

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

July 8, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Francis Sweeney, Vice Chairman
Blair Hamilton, Member
Brandon Dynes, Member

Also Present:

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

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

1 7:02 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals meeting for July 8, 2020, is
4 now in session. I would like to introduce my board. To my
5 far left is Skip Sweeney and Brandon Dynes. I am Ivan
6 Valentic. To my right is Blair Hamilton, and in the audience
7 is Heather Freeman, our Zoning Inspector. Under the advice of
8 our legal counsel, we ask that anyone speaking tonight must be
9 sworn in. If you plan on speaking, please stand and raise
10 your right hand. Okay. Raise your right hand.

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

12 CHAIRMAN VALENTIC: Thank you. Please be seated.
13 When presenting your case or commenting tonight, come to the
14 microphone, state your name and address and confirm that
15 you've been sworn in for the record. Okay?

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

18 MS. FREEMAN: Yes.

19 CHAIRMAN VALENTIC: Okay. Thank you.

20 Tonight we have one Old Business and a New Business.
21 We have one variance appeal. A three-vote majority is
22 required to either approve or deny the appeal. If your
23 request is denied here, you can file another appeal with
24 Heather. Okay?

25 So first is Old Business, which is Appeal Number
26 2018-41, Mr. Randy Viviani, of 7757 Concord LLC, requested an
27 administrative appeal from the determination by the Zoning
28 Inspector that a zoning permit and certificate of zoning
29 compliance are required for a new business to occupy a vacant
30 commercial building. I am not going to go through the whole

1 thing. But Mr. Viviani has requested that we continue to
2 table this matter and this will come up at a future hearing.

3 New Business is our first variance, which is Number
4 2020-64. Bonnie Fox is requesting a variance from Section
5 15.03(A), Table 15.03-1, to allow for the construction of an
6 accessory building to be 1,200 square feet in lieu of the
7 maximum 1,024 square feet permitted for the property located
8 at 6345 Coleridge Road. A second variance is requested from
9 Section 15.03(A), Table 15.03-1, to allow a second accessory
10 building, in lieu of the maximum one permitted on the lots, on
11 lots less than 2 acres.

12 And, Heather, just for the group up here, we're
13 going to have to -- We're going to vote on those separately,
14 correct?

15 MS. FREEMAN: Yes.

16 CHAIRMAN VALENTIC: Okay. Thank you.

17 Will you please come up and present your case,
18 whoever wants to come first. Again, name, address and that
19 you've been sworn in.

20 MS. HULL: Lisa Hull. Does it matter?

21 CHAIRMAN VALENTIC: I think it's on. You're good.

22 MS. HULL: 6345 Coleridge Road, Concord, Ohio 44077,
23 and I have been sworn in.

24 CHAIRMAN VALENTIC: Thank you.

25 MR. HULL: Steve Hull, 6345 Coleridge Road, Concord,
26 Ohio, and I have been sworn in.

27 CHAIRMAN VALENTIC: Thank you.

28 MS. FOX: Bonnie Fox, 6345 Coleridge Road, Concord,
29 Ohio.

30 CHAIRMAN VALENTIC: And you've been sworn in, ma'am?

1 MS. FOX: Yes.

2 CHAIRMAN VALENTIC: All right. Thank you. Who
3 would like to present first?

4 MS. HULL: I have just our neighbors that we had
5 sign to say that it was okay to have -- they were okay with us
6 having a garage and another little building, our little shed
7 on the side.

8 CHAIRMAN VALENTIC: So you have some written
9 documentation?

10 MS. HULL: We do. We just have signatures. If I
11 could give each one of you one of these, is that okay?

12 CHAIRMAN VALENTIC: Yeah. If you want to just hand
13 it to Blair and he can pass it around.

14 MS. HULL: And that's just them saying it was okay
15 with them, they were fine.

16 CHAIRMAN VALENTIC: Do you have a copy for Heather,
17 by chance?

18 MR. SWEENEY: Thank you.

19 CHAIRMAN VALENTIC: Do you want to just walk us
20 through your appeal and what you're looking for?

21 MS. HULL: Yes, go ahead.

22 MR. HULL: We're hoping to build, I would like to
23 just build a garage big enough to store -- I have a lot of
24 junk, farm tractors. I have a mini excavator. And I am
25 hoping to put up something large enough to keep my camper in
26 in the wintertime. Our back yard is covered with trees and I
27 do not want to put a camper in the back yard and have trees
28 falling on it or tree limbs falling on it. So that's the
29 reasoning for the 40 foot. The 30 by 40 was mostly just to be
30 able to put a camper in. And then, next year, we're going to

1 have two more kids that are driving, so we're going to have
2 two more vehicles in the driveway.

3 Our shed, is that something separate or do you want
4 to go on with that?

5 CHAIRMAN VALENTIC: No, you can talk about the shed.
6 We're going to vote on it separately but you can --

7 MR. HULL: Okay. It's completely full of lawn
8 equipment. Between lawn mowers, push mowers, rototiller, snow
9 blowers and everything else, that is pretty much full. So we
10 were hoping to keep that and have the garage for the vehicles
11 and everything else. The garage that's on the house is, it's
12 all original. And if you park a full-size vehicle in that
13 house, you can't hardly get out of the house through the
14 garage, you know. It's almost a fire hazard. She could never
15 get past a vehicle parked in the garage, a full-size vehicle.
16 Something small, you know, it would be fine but a full-size
17 vehicle, you almost can't get out of the house through the
18 garage. So --

19 MS. HULL: We have two SUVs, we have a van, we have
20 a truck, so that garage doesn't do us a lot of justice as far
21 as putting our --

22 MR. HULL: We don't park vehicles in it at all, to
23 be honest with you.

24 MS. HULL: Correct. She can't get in and out with
25 it, you know, to put the mirrors in.

26 MR. HULL: In a small vehicle, you can't get around.
27 And a small vehicle, you can't even open the door without
28 hitting the post in the middle of the garage. So we are just
29 hoping to put up something large enough to contain all of our
30 toys.

1 MS. HULL: Keep the yard looking nice, not having
2 vehicles everywhere.

3 CHAIRMAN VALENTIC: And is there a driveway that
4 goes back to this?

5 MR. HULL: There is now, yes, just a gravel driveway
6 now.

7 CHAIRMAN VALENTIC: Okay. And will that be, will
8 that continue back to the shed or this garage?

9 MR. HULL: Yes. I put it back there now. I put it
10 back to where we plan on building the garage.

11 CHAIRMAN VALENTIC: Oh, okay.

12 MR. HULL: So it's kind of an access drive now, just
13 a temporary access drive.

14 CHAIRMAN VALENTIC: Okay.

15 MS. HULL: We don't feel that it is going to demean
16 the character of the neighborhood at all. It's going to look
17 nice. It's going to reflect how the house looks. We're just
18 trying to make it look a little better so we don't have cars
19 all over.

20 MR. HULL: Yeah. We planned on re-siding the house
21 and everything to make everything match eventually.

22 CHAIRMAN VALENTIC: Is this what the garage is going
23 to look like?

24 MR. HULL: No. She just asked for a picture in
25 general. I planned on putting a steel-sided, steel roof
26 building, probably just two doors on the front of it. That's
27 a little larger than that but it was just an idea of siding
28 wise, color wise, two-tone siding, you know, not just a plain
29 white building. For the most part, you know, we were going to
30 try to make it look a little bit nicer. That's -- We weren't

1 going to put windows in it. We weren't going to put a rear
2 door in it. It was just a --

3 CHAIRMAN VALENTIC: Just an idea.

4 MR. HULL: Yes, kind of, sort of, yes.

5 CHAIRMAN VALENTIC: So do you already have like a --
6 Is this a custom garage or is this like an off-the-shelf from
7 a manufacturer?

8 MR. HULL: I've gotten prices from three builders so
9 far and it was just going to be a standard pole barn with a
10 premanufactured truss, nothing, nothing custom to speak of.

11 CHAIRMAN VALENTIC: Okay. So just to be, I guess,
12 so 30 by 40, are you -- Because whatever we approve tonight is
13 your square footage. So you feel comfortable that it will be
14 within the 30 by 40?

15 MR. HULL: Yeah, yeah, for sure.

16 CHAIRMAN VALENTIC: Is there any chance that it
17 would be any smaller than the 30 by 40 because, you know, they
18 all have kind of standard sizes?

19 MR. HULL: Right.

20 CHAIRMAN VALENTIC: And I only ask that because if,
21 say, it's -- and it might seem minor -- but if it's 28 by 40,
22 it's just a little bit smaller, you know, your request for a
23 various goes down a little bit. And I don't know. I am not
24 saying it has to. I am just, you know, it might just help
25 your case. That's all.

26 MR. HULL: Yeah. I am just, I'm thinking I've got
27 like a 28 foot camper that's barely going to fit in there.
28 With a 4 foot tongue, I am right around 32 feet, you know. So
29 I am just trying to -- I don't want to have to build a big
30 garage and then park something beside it. You know, that

1 would just kind of defeat the purpose of the garage, you know.
2 And I don't want to have to, in 10 years, want to add on or
3 need more or something to that extent.

4 MS. HULL: And everyone in the neighborhood we've
5 talked to has said, "I wish I would have built ours or got it
6 approved for a little bit bigger." You know, so in that
7 respect, even knowing what we're going to need as far as our
8 son is going to start driving and more room, not so much junk
9 in the driveway, down the side, it looks better.

10 CHAIRMAN VALENTIC: So you feel confident that it
11 will be the 30 by 40?

12 MS. HULL: Yes.

13 MR. HULL: Yeah. That's what all my prices are.

14 CHAIRMAN VALENTIC: Okay.

15 MR. HULL: Nobody seemed to have an issue, you know.
16 It didn't seem to add anything to it being 40 foot, you know.
17 It was kind of a set number and they said, "Yep, I can give
18 you a price on that."

19 CHAIRMAN VALENTIC: Okay.

20 MR. DYNES: Is there any chance the garage would
21 replace the need for the shed so you don't need two variances,
22 put the stuff from the shed there?

23 MR. HULL: The shed is kind of, it's packed as it
24 is.

25 MS. HULL: It's full.

26 MR. HULL: So if I took everything out of the shed,
27 that would take almost a third of the building out, you know,
28 and --

29 MS. FOX: And you wouldn't have room for the truck.

30 MR. HULL: Yeah.

1 MS. HULL: And we just put the lawn furniture --
2 There is a lot of crap in there, I guess you could say. We
3 use it. I mean --

4 MR. HULL: It's a very nice shed. There is really
5 nothing wrong with it.

6 MS. HULL: Right.

7 MR. HULL: I would hate to have to get rid of it,
8 you know, just -- I didn't want to bring it up. There is a
9 dozen people that got sheds and garages and it must be for a
10 reason, you know. They needed the room. And we're kind of in
11 the same boat now with kind of a larger family and, you know,
12 acquiring all this junk.

13 MS. HULL: Right, kids driving, sports.

14 MS. FOX: Yeah, sports.

15 MR. HULL: That's not counting, you know, four-
16 wheelers and tractors and things like that, you know. I mean,
17 it's going to get full real quick.

18 CHAIRMAN VALENTIC: Remind me again. What's the
19 acreage on your property?

20 MS. HULL: .86, I think.

21 MS. FOX: Yeah.

22 MR. HAMILTON: It's 0.86 right there.

23 CHAIRMAN VALENTIC: Yeah, okay. Anybody else on the
24 Board have any questions for them?

25 MR. HAMILTON: Can you locate the neighbors that
26 have signed this letter in relation to your home?

27 MR. HULL: Yep.

28 MR. HAMILTON: Where are they located?

29 MR. HULL: Everybody, pretty much, that bordered us.
30 The only -- The guy across the street works evenings and we've

1 talked to him a million times but we never got him to sign the
2 paper. He was, he was willing to sign it. We just didn't
3 have the paper at the time.

4 MS. HULL: Right, yeah.

5 MR. HULL: But other than that, it was the neighbor
6 to the north of us, the neighbor to the south of us and the
7 guy behind us.

8 CHAIRMAN VALENTIC: You did get the guy -- You got
9 the neighbor behind you, too?

10 MS. HULL: Right.

11 MR. HULL: Yes. I got, actually, we have three
12 neighbors that approach, that butt up to the back of ours. We
13 got the one, one of them just passed away, and the third one
14 would be all the way to the northeast side of it, I guess.
15 They were willing to sign it, too, when we talked to them a
16 half a dozen times. We just never had the letter in our hand
17 to show them. Every, every one of our neighbors so far loves
18 what we have done in the back yard.

19 MS. HULL: Yes. They say it looks great, looks like
20 a park, looks beautiful.

21 MR. HULL: They're game for everything we have done.
22 And we told them we were taking down all the trees to build a
23 garage and they said that was great. None of them had any
24 issues with it.

25 MR. HAMILTON: Okay.

26 MR. HULL: But, yeah, that's pretty much it,
27 everybody that bordered us.

28 MR. SWEENEY: Is there any relation to your one
29 neighbor?

30 MR. HULL: No, no. He is the one we did not get but

1 they were --

2 MR. SWEENEY: Oh, okay.

3 MR. HULL: We talk to them all the time and they're
4 very nice people and nobody's had an issue with anything we
5 told them we were doing over there. And I pretty much cleared
6 it out. I mean, I wiped out all the trees. Anything that
7 could come in contact with the building, I wanted to take down
8 now before we build a garage and then have a tree start to
9 fall or have issues with, you know. I kind of clear-cut the
10 back yard. They were all okay with it, you know. And it's
11 been, they've all had been there for 30, 40 years and it's
12 been wooded for 30 or 40 years.

13 MS. HULL: And my mom has lived there, and my dad,
14 for 40 years, so we know most of the neighbors well. They all
15 seemed okay with it.

16 CHAIRMAN VALENTIC: Any other questions from the
17 Board? Skip, do you have any other questions --

18 MR. SWEENEY: No.

19 CHAIRMAN VALENTIC: -- before we close it out?
20 Blair?

21 MR. HAMILTON: No.

22 CHAIRMAN VALENTIC: Okay. You can be seated. Thank
23 you.

24 MS. HULL: Thank you.

25 CHAIRMAN VALENTIC: Is there, is there anybody on
26 the phone, Heather? Can you just confirm? There might be --

27 MS. FREEMAN: No.

28 CHAIRMAN VALENTIC: Okay. And there is no one else
29 here. So if there's no further questions, the public hearing
30 for Variance Number 2020-64 is now closed to the public. Can

1 I get a motion to approve Variance Number 2020-64?

2 MR. DYNES: So moved.

3 CHAIRMAN VALENTIC: Second?

4 MR. HAMILTON: Second.

5 CHAIRMAN VALENTIC: Okay. Open discussion for the
6 Board, if anybody would like to --

7 MR. HAMILTON: Well, the square footage represents
8 15 percent, I think, over what the limit would be. We've
9 considered that before. It's really not excessive. I think
10 the one thing that does get me is it's a large building. It
11 actually, footprint wise, approaches the footprint of the
12 house in terms of size but --

13 CHAIRMAN VALENTIC: Yeah, it's big.

14 MR. HAMILTON: But the variance itself is not
15 substantial, I will say that.

16 CHAIRMAN VALENTIC: It's not going to be seen from
17 the road. It is going to be kind of tucked in the back, too.

18 MR. HAMILTON: Right.

19 MR. DYNES: I agree. I think we've been pretty
20 consistent on these, for the most part. We've had a number of
21 them about the same size recently that I think we found in
22 favor of. I think what they're doing adds to the character,
23 put up a nice building as opposed to having things all over.
24 I am sure the neighbors would love that as opposed to stuff in
25 the yard, too. So I think -- And we don't have anybody
26 speaking against it. We've got a signed document with the
27 neighbors that were all in favor.

28 So, you know, obviously, I indicated I've known the
29 applicants a long time. You know, I think I can be impartial.
30 I haven't seen them for many years but knowing of them, I know

1 that they're the type of people that Mr. Hull certainly would
2 not put up something that is going to be an eyesore, by any
3 means. That's my two cents.

4 CHAIRMAN VALENTIC: Skip.

5 MR. SWEENEY: I agree. I think they could, if,
6 hypothetically, they didn't have this, they could store all
7 their stuff in the same spot and there would be no objection
8 by the Zoning Department and it would be much more of an
9 eyesore, I think. And I think we all know those neighbors in
10 the community who do that.

11 MS. HULL: Right.

12 MR. SWEENEY: And it, really, it just makes sense,
13 as well as keeping it out of the elements, which is --

14 MS. HULL: Correct.

15 MR. SWEENEY: -- a major advantage.

16 CHAIRMAN VALENTIC: Okay. Sounds -- If there is
17 nothing else, then the question is on the approval of Variance
18 Number 2020-64. A yes vote is for approval of the variance.
19 A no vote denies the variance. Heather, could you please call
20 the vote?

21 MS. FREEMAN: Mr. Chairman, is this as far as the
22 first --

23 CHAIRMAN VALENTIC: Yes.

24 MS. FREEMAN: Okay. Mr. Hamilton?

25 MR. HAMILTON: Yes.

26 MS. FREEMAN: Mr. Dynes?

27 MR. DYNES: Yes.

28 MS. FREEMAN: Mr. Sweeney?

29 MR. SWEENEY: Yes.

30 MS. FREEMAN: Mr. Valentic?

1 CHAIRMAN VALENTIC: Yes.

2 Your variance has been approved. Good luck with
3 your structure and your building.

4 MR. DYNES: We have the second --

5 MR. HAMILTON: The first part of the variance.

6 CHAIRMAN VALENTIC: Oh, yeah, that's the first part.
7 Sorry. Now we have to -- Now we have another one. Sorry. I
8 forgot. So the second -- So that was for the allowing the
9 square footage. So the next is I would -- Let me start over.
10 So next we need approval for Variance Number 2020-64 but this
11 is for a variance to allow for a second accessory building in
12 lieu of the one permitted building on the property. Can I
13 please have a motion?

14 MR. DYNES: So moved.

15 CHAIRMAN VALENTIC: Second?

16 MR. HAMILTON: Second.

17 CHAIRMAN VALENTIC: Any discussion on this item?

18 MR. SWEENEY: No.

19 MR. HAMILTON: No.

20 MR. DYNES: No.

21 CHAIRMAN VALENTIC: Okay. So the question is on the
22 approval of Variance Number 2020-64 for a variance to allow
23 for a second accessory building on the property. A yes vote,
24 again, approves it. A no vote denies it. Heather, please
25 call the vote for this one.

26 MS. FREEMAN: Mr. Sweeney?

27 MR. SWEENEY: Yes.

28 MS. FREEMAN: Mr. Dynes?

29 MR. DYNES: Yes.

30 MS. FREEMAN: Mr. Hamilton?

1 MR. HAMILTON: Yes.

2 MS. FREEMAN: Mr. Valentic?

3 CHAIRMAN VALENTIC: Yes.

4 Congratulations. That one is approved, too.

5 MS. HULL: Thank you.

6 MR. HULL: Thank you very much.

7 MR. SWEENEY: Good luck.

8 MR. DYNES: Nice to see you again.

9 MS. HULL: It is nice to see you.

10 CHAIRMAN VALENTIC: Okay. Next on our agenda is
11 approval of Record of Findings and Conclusions of Fact
12 regarding Lazuka Variance Application 2020-58. Stephanie, I
13 believe, is on the phone. We also have a copy was emailed and
14 we also have hard copies for everybody here today.

15 Stephanie, do you want to just -- I'll give you a
16 chance to kind of summarize or is there anything you want to
17 tell us about the findings?

18 MS. LANDGRAF: So the findings are required to be
19 drafted and approved by the Board and included within the
20 record that has to be filed within the context of the
21 administrative appeal. These findings were derived from the
22 transcript of the proceedings of the meeting in which the
23 variances were denied. So the Board's role is that these --
24 You need to review them, ensure that those findings are in
25 accordance with the record, and, ultimately, these will, once
26 approved, these will be included within the administrative
27 appeal record.

28 The record is due for filing next week. So if there
29 are any changes to be made and you are not comfortable making
30 those tonight, we can always convene a special meeting next

1 week but these do have to be filed within the administrative
2 appeal. So if you have any questions, just let me know.

3 CHAIRMAN VALENTIC: Okay. Thank you. Does -- Go
4 ahead, Skip.

5 MR. SWEENEY: Yeah. I took a look at this real
6 quick and I just have a couple issues. Stephanie, can you
7 hear me?

8 CHAIRMAN VALENTIC: Can you hear Skip okay?

9 MS. LANDGRAF: I can hear.

10 MR. SWEENEY: Yeah. Stephanie, in Number 24, I was
11 reading it and --

12 MR. HAMILTON: It's missing a word.

13 MR. SWEENEY: Yeah, it's missing a word or a couple
14 words. I am not sure what we want to say here. We determined
15 that the essential character of the neighborhood -- I think we
16 determined that it would not be substantially altered.
17 Brandon, does that make sense?

18 MR. DYNES: That's my recollection.

19 CHAIRMAN VALENTIC: Yeah. That's a good point.

20 MR. SWEENEY: Then in Number 29 --

21 MS. LANDGRAF: I am sorry. I didn't hear. What did
22 you say about Number 24?

23 CHAIRMAN VALENTIC: I will say it, if that's okay.

24 MR. SWEENEY: Yeah, go ahead.

25 CHAIRMAN VALENTIC: Number 24, if you read, it says,
26 "The Board determined that the essential character of the
27 neighborhood would be substantially by the granting of the
28 requested variance." We're missing the word "not," so it
29 would be "would not be substantially."

30 MR. SWEENEY: A couple words.

1 MR. HAMILTON: Yeah, you need another word in there.

2 MS. LANDGRAF: "Altered" would be missing from
3 there. If you determined that the character of the
4 neighborhood would not be, then that would be in favor of the
5 granting of the variance.

6 MR. HAMILTON: Right.

7 MR. SWEENEY: I am sorry. If we -- So you are
8 saying with you need to find --

9 MS. LANDGRAF: No. So if the Board determines that
10 the essential character of the neighborhood would be
11 substantially altered -- you're aware you're missing the word
12 "altered" -- by the granting of the requested variance --

13 MR. SWEENEY: We did, didn't we?

14 MS. LANDGRAF: So one of the Duncan Factors is that
15 the granting of the variance would change the essential
16 character of the neighborhood.

17 MR. SWEENEY: We did find that, didn't we?

18 MS. LANDGRAF: So the Board is denying the variance.
19 Do you understand what I am saying?

20 CHAIRMAN VALENTIC: Yes.

21 MR. DYNES: We denied the variance but I don't think
22 --

23 MR. HAMILTON: I don't think that was one of the
24 factors.

25 MR. DYNES: I don't believe it was.

26 MR. SWEENEY: Or was it? I don't think we actually
27 decided on that. Like, we never came right out and stated the
28 character.

29 MS. LANDGRAF: Okay. If you want that struck out of
30 there, we can strike that out.

1 MR. SWEENEY: I think we should probably strike the
2 whole thing.

3 MR. DYNES: Yeah. I don't recall, Steph, talking
4 about that particular Duncan Factor but I could be wrong. I
5 mean, I don't have the transcript. So --

6 MR. SWEENEY: We may have talked about it but I
7 don't think we agreed as to whether or not the character was
8 or was not substantially altered. I just don't think we
9 decided one way or the other.

10 CHAIRMAN VALENTIC: Can we go back and look at the
11 transcript on that one?

12 MS. FREEMAN: I am trying to pull it up right now.

13 MR. SWEENEY: I recall we didn't, we didn't address
14 the Duncan Factors one by one.

15 CHAIRMAN VALENTIC: We did go through them.

16 MR. SWEENEY: We didn't do all of them, I don't
17 think, and this was one of them that I don't think we did. We
18 might have talked about it briefly but that's it.

19 MS. FREEMAN: The word "essential" only comes up
20 once. Ms. Jarrell said "essentially."

21 MR. SWEENEY: Yeah. I mean, I can tell you almost
22 with a hundred percent certainty that we did not decide
23 whether or not that factor came into play. We might have
24 talked about it briefly, at most.

25 CHAIRMAN VALENTIC: But that wasn't one of the --

26 MS. FREEMAN: I am not seeing that it was mentioned.

27 MR. SWEENEY: Yeah, I don't think it was. And
28 then --

29 CHAIRMAN VALENTIC: So what do we do?

30 MR. DYNES: Stephanie, I think as far as 24 is

1 concerned, it might be best just to simply strike that.

2 MR. SWEENEY: Yeah.

3 MS. LANDGRAF: I am fine. That's up to the Board,
4 so that's absolutely fine.

5 MR. DYNES: Okay.

6 MR. SWEENEY: Yeah, I agree.

7 CHAIRMAN VALENTIC: Skip, did you have another one?

8 MR. HAMILTON: Skip, is there anything about 29?

9 MR. SWEENEY: Yeah. And then I looked at 29 as
10 well. I think we actually did address this and determined
11 that the delivery of governmental services would not --

12 MS. LANDGRAF: Do you want to strike 29 as well?

13 MR. SWEENEY: Yeah. No, not strike it but I am
14 pretty sure we spoke about it and determined that the
15 governmental services would not be affected.

16 MS. LANDGRAF: So we will change that one to include
17 the word "not."

18 MR. DYNES: Correct.

19 MR. SWEENEY: Yeah, correct.

20 MS. LANDGRAF: Okay.

21 MR. SWEENEY: As a matter of fact, I think Chris
22 actually addressed it.

23 MS. LANDGRAF: Okay. You can approve those with
24 changes unless there's any other.

25 MR. HAMILTON: Well, wait a minute. I think I have
26 a problem with that because that pool cover is only operated
27 when they have the key. If something should go wrong --

28 MR. SWEENEY: And when they have electricity.

29 MR. HAMILTON: -- and somebody needs to get in that
30 pool, no, I mean, for whatever reason, or EMS has to get that

1 cover open or something.

2 MS. LANDGRAF: If you're talking to me, I'm having a
3 hard time hearing.

4 MR. HAMILTON: We're just trying to make an argument
5 here. They can't open it unless, unless the owners are there.

6 MR. DYNES: Right. And I guess the question is, we
7 can't change it now but did we, in fact, discuss that? There
8 was discussion about the limitations with that pool cover just
9 as you noted. So --

10 MR. HAMILTON: Yeah.

11 MR. SWEENEY: But not as affected governmental
12 services.

13 MR. DYNES: Right. So by implication, that's
14 probably the case, but I don't think we explicitly stated that
15 such that we can affirmatively state that here in these
16 conclusions.

17 MR. SWEENEY: Yeah. But that's a good point.

18 MR. DYNES: I think, you know, as far as your point
19 being taken, ultimately as the appeal progresses, that's
20 something that remains a factor.

21 MR. HAMILTON: Yeah.

22 MR. DYNES: Stephanie, did you hear that?

23 MS. LANDGRAF: I think so. That you -- That there
24 was not enough discussion specifically on point that you would
25 be comfortable incorporating it into the findings. Is that
26 fair?

27 MR. DYNES: Yeah, I think that's probably fair. I
28 think we danced around the issue and talked about it but I
29 don't think we made any conclusive findings or espoused any
30 real particular opinions with respect to that necessarily such

1 that that was a contributing factors for our decision,
2 although I think it --

3 MS. LANDGRAF: Strike out Number 29 as well, if
4 that's what the Board wants to do.

5 MR. SWEENEY: What's the procedure if we --

6 MR. HAMILTON: I'll agree with that. I'll agree
7 with that. I am okay with that.

8 MR. SWEENEY: Yeah, I'll agree with that. Just
9 procedurally, I am curious. What would -- Could we go back
10 and determine that now? I don't think we can.

11 CHAIRMAN VALENTIC: No.

12 MR. SWEENEY: No, okay. But I agree with it being
13 stricken.

14 MR. DYNES: I would move to accept the Findings and
15 Conclusions of Fact as prepared by Ms. Landgraf subject to the
16 deletion of Numbers 23 -- or 24, I am sorry, and 29.

17 CHAIRMAN VALENTIC: A second?

18 MR. DYNES: And I will commend legal counsel on a
19 job well done in preparing this.

20 MR. SWEENEY: Absolutely.

21 MS. LANDGRAF: Thank you, Brandon.

22 MR. HAMILTON: Do we need a second for that?

23 CHAIRMAN VALENTIC: Do we need a second for that?

24 MR. HAMILTON: Second, if we need it.

25 CHAIRMAN VALENTIC: Do we need a -- And then a vote,
26 Stephanie?

27 MS. LANDGRAF: We'll do a roll call vote.

28 CHAIRMAN VALENTIC: A roll call vote. Thanks,
29 Heather.

30 MS. FREEMAN: Mr. Hamilton?

1 MR. HAMILTON: Yes.

2 MS. FREEMAN: Mr. Dynes?

3 MR. DYNES: Yes.

4 MS. FREEMAN: Mr. Valentic?

5 CHAIRMAN VALENTIC: Yes.

6 MS. FREEMAN: Mr. Sweeney?

7 MR. SWEENEY: Yes.

8 Thanks, Stephanie.

9 CHAIRMAN VALENTIC: Thank you, Stephanie.

10 MS. LANDGRAF: Thank you. I'll make those changes
11 and then, Heather, if you could just give me the signature
12 page, I will make the changes and renumber everything.

13 MS. FREEMAN: Okay, yeah, okay. I was going to have
14 -- You will have to fix the numbering at the top of the
15 signature page.

16 MS. LANDGRAF: Actually, Heather, if you have the
17 Word document, if you want to do that before they sign, just
18 take those two out.

19 MS. FREEMAN: Oh, yeah, I will be able to do that,
20 yeah.

21 MS. LANDGRAF: Okay. Thank you.

22 MS. FREEMAN: Yeah. Thank you, Stephanie.

23 MR. DYNES: Thank you, Ms. Landgraf. We look
24 forward to seeing you sometime again soon.

25 MS. LANDGRAF: Maybe this year.

26 MR. DYNES: That would be dandy.

27 CHAIRMAN VALENTIC: All right. Then next is, on the
28 agenda, is approval of minutes. Can I get a motion to approve
29 the minutes from June 10, 2020?

30 MR. SWEENEY: So moved.

1 MR. DYNES: Second.

2 CHAIRMAN VALENTIC: Is there any additions or
3 deletions from those minutes?

4 MR. HAMILTON: No.

5 CHAIRMAN VALENTIC: No, okay. So then the question
6 is approval of the minutes from June 10, 2020. A yes vote
7 approves the minutes, a no vote does not. All in favor say
8 "aye."

9 (Four aye votes, no nay votes.)

10 CHAIRMAN VALENTIC: The minutes from June 2010 --
11 June 10, 2020, have been approved as written.

12 Okay. Our next meeting is August 12th and we will
13 see everybody there. Thank you.

14 (Whereupon, the meeting was adjourned at 7:33 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 21st day of July 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

