
29 barrier. In fact, fencing may be required in certain areas."
30 Check your local zoning codes.

1 I do, there is -- Blair had a question. I want to
2 give Mr. Lazuka, if he is on the phone, the ability to answer
3 that question if we -- Brandon, real quick?

4 MR. DYNES: Yeah.

5 CHAIRMAN VALENTIC: Mr. Lazuka, are you on the
6 phone?

7 MR. PAUL LAZUKA: Yeah.

8 MS. JARRELL: He's watching on YouTube.

9 MR. SWEENEY: Yeah, just turn --

10 MS. JARRELL: You have to ask him to turn his TV
11 down, yeah.

12 CHAIRMAN VALENTIC: If everyone on the phone can
13 lower their volume or mute their TV or YouTube channel that
14 they're watching. We're getting feedback.

15 MS. FREEMAN: Do you want to ask again if he's on
16 the line?

17 CHAIRMAN VALENTIC: Sure. Mr. Lazuka, are you still
18 there?

19 MR. PAUL LAZUKA: Can you hear?

20 CHAIRMAN VALENTIC: Yeah, I can hear you.

21 MR. PAUL LAZUKA: Okay.

22 CHAIRMAN VALENTIC: So the question, Blair, is in
23 regards to the switch for the pool and where is that located
24 and how that is controlled?

25 MR. HAMILTON: Correct.

26 MR. PAUL LAZUKA: Sure. Yeah, the automatic safety
27 cover is situated on the house about 5 feet.

28 MR. DYNES: You might want to hold on for a second,
29 Mr. Lazuka.

30 CHAIRMAN VALENTIC: What's that?

1 MR. DYNES: He needs to be sworn in. Maybe
2 Stephanie can help facilitate that if she's still on the line.

3 CHAIRMAN VALENTIC: Oh, yeah.

4 MR. DYNES: Or at least identify that he has been --

5 MS. FREEMAN: Yeah, identify him and swear him in.

6 CHAIRMAN VALENTIC: Mr. Lazuka, we do have to swear
7 you in because I don't believe you were on the line when we
8 sworn in everybody that was speaking tonight. So can you
9 just --

10 MR. PAUL LAZUKA: Correct.

11 CHAIRMAN VALENTIC: So let me just swear you in.

12 (Whereupon, Mr. Paul Lazuka was sworn in.)

13 CHAIRMAN VALENTIC: All right. Thank you. Sorry,
14 sir. Go ahead.

15 MR. PAUL LAZUKA: So you are asking for the --

16 MR. DYNES: Hold on one second, just a moment.

17 CHAIRMAN VALENTIC: For the record, can you state
18 your name and address for the record?

19 MR. PAUL LAZUKA: Sure. Paul C. Lazuka,
20 12863 Girdled Road, Concord, Ohio 44077.

21 CHAIRMAN VALENTIC: Okay. We can go forward now.
22 Thank you.

23 MR. PAUL LAZUKA: The switch for the automatic
24 safety cover is what you're asking for, correct?

25 CHAIRMAN VALENTIC: Correct.

26 MR. PAUL LAZUKA: That's situated roughly 5 feet
27 above the ground and it is controlled through a key that my
28 wife and I use that is not in possession of the children at
29 all. And when I say that, it's kept in a distance that or a
30 height that they cannot reach. In fact, it can't even be kept

1 in the key hole for a lengthy period of time, so we take it
2 out and we stick in it our key box.

3 CHAIRMAN VALENTIC: Okay.

4 MR. HAMILTON: Thank you.

5 CHAIRMAN VALENTIC: Anything else, Blair?

6 MR. HAMILTON: No.

7 CHAIRMAN VALENTIC: Does that answer it?

8 MR. DYNES: Next --

9 CHAIRMAN VALENTIC: Brandon has a few questions.

10 MR. DYNES: Mr. Lazuka and Mr. Forbes, first,
11 Mr. Forbes, thank you very much for a very concise
12 presentation. I am interested in why you won't put up a
13 fence. Is it cost or is there some other reason? Is the
14 topography of the land prohibitive? Why not put up a fence?

15 MR. PAUL LAZUKA: Well, I think, I think Glenn
16 Forbes said it best. We're across from Girdled Road
17 Reservation and which, as you know, is roughly 1,100 acres.
18 And we don't, we don't live in a development, so there is no
19 homes. You know, we just don't live in a Summerwood or a Hunt
20 Club and there's -- we don't get any other kids on our
21 property other than our own.

22 And as Mr. Forbes said, when our kids are out there,
23 we're watching them. And if we do have a gathering, we are
24 always out there. There is plenty of adults watching. And,
25 obviously, as you heard Mr. Forbes say, my parents live on the
26 eastern side of us and the Condons -- I think you have that
27 letter from the Condons -- live on the western portion of us.
28 You can read what they've said as well.

29 MR. DYNES: I appreciate that. I guess my question,
30 in part, is, as a Concord Board of Zoning Appeals, we are

1 tasked with protecting the neighborhood, the other residents.
2 And if your parents were to sell their home or somebody else,
3 the Condons were to sell their home or if they had guests over
4 there, invitees to their home or otherwise, or even at your
5 house, while I understand and appreciate your diligence and,
6 certainly, everything you do to protect your own children, I
7 am sure you are very vigilant about that.

8 I think where I struggle is understanding why a
9 fence doesn't go up. And if those houses sell or if someone
10 else does wander onto the property, which happens, what then?
11 What protections are afforded them? And I think maybe there
12 is another part of that, is how do you, when the cover itself,
13 we know is all completely subject to human manifest -- human
14 mechanical abilities to put it out and release it and so on
15 and so forth. If you are not home, are you able to do that
16 with a switch, or if you leave and it's open? There is a
17 variety of circumstances I think we all certainly appreciate.
18 And I am not simply trying to be argument here but I think
19 there are so many factors. I am interested to hear from you
20 and Mr. Forbes how we are going to address those and how we,
21 as a Board of Zoning Appeals, overcome those in light of our
22 statute which indicates that, in fact, you must have a fence
23 and that a cover is not sufficient with that.

24 MR. PAUL LAZUKA: Sure, and I understand. I
25 understand. So I guess, at that point, it comes down to you
26 just taking my word for it that we are very, very, very strict
27 with that cover. So I understand. You know, if you were to
28 know me personally, I am extremely, extremely strict about
29 this. And I know that that may not come into play but that
30 cover is always on. If there is no one out there, that cover

1 is on. And it may be your word against mine or anything.

2 And I understand you're not being argumentative.
3 You're just questioning, and that's how we get to know each
4 other here. So that, I mean, it's just always on. I mean, I
5 guess you could always argue a hot tub. Say you own a hot
6 tub. Do you put a --

7 MR. DYNES: Well, I think --

8 MR. PAUL LAZUKA: Anyone can drown in a hot tub.
9 Anyone can drown in a pond.

10 MR. DYNES: I appreciate that.

11 MR. PAUL LAZUKA: So do you put a cover on a pond?

12 MR. DYNES: Mr. Lazuka.

13 MR. PAUL LAZUKA: Do you put a fence around just a
14 hot tub? So, and we have covers on both. So, and they're
15 always on. If we're not using it, they are on. And I think
16 you saw in that video just the structure of this cover is,
17 it's extremely strong. And I understand where you're coming
18 from as well and, say, less than if it was off. But it just,
19 in our circumstances, just us personally, that doesn't happen
20 ever. The pool is within view of -- We have plenty of windows
21 in the back and we know when it's on and off. And if there
22 are people out there, it's open; and if there is no one out
23 there, it's closed.

24 And also, obviously, you heard Mr. Forbes, like I
25 said, regarding the neighbors. And we just don't live in that
26 type of environment that lends to having people around, like,
27 people wandering over. And I understand if neighbors moved
28 out and stuff but we're very, very vigilant on keeping that
29 shut.

30 CHAIRMAN VALENTIC: Okay. Thank you.

1 MR. PAUL LAZUKA: Sure. Thank you.

2 MR. FORBES: And may I add, cost is a factor. It's
3 very expensive to put up that kind of fence on that piece of
4 land.

5 MR. DYNES: I understand. Mr. Lazuka, I understand.
6 I have a pool. I have three young children. I have a fence
7 and I have a cover. And I am not suggesting because I have
8 that you should but I think that we have a, we have a tough
9 way here as a Board of Zoning Appeals overcoming that. And I
10 appreciate your word and I appreciate that we don't know each
11 other and I'd like to trust you. I know your lawyer very well
12 and he's remarkably capable and competent, has a stellar
13 reputation. I consider him a friend. So I appreciate all
14 that but I think we have a very difficult task here that I am
15 trying to understand and wrap my head around. So thank you.

16 MS. JARRELL: Mr. Lazuka, I saw in the manual that
17 the operation of the pool requires a PIN number; is that
18 correct?

19 MR. PAUL LAZUKA: Incorrect. A VIN number, you
20 said?

21 MS. JARRELL: A PIN number, a code that you would
22 have to enter in order to operate it.

23 MR. PAUL LAZUKA: No, no, it's a key. So you're
24 saying the automatic pool cover, right?

25 MS. JARRELL: Yes.

26 MR. PAUL LAZUKA: Yeah, no, that's a key.

27 MS. JARRELL: Okay.

28 MR. PAUL LAZUKA: You can opt for the VIN number as
29 well but we don't have that. We have the key. So you have to
30 physically stick a key into a hole, the key hole 5 feet above

1 the ground to actually turn it to either cover or uncover.

2 MS. JARRELL: But you and your wife are the only
3 ones that have access to the key, correct?

4 MR. PAUL LAZUKA: I am sorry. Yes, my wife and I
5 are the only ones with access, yes. So there is no -- There
6 are two separate keys, one is put in storage and the other one
7 is in our key box.

8 MS. JARRELL: Thank you.

9 CHAIRMAN VALENTIC: Anything else, Chris?

10 MS. JARRELL: No.

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

12 MR. SWEENEY: No.

13 CHAIRMAN VALENTIC: You good? Anything else,
14 Brandon? You good?

15 MR. DYNES: No, thank you.

16 CHAIRMAN VALENTIC: You can be seated.

17 MR. FORBES: Thank you. I don't know if Mr. Walter
18 is -- wants to speak.

19 CHAIRMAN VALENTIC: Yeah, I am going to ask if there
20 is anyone else.

21 MR. FORBES: Okay. Thank you.

22 CHAIRMAN VALENTIC: Real quick, I am just to, even
23 though -- I am sure no one else but I am going to ask if
24 anyone in the room is here to speak, wants to speak for or
25 against this appeal?

26 (No response.)

27 Okay. I just want to make sure, give everyone a
28 chance. So then is there anyone else on the phone that would
29 like to speak for the appeal?

30 MR. PAUL LAZUKA: Let me -- Just one second. I have

1 to step away from the computer.

2 CHAIRMAN VALENTIC: I was going to ask one more time
3 if there is anyone on the phone that would like to speak for
4 the appeal.

5 MR. WALTER LAZUKA: Yes, this is Walter Lazuka.

6 CHAIRMAN VALENTIC: Hi, Walter. Can you state your
7 address for the record?

8 MR. WALTER LAZUKA: Yes, Walter Lazuka.

9 CHAIRMAN VALENTIC: And your address, sir?

10 MR. WALTER LAZUKA: I am sorry. I didn't understand
11 that.

12 CHAIRMAN VALENTIC: We need your address for the
13 record.

14 MR. WALTER LAZUKA: 12897 Girdled Road.

15 CHAIRMAN VALENTIC: And were you sworn in earlier?

16 MR. WALTER LAZUKA: I don't believe so.

17 CHAIRMAN VALENTIC: Okay. Can you please raise your
18 right hand. I am going to swear you in.

19 (Whereupon, Mr. Walter Lazuka was sworn in.)

20 CHAIRMAN VALENTIC: All right. Thank you. You're
21 sworn in. Please go ahead and state anything you want for the
22 testimony for or against the appeal.

23 MR. WALTER LAZUKA: Well, as they said, as Glenn
24 said earlier, I am Paul's father. I live to the east of his
25 property, right next door. And I've been to their house quite
26 a few times, being they live so close, just to visit them and
27 the grandchildren. But I've actually seen the grandchildren
28 on the cover itself. And as the video, I was watching your
29 video there. The video shows it's -- I felt very comfortable
30 with them. I had never seen a cover like that before and it

1 seems to be -- They're my grandchildren. I love them very
2 much and I would never -- I'd say something to somebody,
3 especially the parents there, if I felt that there was
4 something unsafe about that.

5 I happen to agree that a fence is not necessary. If
6 you saw the layout of the land here, we're really in the woods
7 here, semi rural part of Concord here. I am just looking at
8 it now. Across the street is the Girdled Road Reservation.
9 You don't see anybody there except once in a while they're in
10 there on paths there, the people that come to visit the park.
11 But they never come across the street here and we've never had
12 anybody come from there.

13 And on the other side of Paul and Maria are the
14 Condons. They, again, are -- They don't have any children. I
15 think they have one older child there but he's never been
16 here. So it's really not a suburban-type situation here.
17 It's very rural. We had a family doing here the other day and
18 they were opening it up and the whole family was here and the
19 kids were swimming in there and there was never once, you
20 know -- And I was sitting there watching. As I said earlier,
21 and I can't say it enough times, I love my grandchildren very
22 much, as many people, grandparents do. And I just want to let
23 you know that I don't see the need for a fence here. But,
24 once again, I don't know if you have any questions that you'd
25 like to ask.

26 CHAIRMAN VALENTIC: Anyone down there, anything
27 else? Any questions?

28 No, I think we're all set. Thank you very much.

29 MR. WALTER LAZUKA: Oh, you're very welcome. Thank
30 you. Thank you for your consideration.

1 CHAIRMAN VALENTIC: Okay.

2 MR. WALTER LAZUKA: Bye.

3 CHAIRMAN VALENTIC: Bye.

4 Is there anyone else on the phone that's speaking
5 for this appeal? Is there anyone on the phone that would like
6 to speak against the appeal?

7 MS. LAZUKA: Yes, this is Maria Lazuka, Paul's wife.

8 CHAIRMAN VALENTIC: Oh, okay. Hi, Maria.

9 MS. LAZUKA: I just wanted to call in and --

10 CHAIRMAN VALENTIC: I am sorry.

11 MS. LAZUKA: -- thank you for your time.

12 CHAIRMAN VALENTIC: Maria, I am sorry, but I am
13 guessing I've got to swear you in.

14 MS. LAZUKA: Yes, absolutely.

15 CHAIRMAN VALENTIC: Please raise your right hand.

16 (Whereupon, Ms. Lazuka was sworn in.)

17 CHAIRMAN VALENTIC: All right. Thank you. Go
18 ahead.

19 MS. LAZUKA: I guess, first and foremost, I wanted
20 to thank you for your time. I do want to add that, being an
21 ER nurse for UH at Geauga, I know and I have seen firsthand
22 the dangers of water, swimming, and I understand water safety,
23 obviously. But I remember and I recall around this time every
24 single year for the past two years, a famous skier, Bode
25 Miller, he comes out and talks about how they lost their child
26 and it is an extremely sad story. And the main thing that he
27 discusses is how a door was left unlatched and how that child
28 got through that unlocked door and was able to get into the
29 uncovered pool and drown. And we, obviously, want to avoid
30 that a hundred percent. That is why we installed this cover,

1 that is why it is always shut when we're not in use, and that
2 is why we are 100 percent responsible. We understand the
3 dangers. We understand what safety is and it is extremely
4 important to have this safety cover.

5 When you have -- When someone gets into a fence, a
6 fenced-in pool deck, they have 100 percent exposure. A child
7 can get through a latch, can climb over a fence. They can get
8 into an open pool and drown. If a child walks onto our
9 property, there is absolutely no way they can have access to
10 the water at all. We have a two-year-old and we understand
11 what it's like. Our two-year-old rides her scooter, her bike,
12 her -- whatever she has around the pool because it is that
13 safe.

14 So we understand the dangers and we also understand
15 the safety, so I really ask for your consideration in this
16 matter. It is very important and I feel like this is the time
17 to maybe upgrade and under -- how these covers are truly a
18 safe aspect in this situation. So, again, if a latch -- I
19 couldn't even imagine falling sleep at night knowing that my
20 pool had no cover on it and I only had a fence. That is just
21 the scariest thing to me. The fact that we have this auto
22 cover and there is absolutely no access to our water unless
23 Paul and I are there is the most amazing thing.

24 So I ask you for you to keep that, you know, in your
25 mind and to understand how important the safety cover is and
26 how a fence doesn't even mean anything in this situation,
27 really. So thank you for your time again.

28 CHAIRMAN VALENTIC: Thank you. Any questions for
29 Maria? Okay. We're good. All right, thank you.

30 MS. LAZUKA: Thank you. Bye-bye.

1 CHAIRMAN VALENTIC: Bye.

2 So if there is no further questions, the public
3 hearing for Appeal Number 2020-58 is now closed to the public.
4 Can I get a motion? Okay. We're going to hold on. Do we --
5 We have to motion each one of these or can we -- Do we have to
6 motion each? Because we have to vote on these separately, so
7 do I need a motion just to approve this variance and to second
8 it and then just the whole thing and then we can have a
9 discussion to the board? Just when I call the vote, right, I
10 have to break it into three, correct?

11 MS. FREEMAN: Three separate motions.

12 CHAIRMAN VALENTIC: Three separate motions, okay.
13 All right. We will just talk about it all at once though.

14 MS. FREEMAN: Yeah.

15 CHAIRMAN VALENTIC: Okay. So the board understand,
16 this just came up tonight. We have to vote on this in three
17 separate votes, one for Section 31.04 for the fence variance,
18 one for Section 31.04(B)(2) for the gate, and then one for
19 31.04(B)(4) for the use of a cover. Okay? So -- But we can
20 discuss it as a board, I think, all at once and then we will
21 have to call a vote for each one of those and vote for them
22 then. Okay? Make sense to everybody? It kind of makes sense
23 to me.

24 So I am entertain a motion to approve Variance
25 Number 2020-58, requesting a variance from Section
26 31.04(B)(1).

27 MS. JARRELL: So moved.

28 MR. DYNES: Second.

29 CHAIRMAN VALENTIC: Open for discussion on the
30 board. Again, we will discuss all three of the variance

1 requests. Go for it.

2 MR. DYNES: Okay. We already had a motion and a
3 second, so I didn't know. We're just discussing as the
4 variance applies to Section 31.04(B)(1), which requires
5 permanent in-ground pools to be enclosed by a fence not less
6 than four feet, correct? We're not discussing the secondary
7 elements of (B), of 31.04(B)(2) or (B)(4) at this time.

8 MS. JARRELL: We're talking about all of them at
9 once and then we'll vote on them individually.

10 MR. DYNES: I would move that we would -- okay.

11 CHAIRMAN VALENTIC: Is that --

12 MS. JARRELL: I mean, it makes sense to talk about
13 them all at once.

14 CHAIRMAN VALENTIC: Yeah. So how about if I, how
15 about if I put forward the motion --

16 MR. DYNES: Stephanie, go ahead.

17 MS. FREEMAN: Stephanie, unfortunately, had to leave
18 the call. She did tell me that we do need to vote on them
19 individually and maybe we do need to discuss them individually
20 as well, probably.

21 MS. JARRELL: I just don't think it makes sense
22 but --

23 MR. SWEENEY: I don't either.

24 CHAIRMAN VALENTIC: Okay. All right.

25 MS. JARRELL: What do you lawyers think?

26 MR. DYNES: Are we open for discussion on our motion
27 as to Variance 2020-58, Section, as it applies to Section
28 31.04(B)(1)?

29 CHAIRMAN VALENTIC: (B)(1). My guess, I am going to
30 assume, Brandon, that after we talk about (B)(1), when we get

1 to the other ones, there won't be much.

2 MR. DYNES: I don't disagree.

3 CHAIRMAN VALENTIC: Okay. So who would like to
4 start the discussion on (B)(1), anybody? I can start. I am
5 fine to start. I have -- I am with Brandon, what I heard
6 Brandon say. I am having a hard time with this. And I think
7 it wouldn't hurt for us to look at the Duncan Factors maybe as
8 a group and kind of go through them because that would help
9 people make their decision. I am open for that. I have not
10 heard a reason that -- I haven't heard anything that would say
11 that we should approve this at this point. I haven't heard
12 what the difficulty here is in this matter. What I have heard
13 is that a lot of people don't live in this neighborhood and
14 that the cover is very safe, which I don't disagree with, that
15 the cover is very safe, but I haven't heard a reason why a
16 fence couldn't be installed with the cover.

17 MR. DYNES: Well, I tend to agree with you. I think
18 it's important. And, again, I respect everything that
19 Mr. Forbes and the Lazukas were saying and I appreciate what
20 they're saying. I think it's really important to look at
21 Duncan Factor Number 6, in and of itself, to the exclusion of
22 the others, tells us clearly, can the problem be resolved by
23 other means? It can be resolved by a fence.

24 And I think what's telling about that is the initial
25 plans for the pool they put in. They didn't purchase the
26 property like this. They didn't get it this way without any
27 knowledge. When they put it in, their plans indicated they
28 were also installing a fence and a separate contractor was
29 doing that, but then the fence was never put in. I don't see
30 a hardship there. I see it's a matter of convenience or cost

1 to them and a cost savings.

2 And I struggle with it, I really struggle with it
3 because our text is so specific about this and it's very clear
4 what we can do. And I, look, I get it, as I mentioned. And
5 it's not about me. I have a pool. I have three kids. I put
6 a fence around. I put locks. I put alarms on my fence. I
7 have a cover. I did everything I could. And I appreciate the
8 Lazukas. I am sure they're wonderful people and I am sure
9 they're very, very concerned about their children. My concern
10 -- That's great. Nobody wants anything to happen to anybody.

11 My concern though is if another child comes over to
12 a neighboring property, if someone wanders over, as we noted,
13 or someone just gets there, or because this has one key that
14 we've been told the other one is locked up and the one key, if
15 that key is misplaced, or how do they control if they're away
16 from home and they forget to close it? How does that happen?
17 I understand that relatives next door but how does that happen
18 in an immediate sense to protect anybody else from that? And
19 I think that's our charge. That's our charge from our text
20 and I think that we bear that responsibility.

21 And I think, as you noted, again, with all due
22 respect to them, I haven't heard anything that says, you know,
23 this is why we can't do it, we can't put up a fence. And the
24 Duncan Factor -- I mean, look, I'd love to try to find a way
25 to understand this a little bit better. If I am missing
26 something, I am open to that from anybody. But I guess I
27 really struggle with this one. And, again, if the next-door
28 neighbor's house sells or Mr. Lazuka, Walter next door, he
29 sells and somebody else moved in, then what? We still have
30 that element there.

1 CHAIRMAN VALENTIC: Yeah. And like you said,
2 Number 5, did the property owner purchase property knowing?
3 They knew that there was a restriction. They had a plan in
4 place at some point to put in fencing.

5 The other one is very substantial. Yes, I'd call it
6 substantial. They're not modifying the fence. They're just,
7 no fence at all. So I would consider it a substantial, you
8 know, variance request, too.

9 Skip?

10 MR. SWEENEY: Well, you guys have said it. I don't
11 feel that -- You know me. I am a Duncan standard applier, and
12 I don't believe any of the standards were met in this case,
13 unfortunately. I am sure that the Lazukas are concerned about
14 safety and that's really not the issue here. Of course, they
15 would be concerned about safety. We don't doubt that.

16 But rarely do we have an answer to our question
17 provided within, within the zoning code itself. I mean, it
18 states, "A swimming pool cover is not considered a suitable
19 alternative." And I know we're discussing (B)(1) but I don't
20 -- I can't separate that. So, you know, in this day and age
21 of -- I understand, you know, we live in rural area and
22 Girdled Road is getting even more rural as it moves out. In
23 this day and age of play dates with kids, there is more kids
24 coming over than sometimes normally would come from a
25 neighborhood. And it really isn't -- It's, it's, you know,
26 people think they're going to be safe and they have all
27 intentions of being safe and we understand that.

28 But it's -- I've had personal experience with
29 drownings and litigation and the reasons and the causes and
30 the liabilities, and it's tragic. And I can tell you from

1 numerous situations that drownings occur due to the best of
2 circumstances and you cannot have enough safety. You cannot.
3 It cannot be done. And what happens is the child that usually
4 dies literally is unaccounted for for 30 seconds or a minute.
5 And next thing you know, they're in the pool. I have seen it
6 over and over and over again. And it's just tragic, it's
7 terrible, and I would never want that to happen.

8 But there is a reason. And I think Brandon stated
9 that one of our goals, one of our rules or one of our duties
10 here is safety and I don't think we address safety very often
11 in a lot of these variances. We don't really give it a
12 thought because there really isn't any safety issue, so to
13 speak. And I just, I feel an extra duty in this case.

14 MS. JARRELL: Well, I can certainly appreciate what
15 everybody is saying. I can certainly appreciate the safety
16 aspects of the code. But there are situations. And while
17 we're charged to execute and enforce the Resolution, there are
18 situations that are extenuating and different circumstances.
19 In this particular case, we do have a pool cover manual that
20 stipulates additional safety measures, and of course they're
21 going to say that. As Mr. Forbes pointed out, it is mandated
22 by the federal government. We know that the government --
23 Just watch a pharmaceutical commercial, I mean, with all of
24 the side effects that they have to, have to mention. We know
25 all that. So that's that.

26 The second thing is this is -- They're on seven
27 acres. This is not a development. They are -- It's highly
28 unlikely that kids are going to wander in from the park or
29 from an adjacent property and jump into their pool.

30 The third thing is that, with the code, technologies

1 have advanced. This is obviously a very, very safe pool
2 cover. There is no question. I mean, we see it. We saw the
3 video, saw the kids jumping on it. And it's probably, it
4 probably is safer than a fence. And I say that because I have
5 an above-ground pool and I am not required to have a fence and
6 I live in a development. And you can't tell me that some
7 child might, curious child could wander into my yard. I have
8 many kids living around. They could pull a yard chair up and
9 get into that pool.

10 So why do we allow an above-ground pool owner that
11 follows the Resolution to not have a fence? Why don't we
12 fence all of the ponds in the parks? I mean, here, we have
13 seven acres. We have an extremely safe, great technology that
14 makes it very safe. We have parents who are obviously very
15 involved. They are the only ones that have the key. The
16 grandparents live next door.

17 Brandon, I appreciate you saying that, you know, if
18 somebody else moves in but these are, these are different
19 circumstances. So I would just suggest and urge my fellow
20 board members to consider these factors. I mean, these are
21 parents. I mean, good Lord, we have to have the government
22 save us all from ourselves. These are parents who are
23 watching their children. They are not going to let anyone
24 wander in. They are keeping it closed. They -- And they are
25 going to do everything that they possibly can.

26 I would contest that this pool cover is safer than a
27 fence. They are in a very large, on a very large property.
28 And I didn't have -- I don't have to have a fence. So
29 explain. It's not correlating. And there is always instances
30 in our Resolution when we have to consider other things and I

1 think this is a perfect example of that.

2 MR. DYNES: I agree with everything Ms. Jarrell
3 said. I think she makes credible points. I think the issue,
4 however, is that it's not up to us. It's up to the Zoning
5 Commission to decide what it is and we are strictly limited to
6 what the text says and what the Duncan Factors say. And with
7 applying those two things, we don't have any leeway. When we
8 do that with area variances and other things, it's a
9 completely different topic.

10 But if the Zoning Commission decides they want to
11 fence in ponds, if they want to fence in above-ground pools,
12 if they want to fence in whirlpools, hot tubs, all those other
13 things, rivers, whatever it is, that's the Zoning Commission.
14 We're not in that position to change the rules. We're in the
15 position to apply them as they are to the applicants before
16 us, and we do that by employing the Duncan Factors as
17 indicated to us by the Supreme Court of Ohio.

18 I have no ill towards the Lazukas, nothing.
19 Mr. Forbes is highly respected. He's a friend of mine. And,
20 Ms. Jarrell, same thing with you and I agree with everything
21 you are saying. I personally, as I sit here, as I want to
22 find a way to make this happen for these people, I don't see
23 it and nothing has persuaded me when I look at the text and
24 look at the Duncan Factors and I look at the circumstances.
25 And no one has said to me, "We can't put up a fence because we
26 didn't know we needed a fence" -- They knew. It was on their
27 plans -- "We can't put up a fence because we can't afford a
28 fence. We can't put up a fence because no contractor will put
29 up a fence. We can't put up a fence because the topography of
30 the land prohibits putting up a fence." None of those things

1 have been brought to our attention. And without that --

2 Again, I will say it a million times. I respect
3 them. I am confident they are vigilant and they love their
4 children and would never let anything happen. There is no
5 question about that. But that's not why we're here and we
6 don't have the ability to rewrite the text. We have the
7 ability to grant a variance if, in fact, we are persuaded by
8 all those factors that allow us to do that within our
9 discretion. I don't see it.

10 MR. HAMILTON: Final word?

11 CHAIRMAN VALENTIC: Yeah.

12 MR. HAMILTON: So, Mr. Dynes, you have expressed my
13 sentiments and I really don't think I have anything to add.

14 CHAIRMAN VALENTIC: Okay, okay. So if there is no
15 further discussion from the board, the question then is on the
16 approval of Variance Number --

17 MR. DYNES: I have one more thing to say. I am
18 sorry.

19 CHAIRMAN VALENTIC: Oh, go ahead. Go for it.

20 MR. DYNES: I think also -- And forgive me. That
21 was terribly rude. But I think it's important to note, too,
22 if we do this for them, like we do with anything else in the
23 community, every circumstance is different and every case you
24 read in law school and everything you take, you take it as
25 those facts are and you apply them, you apply the law to them
26 as they are. They're all different.

27 But this is one that it's pretty hard then if we
28 say, "Okay, this is acceptable for you," everybody else is
29 going to say, "Oh, well, I love my children. I have this
30 cover." Until the Zoning Commission tells us we're going to

1 change this text and until they dictate that to Ms. Freeman or
2 the Trustees, whoever comes about and says, "This is what
3 we're going to do because we realize these things are out
4 there now that make this safer and we don't need the fencing
5 requirement that we have," until that happens, I don't think
6 we have any other opportunity and I think we put ourselves and
7 this community in a very, very precarious position for
8 everyone else that comes before us that says, "I am going to
9 give my plans to the Zoning Department. It's going to say
10 there's a fence and it's going to say there is a contractor
11 doing it but I am not really going to do it. And if the
12 Zoning Commission catches me, I am going to ask for a variance
13 because the Board of Zoning Appeals will give those out in
14 spite of what the text says." I think that's a very difficult
15 and a slippery slope for us to go down. I am sorry. That was
16 my final thought.

17 MS. JARRELL: The original plans they had may not
18 even have had this type of pool cover, so changes do happen.
19 I appreciate, you know, all the Duncan Factors. I don't think
20 that you can answer them all affirmatively. You know, I think
21 it's probably half and half. I know what we are charged with.
22 But I am still, area variance or not, I am still going to look
23 at it based on the circumstances as well and I think it's
24 absolutely ridiculous that we would require that.

25 CHAIRMAN VALENTIC: All right. Anyone else?
26 Anything else to add? Blair, you're still good?

27 Okay. All right. Then the question is on the
28 approval of the Variance Number 2020-58 for a variance from
29 Section 31.04(B)(1). A yes vote is for the approval of the
30 variance, a no vote denies the variance. Heather, please call

1 the vote.

2 MS. FREEMAN: Mr. Dynes?

3 MR. DYNES: No.

4 MS. FREEMAN: Ms. Jarrell?

5 MS. JARRELL: Yes.

6 MS. FREEMAN: Mr. Sweeney?

7 MR. SWEENEY: No.

8 MS. FREEMAN: Mr. Hamilton?

9 MR. HAMILTON: No.

10 MS. FREEMAN: Mr. Valentic?

11 CHAIRMAN VALENTIC: No.

12 The variance for 31.04(B)(1) has been denied.

13 Okay. Next I will entertain a motion for Variance
14 Number 2020-58 for Section 31.04. Can I get a motion, please?
15 I am sorry. 31.04(B)(2). So we need a motion and then I need
16 a second.

17 MR. SWEENEY: So moved.

18 MR. DYNES: Second.

19 CHAIRMAN VALENTIC: Any discussion on this?

20 MR. DYNES: You should read that, (B)(2).

21 CHAIRMAN VALENTIC: What's that?

22 MR. DYNES: I would read the text after (B)(2).

23 CHAIRMAN VALENTIC: Oh, so, yeah, so (B)(2) requires
24 doors and gates to be equipped with suitable locking devices
25 to prevent unauthorized access. So this variance is for the
26 gates and doors with authorized access only. Any discussion
27 from the board? None?

28 I would call for a vote for Variance Number 2020-58,
29 Section 31.04(B)(2), which requires doors and gates to be
30 equipped with suitable locking devices to prevent unauthorized

1 access. Heather, please call the vote.

2 MS. FREEMAN: Mr. Hamilton?

3 MR. HAMILTON: No.

4 MS. FREEMAN: Mr. Sweeney?

5 MR. SWEENEY: No.

6 MS. FREEMAN: Mr. Dynes?

7 MR. DYNES: No.

8 MS. FREEMAN: Ms. Jarrell?

9 MR. SWEENEY: Yes.

10 MS. FREEMAN: Mr. Valentic?

11 CHAIRMAN VALENTIC: No.

12 That variance has been denied as well.

13 So next I would like to have a motion for Variance
14 2020-58, for 31.04(B)(4), which states that a swimming pool
15 cover is not considered a suitable alternative to the
16 enclosure requirements. Can I get a motion?

17 MR. SWEENEY: So moved.

18 MR. DYNES: Second.

19 CHAIRMAN VALENTIC: Second. Any discussion?

20 Heather, I am going to -- So next is the vote. So approval
21 for Variance Number 2020-58, from 31.04(B)(4), which states
22 that a swimming pool cover is not considered a suitable
23 alternative to the enclosure requirements, call for a vote.

24 MS. FREEMAN: Mr. Sweeney?

25 MR. SWEENEY: No.

26 MS. FREEMAN: Mr. Hamilton?

27 MR. HAMILTON: No.

28 MS. FREEMAN: Ms. Jarrell?

29 MS. JARRELL: Yes.

30 MS. FREEMAN: Mr. Dynes?

1 MR. DYNES: No.

2 MS. FREEMAN: And Mr. Valentic?

3 CHAIRMAN VALENTIC: No.

4 Unfortunately, that one has also been denied.

5 Thank you. Thank you, Mr. Forbes. Thank you,
6 Mr. and Mrs. Lazuka, for getting online and being patient with
7 us this evening.

8 MR. FORBES: Just to finish --

9 CHAIRMAN VALENTIC: That's it.

10 MR. FORBES: I just had a comment. Looking at
11 myself on the screen makes me know that the salons have been
12 closed for a long time. (Laughter.) Thank you, all.

13 CHAIRMAN VALENTIC: Thank you.

14 All right. So next on our agenda is Variance
15 Number 2020-59, Mr. Martin Crews is requesting a variance from
16 Section 15.03(A)(6), Table 15.03-1, to allow for the
17 construction of an accessory building to be 1,200 square feet
18 in lieu of the maximum 1,024 square feet permitted for lots
19 less than 2 acres for the property located at
20 8485 Painesville Warren Road, current parcel, current
21 Permanent Parcel Number 08-A-011-0-00-023-0.

22 Mr. Crews, come please come up and present your
23 case.

24 CHAIRMAN VALENTIC: And also just as a reminder,
25 state your name and your address and confirm you've been sworn
26 in.

27 MR. CREWS: Martin Crews, 8485 Painesville Warren
28 Road. And I'm here today --

29 CHAIRMAN VALENTIC: You've been sworn in, sir?

30 MR. CREWS: Yes.

1 CHAIRMAN VALENTIC: Thank you.

2 MR. CREWS: And I'm here to ask for a variance for
3 our property of I think 176 square foot. We've only -- We
4 bought the house in November and we moved out to this area
5 basically for the specific fact to get a smaller house and a
6 larger lot so we could build an outbuilding because I like to
7 do crafts, my wife does crafts, do the antiques. I like to --
8 Plus, we got a couple old cars we're going to store. So the
9 whole purpose of moving out here was to build this building.
10 And we found a nice lot, 2 acre lot, two 1-acre lots there on
11 Painesville Warren Road. Sounded like a perfect match. But
12 once we got in, we found out there's an easement and there is
13 a certain amount back from the road. So instead of having 2
14 acres, I got 1.9, 1.89, something like that, just technically.
15 So --

16 MS. JARRELL: According to what? Because it says 2
17 acres on the Auditor's site.

18 MR. CREWS: Yeah, according to the Zoning
19 Department.

20 MS. JARRELL: The .14 acres is the right-of-way.
21 Why are we saying that he only has 1.86 acres when he has 2
22 acres?

23 MS. FREEMAN: The Zoning Resolution defines "lot"
24 exclusive of the portion of the road right-of-way. So if you
25 look at our definition of "lot," it does not include that
26 portion of the right-of-way.

27 MS. JARRELL: Okay. So he's paying taxes on two 2
28 acres.

29 MS. FREEMAN: I don't know anything about taxes.

30 MR. CREWS: Paying tax on 2 acres. So what we did,

1 we found out that, with this lot, you couldn't build an
2 outbuilding at one, a single lot. This lot becomes -- I
3 combined both lots, made one lot, 2 acre lot. And so what the
4 plan was is, you know, just to build this building on the
5 extra lot there. And, you know, we are going to build the
6 building, pretty much, just like the house. I don't want a
7 pole building. I don't want a barn. I want a house with
8 vinyl siding that matches the house, the shingles, the same
9 style. Everything will look nice. It will be a real asset to
10 the community.

11 And the lot we're at, we're not in a housing
12 development. So, you know, I understand ordinances and stuff
13 like that and most of them are to protect neighborhoods and
14 different things like this. We're, if you look at the picture
15 and the lot, we got trees all the way around the lot. We
16 can't see none of our neighbors. And we're, strictly, we're
17 back from the road far enough, the side easements. Everything
18 is within the zoning requirements whatsoever.

19 I didn't ask any of the neighbors for any kind of
20 information. We've only lived there, what, a couple months.
21 I've only met the one neighbor in the back and he told me
22 yesterday he got a letter and he says he has no problem
23 whatsoever with this.

24 So, you know, it did have, since it's got two lots,
25 it's got an extra driveway on it that came back about 30 feet,
26 so now I've got two driveways to the lot. So the second drive
27 that was already there is going to go to the garage. We are
28 going to put in, you know, a new driveway back to the garage
29 and stuff like that so we have the extra parking and
30 everything like that.

1 And, basically, look at the some of the information
2 about the safety issues on this. I mean, my other driveway so
3 small you couldn't get nothing in there to begin with. This
4 gives us an extra drive if we've got to pull anybody in or
5 anything like this. From a safety issue, it would really make
6 quite a difference.

7 And I think it would be an asset to the community.
8 And like I say, we are not in a housing development. We're on
9 Route 86. We can't see none of our neighbors and we're so
10 close to 2 acres. Basically, we're paying taxes on 2 acres of
11 property. And I know on the zoning thing, if you got 2 acres,
12 you're able to build up to 1,500 square feet. I don't want
13 1,500 square feet. I just want a nice little garage for two
14 cars, a nice little work area so I can do my antiques and this
15 kind of stuff.

16 So that's pretty much, you know, my presentation. I
17 don't know if there is any questions. But like I say, we got,
18 the area that we're in, we're not trying to, you know,
19 circumvent any of the laws or any ordinance or stuff like
20 that. We got a legitimate 2 acres that I am paying taxes on.
21 And, basically, it's going to, just put this building on
22 there, my taxes are going up anyway because the appraisal
23 value of the house is going to go up. And so I didn't think
24 it was too much of a problem. Hopefully, the Zoning Board
25 will see at the time same way. So --

26 CHAIRMAN VALENTIC: Okay. Thank you.

27 Does anyone have questions for Mr. Crews?

28 MR. DYNES: One question: It states to us that,
29 when you build this, if it's approved, you are going to tear
30 down the existing shed.

1 MR. CREWS: Oh, yeah.

2 MR. DYNES: Can you confirm that for us?

3 MR. CREWS: That's one of other reasons. You know,
4 I am going to lose probably about over 100 square foot of shed
5 space right there. Where am I going to put all the tractors?
6 You know, it's got to go someplace.

7 MR. DYNES: That's all I have.

8 CHAIRMAN VALENTIC: Skip?

9 MR. SWEENEY: Mr. Crews -- Thanks. Mr. Crews, who
10 owns the property behind you?

11 MR. CREWS: You know, all I know is it's Bill and
12 Barb. I don't even know their last name. Bill is the one I
13 talked to the other day. Like I say, I've only lived there
14 two months, actually, so I don't know --

15 MR. SWEENEY: Is there a house back there?

16 MR. CREWS: Yeah. You can't hardly see it. It's
17 the way the property is set up. I don't know if you ever know
18 the property. I mean, I got woods on one, woods, tree lines
19 on both sides. When the foliage comes out, I don't even know
20 I have neighbors, so it's just totally private.

21 MR. SWEENEY: All right. So you've got a flag lot
22 behind you, right?

23 MR. CREWS: Yes.

24 MR. SWEENEY: And then you've got one, looks like
25 you have a flag lot next to you, too.

26 MR. CREWS: Two flags lots, one goes one way, one
27 goes -- One goes behind my house and one goes behind
28 somebody's property next to us there.

29 MR. SWEENEY: Okay. Thank you.

30 CHAIRMAN VALENTIC: Blair, Chris, do you have any

1 questions for Mr. Crews?

2 MR. HAMILTON: I just have one curiosity to settle.
3 You don't have a detailed drawing of the building, what it's
4 going to look like, but you show the pitch on the roof here.

5 MR. CREWS: Yeah.

6 MR. HAMILTON: And where this door is is actually
7 notched back.

8 MR. CREWS: Yeah. If you look at the prints on the
9 building, you've got a 20 by 20 foot garage and then you're
10 going to have an apron that comes out.

11 MR. HAMILTON: So my curiosity is, is that pitched
12 roof going to cover that notched back area?

13 MR. CREWS: Well, the pitched roof is going to cover
14 over the garage and you are going to have like a little area
15 there like concrete.

16 MR. HAMILTON: That would be covered?

17 MR. CREWS: That will be covered.

18 MR. HAMILTON: I got it. Okay.

19 MR. CREWS: Yeah, it is going to be a solid roof all
20 the way back, one solid roof.

21 MR. HAMILTON: Yeah, right.

22 MR. CREWS: And then you will just have that 20 foot
23 by 6 foot concrete slab that you can sit out with a chair or
24 something like that if you wish to.

25 MR. HAMILTON: Thank you.

26 MR. CREWS: Yeah, I tried to find pictures or, you
27 know, drawings of what I wanted to do but I couldn't really
28 find anything that really matches how I wanted to present it,
29 so I did the best I could.

30 CHAIRMAN VALENTIC: Okay. Well, we appreciate it.

1 Anyone? The board's good?

2 You can be seated. Just checking if there is anyone
3 else in the room that's here to speak for or against this
4 appeal?

5 (No response.)

6 Heather, do we have anyone on the phone still?

7 MS. FREEMAN: There are a couple people on the
8 phone. I don't know if they're here for this case.

9 MR. LONGIOTTI: Yeah. I am a neighbor, Longiotti.

10 CHAIRMAN VALENTIC: Okay. Have you been --

11 MR. LONGIOTTI: Just a, just a question.

12 CHAIRMAN VALENTIC: Hold on.

13 MR. LONGIOTTI: I am on Rio Vista on the corner, so
14 I am probably the closest to the house.

15 CHAIRMAN VALENTIC: Sir.

16 MR. LONGIOTTI: This is just for a variance --

17 MR. DYNES: Sir, just one second. We need -- Excuse
18 me. We need to make sure you can be sworn in before you talk
19 to us and we find out, get your address. Okay?

20 MR. LONGIOTTI: Okay.

21 CHAIRMAN VALENTIC: So please raise your right hand.

22 (Whereupon, Mr. Longiotti was sworn in.)

23 CHAIRMAN VALENTIC: Okay. Now state your name and
24 address for the record.

25 MR. LONGIOTTI: Name is Jay Douglas Longiotti.

26 CHAIRMAN VALENTIC: Address? What's your address,
27 sir?

28 MR. LONGIOTTI: 6429 Rio Vista Drive, Concord
29 Township 44077.

30 CHAIRMAN VALENTIC: Okay. Go ahead, sir.

1 MR. LONGIOTTI: Just a question. So if he was, if
2 Mr. Martin was to build a 1,024 square foot building in the
3 exact same space that he's planning to build this, he wouldn't
4 need a variance, correct? So this is just for 176 additional
5 square feet?

6 CHAIRMAN VALENTIC: Correct.

7 MR. LONGIOTTI: Okay. Yeah, if everything is, you
8 know, nothing's -- If he's not asking for a variance from the
9 lot line or anything, that was my only question. I have no
10 issue. There is nothing, there is nothing to dispute from my
11 standpoint.

12 CHAIRMAN VALENTIC: Okay, great. Thank you, sir.

13 MR. LONGIOTTI: Thanks.

14 CHAIRMAN VALENTIC: Is there anybody else on the
15 phone that's either for or against this appeal?

16 (No response.)

17 Okay. If there's no further questions from the
18 public, the hearing for Variance Number 2020-59 is now closed
19 to the public. Can I get a motion to approve Variance
20 2020-59?

21 MR. SWEENEY: So moved.

22 MR. DYNES: Second.

23 CHAIRMAN VALENTIC: Discussion from the board? Any
24 thoughts from anyone? Nothing? No, okay.

25 MR. DYNES: I am in favor. The only thing, he's
26 provided testimony confirming he is going to remove the other
27 shed. That helps as well. So other than that, I don't have
28 anything.

29 CHAIRMAN VALENTIC: Okay. I don't have anything.
30 Okay, great.

1 MR. SWEENEY: I would just like to comment. If I'm
2 paying taxes on 2 acres, I want the full 2 acres. I have
3 nothing further.

4 CHAIRMAN VALENTIC: So noted. All right. So the
5 question is on approval of Variance 2020-59. Mr. Martin Crews
6 is requesting a variance from Section 15.03(A)(6), Table
7 15.03-1, to allow for construction of an accessory building to
8 be 1,200 square feet in lieu of the maximum 1,024 square feet
9 permitted for lots less than 2 acres, for the property located
10 at 8485 Painesville Warren Road, current Parcel, current
11 Permanent Parcel Number 08-A-011-0-00-023-0. Heather, please
12 call the vote.

13 MS. FREEMAN: Mr. Valentic?

14 CHAIRMAN VALENTIC: Yes.

15 MS. FREEMAN: Mr. Hamilton?

16 MR. HAMILTON: Yes.

17 MS. FREEMAN: Mr. Sweeney?

18 MR. SWEENEY: Yes.

19 MS. FREEMAN: Mr. Dynes?

20 MR. DYNES: Yes.

21 MS. FREEMAN: And Ms. Jarrell?

22 MS. JARRELL: Yes.

23 CHAIRMAN VALENTIC: Okay. Congratulations. The
24 variance was approved.

25 MR. CREWS: Thank you.

26 CHAIRMAN VALENTIC: Back on track, all right. So
27 next is Variance Number 2020-60, Mr. Jeff Kanocz -- hopefully,
28 that's right.

29 MR. KANOCZ: That's fine.

30 CHAIRMAN VALENTIC: Okay. On behalf of the

1 property owner Collen Farrell, is requesting a variance from
2 Section 15.03(A)(6), Table 15.03-1, to allow for a second
3 accessory building on a lot less than 2 acres in size in lieu
4 of the maximum one permitted for lots less than 2 acres for
5 the property located at 6445 Tulip Way, current Permanent
6 Parcel Number 08-A-015-E-01-010-0.

7 Good evening, sir.

8 MR. KANOCZ: Good evening.

9 CHAIRMAN VALENTIC: You've been -- State your name,
10 your address, and confirm you've been sworn.

11 MR. KANOCZ: My name is Jeff Kanocz. I live at
12 6445 Tulip Way, the same address that the variance is on. I
13 am requesting to add windows and --

14 CHAIRMAN VALENTIC: You've been sworn in, sir?

15 MR. KANOCZ: Yes, sir. I am requesting to add
16 windows and doors to an existing 12 by 16 deck that has
17 already got a roof on it so I can use the building for more
18 than just the summer use. It's on a very unique piece of
19 property right on the creek with waterfalls in the back and a
20 beautiful view. And we're lucky we have such a nice piece of
21 property there and we'd like to -- I think it would increase
22 the value of the property.

23 CHAIRMAN VALENTIC: So this was just a deck before?

24 MR. KANOCZ: It was a deck, covered deck.

25 CHAIRMAN VALENTIC: A covered deck.

26 MR. KANOCZ: Covered deck with one, two, four, well,
27 eight, about 12 posts. It's above the ground. It sits by
28 itself with a roof on it and rails all the way around. I
29 would just like to fill the holes in with windows.

30 CHAIRMAN VALENTIC: Okay.

1 MS. JARRELL: So it's already done?

2 MR. KANOCZ: Yeah, well, 90 percent.

3 MS. JARRELL: How did you get caught? I am always
4 interested.

5 MR. SWEENEY: Drive by?

6 MR. KANOCZ: It's a public meeting. I have -- Well,
7 I don't really think I should say.

8 MS. JARRELL: Okay.

9 MR. SWEENEY: You don't have to.

10 MS. JARRELL: No, you don't have to. I am being
11 facetious.

12 MR. DYNES: There is no toilet in there. There is
13 no one sleeping in there.

14 MR. KANOCZ: No, no, it's not living space. It's
15 not living space. We just want to enjoy our property. I am
16 retiring here or, actually, I am already retired because of
17 the COV-19 and I would like to have someplace where I can go
18 because I am not going to be going too much farther than my
19 back yard, it kind of looks like, and enjoy it while we can.

20 MS. JARRELL: So you have another accessory
21 building?

22 MR. KANOCZ: I do.

23 MS. JARRELL: How big is that?

24 CHAIRMAN VALENTIC: So that one is 192 square feet.

25 MS. JARRELL: Okay.

26 MR. KANOCZ: Correct.

27 CHAIRMAN VALENTIC: And then he's adding another one
28 that would be another 192 square feet. So it's not a square
29 footage thing. That's what I was looking at. It's just the
30 two structures.

1 MR. KANOCZ: It's going to make the whole back yard
2 look like a hundred percent better than just the deck standing
3 there with the roof.

4 MS. JARRELL: Your neighbors have any problems with
5 this?

6 MR. KANOCZ: I don't want to say.

7 MR. SWEENEY: Did they get noticed, Heather?

8 MR. KANOCZ: Yes, they did.

9 MS. FREEMAN: All the adjacent property owners --

10 MR. KANOCZ: Yes. They all did, yes.

11 MS. FREEMAN: -- and across the street have been
12 notified.

13 MS. JARRELL: Okay.

14 CHAIRMAN VALENTIC: And we didn't hear back from
15 anybody?

16 MS. FREEMAN: I don't believe any public is on the
17 line right now but, no, I did not receive any comments prior
18 to the hearing as to this case.

19 CHAIRMAN VALENTIC: Yeah, okay. Anyone else have
20 any questions?

21 Okay. You can be seated.

22 Anyone else here speaking for or against this
23 appeal?

24 MR. DYNES: I have one other question. I am sorry.
25 The other -- It sounds like you have another shed on your
26 building, right, or on your property?

27 MR. KANOCZ: Yes.

28 MR. DYNES: Is it just a storage shed or what's
29 the --

30 MR. KANOCZ: Yeah, a lawn mower shed.

1 MR. DYNES: Okay, thanks. Sorry. I have done that
2 a couple of times. I apologize.

3 CHAIRMAN VALENTIC: I am going to do it then. I
4 have -- Can you come back up? I do have one more question.

5 MR. KANOCZ: All right.

6 CHAIRMAN VALENTIC: So I am trying to just figure
7 out how we can make this work for you. So if we approve you,
8 if we approve it, then what we're doing is allowing you to
9 have two structures, right?

10 MR. KANOCZ: Correct.

11 CHAIRMAN VALENTIC: And with that, my question is,
12 you know, in the future when you're gone or you sell the
13 property and someone else comes in there or you change your
14 mind, you're always going to be allowed to have two
15 structures. You know, you are allowed to have two structures.
16 But do you think you need more than the 400 square feet that
17 you have out there because, right now, the two structures
18 are --

19 MR. KANOCZ: I am not adding onto it, no.

20 CHAIRMAN VALENTIC: No.

21 MR. KANOCZ: No.

22 CHAIRMAN VALENTIC: So you're good with the 400
23 square feet?

24 MR. KANOCZ: No, that's it. Nothing is getting
25 added on the back of it. It's going to be just the way it is
26 right now. It is just going to have -- be enclosed so I can
27 use it for, until November and start using it in March and
28 about three months, nine months out of year instead of two
29 months, three months.

30 CHAIRMAN VALENTIC: Yeah, okay. And I am not saying

1 we have to do this but would you be opposed to -- So he can
2 build up to 1,024 square feet in two buildings, right, but he
3 only has 400? Am I understanding that correctly, Heather, for
4 the structures?

5 MS. FREEMAN: If the variance is approved.

6 CHAIRMAN VALENTIC: Yeah. If we were to approve
7 this and he is allowed to have two structures on his property,
8 is there -- My question is, if we approve two structures, can
9 they each get up to 1,024 square feet or is it limited to
10 1,024 square feet because he's under the 2 acres?

11 MS. JARRELL: You mean if he wanted to add on to one
12 of them?

13 CHAIRMAN VALENTIC: Yeah, if he wanted to add on. I
14 am thinking, like, I know why he is here and I understand what
15 you are trying to do. I am just thinking in the future,
16 should there be a limitation? And maybe we don't need one.
17 Maybe it just stops at 1,024 square feet. I just would think
18 that, I don't know if we want to have two giant buildings out
19 there at some point in the future.

20 MS. FREEMAN: Stephanie, are you back on the line?
21 Stephanie?

22 (No response.)

23 CHAIRMAN VALENTIC: Am I overthinking this?

24 MS. JARRELL: You're overthinking.

25 MR. SWEENEY: Yeah.

26 MR. DYNES: I think, if you want, you can simply --
27 we could make the approval contingent upon no further, no
28 additions or anything else, remaining at the current square
29 footage, to allow him just two accessory buildings.

30 MS. FREEMAN: Right. I was just going to --

1 CHAIRMAN VALENTIC: If you guys think that's
2 warranted. I was just throwing that out there.

3 MS. FREEMAN: That you, contingent that the second
4 building that you approve tonight doesn't exceed the 192
5 square feet, right? That's what he's asking for.

6 MS. JARRELL: Essentially.

7 CHAIRMAN VALENTIC: If the board thinks it's worth
8 putting that condition on there. I don't want to be the --

9 MR. HAMILTON: I think it is, just throwing my two
10 cents.

11 MS. FREEMAN: Limit it?

12 MR. HAMILTON: A stipulation is warranted.

13 CHAIRMAN VALENTIC: Brandon or Skip?

14 MR. SWEENEY: I don't know that we should go there
15 but --

16 MS. JARRELL: Are we going to look into the future
17 of every variance request? I mean, it could get ridiculous,
18 because that's my word of the night. I am sorry about that.
19 It is what it is.

20 MR. DYNES: Well, I appreciate what you are saying.
21 The idea is, if we're allowing this and he's confirmed to us
22 via testimony he's not going to add onto it, it's just simply
23 a stipulation, like we stipulated various approvals of things.
24 Are they going to mound the yard? We will give you that
25 right-of -- We'll give you that easement but you've got to put
26 a mound up. So I understand what you are saying. You're
27 simply saying that, okay, we'll allow it but then you can't
28 simply add 1,000 square feet onto the thing and then your
29 neighbor's -- You're already in a riparian. You've already
30 got a variance for that.

1 So if that's what you're suggesting in order to keep
2 it as it is, and he's provided testimony that's what he is
3 going to do, I don't see it being an issue. I mean, we're not
4 overstepping our bounds. You are simply verifying what he's
5 told you, if that's your intent.

6 CHAIRMAN VALENTIC: Yeah.

7 MR. SWEENEY: Sounds like somebody is keeping an eye
8 on him, so I don't think he will get too far.

9 MS. JARRELL: Yeah, that's for sure.

10 CHAIRMAN VALENTIC: So I don't know. I am hearing
11 mixed, you know. Do you want to add that as a board?
12 Everyone feel comfortable?

13 MS. JARRELL: I mean, if that's what it is going to
14 take to get it approved, you know.

15 CHAIRMAN VALENTIC: Brandon, do you feel strongly
16 either way?

17 MR. DYNES: Mr. Chairman, if you make a motion, I
18 would be more than happy to second your motion for that
19 variance with that condition attached to it. For further
20 discussion amongst the board, if the board were all finding
21 that to be in their approval, I would likely agree.

22 MR. SWEENEY: Wrap it up.

23 CHAIRMAN VALENTIC: Okay. So all right. So I will
24 entertain a motion for approval for Variance 2020-60.

25 MS. FREEMAN: Ivan, sorry. Is there any public
26 before you close?

27 CHAIRMAN VALENTIC: Is there anyone else on the
28 phone that would like to speak for or against this appeal?

29 (No response.)

30 No, okay. So, again, I am going to add, Blair, you

1 thought we should add that restriction to the square footage.

2 MR. HAMILTON: I did, yes.

3 CHAIRMAN VALENTIC: That the current structure that
4 he's getting the variance for will maintain 192 square feet.

5 MR. HAMILTON: Correct, right.

6 CHAIRMAN VALENTIC: All right. So I will entertain
7 a motion for Variance Number 2020-60 requesting a variance
8 from Section 15.03(A)(6) and Table 15.03-1 to allow for a
9 second accessory building on a lot less than 2 acres in size
10 in lieu of the maximum one permitted for lots less than 2
11 acres for the property located at 6445 Tulip Way, with the
12 condition that the structure is not, does not increase in
13 square footage from the current 192 square feet. Can I get a
14 motion?

15 MR. DYNES: I move to take the variance 2020-60 as
16 stated by Chairman Valentic.

17 MR. SWEENEY: Second.

18 MR. DYNES: With the -- I am sorry -- with the
19 condition attached thereto.

20 MR. SWEENEY: Second.

21 CHAIRMAN VALENTIC: Second. Okay. All right. Any
22 further discussion from the board? No. All right.

23 The next is on the approval of Variance Number
24 2020-60. Heather, please call the vote.

25 MS. FREEMAN: Mr. Sweeney?

26 MR. SWEENEY: Yes.

27 MS. FREEMAN: Mr. Dynes?

28 MR. DYNES: Yes.

29 MS. FREEMAN: Ms. Jarrell?

30 MS. JARRELL: Yes.

1 MS. FREEMAN: Mr. Hamilton?

2 MR. HAMILTON: Yes.

3 MS. FREEMAN: And Mr. Valentic?

4 CHAIRMAN VALENTIC: Yes.

5 Your variance has been approved.

6 MR. KANOCZ: Thank you.

7 CHAIRMAN VALENTIC: Thank you.

8 MR. KANOCZ: We're all set then?

9 CHAIRMAN VALENTIC: You're all set, sir.

10 MR. KANOCZ: Thank you.

11 CHAIRMAN VALENTIC: Have a good evening.

12 All right. Next is Variance 2020-61, Mr. Richard
13 Sommers, of Lilly Farms LLC, is requesting a variance from
14 Section 15.04(A)(2)(d) and Section 15.04(B), Table 15.04-1, to
15 allow for an existing dwelling to be located 43 feet from the
16 proposed Lilly Lane road right-of-way in lieu of the 50 feet
17 required for the property located at 12395 Winchell Road,
18 current Permanent Parcel Number 08-A-002-0-00-008-0.

19 MR. DYNES: I need to briefly state, Mr. Chairman,
20 that Mr. Sommers, I know, is a client of my firm and one of my
21 partners, Dale Markowitz, is not involved in this matter but
22 it's incumbent upon me to let everyone be aware of that. And
23 if Mr. Sommers would rather I recuse my myself, or anybody
24 from the board or the public prefers I recuse myself from
25 this, I am happy to do so. I would submit to all of you I can
26 be impartial in listening to this appeal, absent anybody
27 else's feelings otherwise.

28 CHAIRMAN VALENTIC: I don't have any objection.

29 MS. JARRELL: I don't have a problem.

30 MR. HAMILTON: No objection.

1 MR. SOMMERS: I have no issues.

2 MR. SWEENEY: No objection.

3 CHAIRMAN VALENTIC: Okay. Great.

4 MR. SOMMERS: Richard Sommers, 10585 Summerset
5 Drive, Chardon, and I have been sworn.

6 CHAIRMAN VALENTIC: Thank you, sir.

7 MR. SOMMERS: A brief history, we're the owner of a
8 property located at 12395 Winchell Road. We purchased this
9 property. It's approximately 30 acres. We have an approved
10 plan for an RCD subdivision consisting of 24 lots and 4 lots
11 on Winchell Road in the R-4 district. These plans have all
12 been approved by Lake County Planning and the Concord
13 Township. During the final review, plat review process, it
14 was discovered that the house is not 50 feet from the new
15 right-of-way as required under the Concord Township zoning
16 code that was referenced above.

17 We're asking for a 3 foot variance on the front
18 corner and a 7 foot variance on the rear corner. And this, I
19 would note, is to the right-of-way line. This home would
20 actually be 65 and 61 feet from the edge of pavement.

21 The basis of our variance, I believe we meet all the
22 conditions as set forth in Duncan. It's an unnecessary
23 hardship. It was not caused by anybody intentionally. It
24 was, nobody knew about it. It was, everybody missed it,
25 basically. We didn't have knowledge until March 20 -- 22,
26 2020. The problem can't be solved by any reasonable manner
27 other than granting of this variance. There is no substantial
28 detriment to the neighborhood as it doesn't affect any other
29 houses. There is an open space in the RBG neighborhood behind
30 the house. It will not affect, adversely affect the delivery

1 of any government services, which is another condition.
2 Again, it is not substantial and we don't feel it has any
3 adverse effect on the neighboring properties.

4 CHAIRMAN VALENTIC: Okay. Thank you. Any questions
5 from the board?

6 MS. JARRELL: Very well done. You've been here a
7 few times.

8 MR. SOMMERS: Thank you.

9 MS. JARRELL: Got it down to a science, practically.

10 MR. SOMMERS: Unfortunately, we all missed it. So I
11 don't know how but we missed it.

12 CHAIRMAN VALENTIC: Okay.

13 MR. SOMMERS: Thank you.

14 CHAIRMAN VALENTIC: You may be seated.

15 Anyone on the phone?

16 MS. FREEMAN: No.

17 CHAIRMAN VALENTIC: Okay. Is there anyone on the
18 phone that's either for or against this appeal that would like
19 to speak?

20 (No response.)

21 Okay. If there is no further questions, the public
22 hearing for Variance 2020-61 is now closed to the public. I
23 will entertain a motion to approve Variance Number 2020-61.

24 MS. JARRELL: So moved.

25 MR. SWEENEY: Second.

26 CHAIRMAN VALENTIC: Discussion from the board.

27 Anyone have anything? No? Okay.

28 Next is to call the vote for Variance Number
29 2020-61. Mr. Sommers, of Lilly Farms LLC, is requesting a
30 variance from Section 15.04(A)(2)(D) and Section 15.04(B),

1 Table 15.04-1 to allow for an existing building to be located
2 43 feet from the proposed Lilly Lane road right-of-way in lieu
3 of the 50 feet required. Heather, please call the vote.

4 MS. FREEMAN: Ms. Jarrell?

5 MS. JARRELL: Yes.

6 MS. FREEMAN: Mr. Hamilton?

7 MR. HAMILTON: Yes.

8 MS. FREEMAN: Mr. Valentic?

9 CHAIRMAN VALENTIC: Yes.

10 MS. FREEMAN: Mr. Dynes?

11 MR. DYNES: Yes.

12 MS. FREEMAN: And Mr. Sweeney?

13 MR. SWEENEY: Yes.

14 CHAIRMAN VALENTIC: Congratulations. It's been
15 approved. Thank you, sir.

16 Next on the agenda is the approval of minutes.
17 Chris.

18 MS. JARRELL: I am abstaining.

19 CHAIRMAN VALENTIC: Abstaining.

20 MR. DYNES: Abstain.

21 CHAIRMAN VALENTIC: Abstain. So, Blair, the
22 question is on approval of minutes from March 11, 2020. A yes
23 vote approves the minutes. Oh, sorry. Is there any changes
24 or deletions to the minutes?

25 MR. HAMILTON: No.

26 CHAIRMAN VALENTIC: Have you got anything?

27 MR. SWEENEY: No.

28 CHAIRMAN VALENTIC: Sorry. So then the approval of
29 the minutes for March 11, 2020, a yes vote approves the
30 minutes, a no vote denies it. Please, all in favor of the

1 minutes as written say "aye."

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

3 CHAIRMAN VALENTIC: The minutes have been approved.

4 Okay. So our meeting, our next meeting is
5 June 10th. Hopefully, we will be here again. But the Concord
6 Township Board, May 2020 Board of Zoning Appeals is now
7 closed.

8 (Whereupon, the meeting was adjourned at 8:28 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 4th day of June 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