

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

August 12, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Francis Sweeney, Vice Chairman
Blair Hamilton, Member
Brandon Dynes, Member
Chris Jarrell, Member
James Rowe, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector

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

1 7:03 p.m.

2 VICE CHAIRMAN SWEENEY: Good evening, everybody. My
3 name is Francis Sweeney. This is the Concord Township Board
4 of Zoning Appeals meeting of August 12, 2020. My name is
5 Francis Sweeney, I am the substitute chair. And to my far
6 right is Blair Hamilton and to my immediate right is Chris
7 Jarrell. To my immediate left is Brandon Dynes and to my far
8 left is Jim Rowe. We are board members for the BZA.

9 Okay. Under advice of our legal counsel, all those
10 who will be testifying must be sworn in. If you plan on
11 speaking tonight, please stand up and raise your right hand.

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

13 VICE CHAIRMAN SWEENEY: Thank you. And we have
14 callers tonight who are calling in. If you could please put
15 your phones on mute until such time as you wish to speak, that
16 would help us out.

17 When you do speak, please come up to the microphone,
18 you can remove your mask to speak, and please speak clearly
19 into the microphone. Appreciate that.

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

22 MS. FREEMAN: Yes, they were.

23 VICE CHAIRMAN SWEENEY: Okay. Thank you.

24 Okay. So for tonight, we have a couple of matters.
25 We have the matter of Old Business, the Appeal Number 2018-41,
26 Mr. Randy Viviani, of 7757 Concord LLC, requests an
27 administrative appeal from the determination by the Zoning
28 Inspector that a zoning permit and a certificate of zoning
29 compliance are required for a new business to occupy a vacant
30 commercial business pursuant to Sections 11.01 and 12.01 of

1 the Concord Township Zoning Resolution, for the property
2 located at 7757 Auburn Road, Unit 12, currently known as
3 Permanent Parcel 08-A-020-0-00-036-0.

4 Heather, what's the status of this?

5 MS. FREEMAN: The applicant wants to keep that
6 tabled for the time being.

7 VICE CHAIRMAN SWEENEY: Okay. So we will go ahead
8 and we will table that for the next meeting and update
9 accordingly.

10 Okay. We have New Business tonight. We have one
11 matter and it is Variance 2020-65, Mr. John -- DeMichele
12 (pronounced Dee'Mushel)?

13 MR. DeMICHELE: DeMichele (pronounced Dee'Mikel).

14 VICE CHAIRMAN SWEENEY: DeMichele, thank you. --
15 Mr. John DeMichele, on behalf of property owner 7505 RAV LLC,
16 they are requesting a variance from Section 38.05(B) to allow
17 a 1.57 percent interior parking lot landscaping in lieu of the
18 minimum 10 percent required for the property located at
19 7505 Ravenna Road. And the second variance is being requested
20 from Section 38.04(A) to eliminate a minimum 5 foot planting
21 area on the south side of the building between the building
22 wall and the parking area.

23 You may come up and give your presentation.

24 MR. DeMICHELE: Yeah. I am here to ask for a
25 variance of the two, the islands, the parking islands and then
26 the 5 foot landscape along the building. Originally, when we
27 drew up the plans, everything looked nice.

28 VICE CHAIRMAN SWEENEY: I am sorry, if I could
29 interrupt you. Can you please state your name and your full
30 address for the record?

1 MR. DeMICHELE: My name is John DeMichele. Home
2 address is 75 -- or, sorry -- 1507 -- no, that's wrong, too --
3 10568 Ridgewater Drive in Concord Township. I've been a
4 resident for almost 15 years now. I guess I've been looking
5 to expand everything.

6 VICE CHAIRMAN SWEENEY: And you've been sworn in,
7 correct?

8 MR. DeMICHELE: Yeah, yeah. Looking to expand the
9 body shop way back about two, three years ago now and wanted
10 to pick Concord, you know, to contribute to the community and
11 everything, so we found this parcel of land and wanted to do
12 it here. But after doing all, with all the drawings, back to
13 the landscape islands and everything, we had it all drawn up.
14 You know, everything looked good on paper and, you know, we
15 approved everything. But then as time went on, to get
16 approved for like the Concord Fire Department, they had us
17 move the building 4 feet closer to the south, which moved the
18 building over, which gave us a little bit less parking area
19 and space.

20 So then, well, after the building was up and we went
21 to do the driveway and the parking area and everything, it was
22 just, you know, way too small where we couldn't get tow trucks
23 in and everything to make the, you know, to make the swing.
24 And even when we had, you know, to park cars and everything,
25 they were, you know, real close to the building to get cars
26 by. And so that's why we're trying to get a variance to free
27 up more space so that will be, you know, less hardship on us
28 when getting cars in and out, especially in the wintertime
29 when you have your snow, you know, snowplows coming in and
30 piles and everything for people getting in and out of cars.

1 Everybody's known, like, you get out of the car, you're out,
2 you know, on a snow pile, you really can't get out. You have
3 to let the person out first and then pull in. So it would
4 eliminate a lot of that for us.

5 And then as we were doing it, we eliminated some
6 park area in the back of the building that really wouldn't
7 have been useful. It's about 600 or so square feet of more
8 green space now instead of parking area.

9 And all the other, and all the other landscaping
10 will stay the same. If you see, we have the drawings we
11 submitted and everything. The trees and the bushes in the
12 front and all along the side and, of course, along the back by
13 the park, the walking path and everything else will be grass
14 and everything else is staying as is.

15 VICE CHAIRMAN SWEENEY: Okay. Maybe we can get a --
16 Do you have anything you can refer to in terms of kind of
17 directing us exactly what you're talking about here?

18 MR. DeMICHELE: Do you have this one?

19 VICE CHAIRMAN SWEENEY: Yeah.

20 MR. DeMICHELE: Okay. For the -- It was one, two,
21 three, four, those four trees, those are technically parking
22 islands and that's what I am trying to eliminate.

23 VICE CHAIRMAN SWEENEY: Okay.

24 MR. DeMICHELE: And then along the building right
25 here is a 5 foot, not shrub -- what is it -- landscape area
26 that I am trying to eliminate.

27 VICE CHAIRMAN SWEENEY: Okay.

28 MS. JARRELL: I am sorry. I wasn't looking at you.
29 When you say one, two, three, four, where --

30 MR. DeMICHELE: Oh, right here. These bigger trees

1 right here, those would have been in parking islands.

2 MS. JARRELL: Gotcha. So at what point did you
3 decide? Was it while you were putting the asphalt in that you
4 were just going to eliminate the islands?

5 MR. DeMICHELE: Well, as we were doing the asphalt,
6 we were talking with the asphalt company and he noticed the
7 islands were on the drawings. And he says it would be easier,
8 it won't cost you any more money, it's easier to run the
9 asphalt truck, you know, in straight lines instead of going in
10 and out.

11 MS. JARRELL: Sure.

12 MR. DeMICHELE: And have a better job and then we
13 can contend with it later. Then that's when Heather brought
14 to -- noticed to me that, you know, the islands were in and
15 that's kind of when we started discussing about, hopefully,
16 maybe not putting them in and that's how we are. You know,
17 we're stopped right now. We didn't do any landscaping or
18 striping or anything like that.

19 MS. JARRELL: So in progress, the asphalt truck, you
20 guys just decided to abandon the islands. Did you just
21 proceed with that or did you call Heather to talk to her about
22 it?

23 MR. DeMICHELE: No. He said we could put them in
24 afterwards. It's easier to do it afterwards.

25 MS. JARRELL: Oh, afterwards.

26 MR. DeMICHELE: Yeah. And then that's when Heather
27 brought to our, you know, that's when we started discussing
28 about it, so we stopped. They just did the one coat, layer.

29 MR. HAMILTON: So if you can for me, to be clear, in
30 addition to the islands, you're going to take away 5 feet of

1 this area?

2 MR. DeMICHELE: No, no, that landscape, that all
3 will stay the same.

4 MR. HAMILTON: All stay the same.

5 MR. DeMICHELE: The islands were in the parking
6 area, basically, the same size as a parking spot.

7 MR. HAMILTON: Gotcha.

8 MS. JARRELL: And then you were going to
9 subsequently put in the 5 foot strip adjacent to the building
10 as well?

11 MR. DeMICHELE: I would like to lose that.

12 MS. JARRELL: Right.

13 MR. DeMICHELE: Yes.

14 MR. DYNES: How many parking spaces did you have
15 without -- I am sorry. With the islands in place, how many
16 parking spaces were there; do you know?

17 MR. DeMICHELE: Seventeen.

18 MR. DYNES: Seventeen?

19 MR. DeMICHELE: Right, with two, well, two of them
20 are technically handicap spaces.

21 MR. DYNES: So eliminating those, you have a total
22 of 21?

23 MR. DeMICHELE: Correct.

24 MR. DYNES: And you're still -- The proposal is to
25 keep one island towards Ravenna Road but then eliminate the
26 others in the back?

27 MR. DeMICHELE: Yes.

28 MR. DYNES: That is correct?

29 MR. DeMICHELE: Yeah, because it's towards the
30 front, it's away from the doors and everything to make the

1 swing and everything.

2 MR. DYNES: So the aesthetics of it, at least from
3 the road, you still see the appearance of at least one island,
4 correct?

5 MR. DeMICHELE: Yeah, correct, you are correct.

6 MR. DYNES: My understanding, from what you are
7 telling us, it's the hardship for not only the tow trucks and
8 cars and vehicles to get in and out with the islands
9 presently. If the islands are constructed, that's what's
10 difficult, right?

11 MR. DeMICHELE: Correct, yeah.

12 MR. DYNES: I am going to guess, because you are a
13 body repair shop, tow trucks are in and out of there all the
14 time?

15 MR. DeMICHELE: It's just -- Yeah. It will be hard
16 when they drop them off. They will have to put them in, more
17 or less, the driveway and, if they're not drivable, then push
18 them around instead of them, you know, being in a spot or
19 backing in and out of the garage doors and it just makes it a
20 lot easier.

21 MR. DYNES: And we are lumping in flatbeds with tow
22 trucks, so it's all forms of transportation of vehicles coming
23 in and out of there, right?

24 MR. DeMICHELE: Correct.

25 MR. DYNES: And how many employees do you have?

26 MR. DeMICHELE: At the moment, three.

27 MR. DYNES: Do you expect to add more?

28 MR. DeMICHELE: Yes.

29 MR. DYNES: Right now, you're rather limited in
30 parking, especially with those islands there. If you've got

1 employees, I assume, does that three include yourself?

2 MR. DeMICHELE: Yeah, as of right now, three of them
3 are already taken up, correct.

4 MR. DYNES: And that doesn't include you?

5 MR. DeMICHELE: No, that does include me.

6 MR. DYNES: Okay. But you have visitors, insurance
7 estimators, people like that come there?

8 MR. DeMICHELE: Estimators, correct, come on
9 property, yeah, daily. Parts drivers, trucks, but they go
10 around the side sometimes to try and make it more convenient
11 because of the way it is.

12 MR. DYNES: You built a very nice building.

13 MR. DeMICHELE: Thank you.

14 MR. DYNES: I commend you on what you guys have
15 done.

16 MS. JARRELL: Very nice.

17 VICE CHAIRMAN SWEENEY: Very nice.

18 MR. DYNES: I would assume that inside the building,
19 it's not as if you've got a lot of space for storage. It's a
20 lot of work area.

21 MR. DeMICHELE: It's a lot, yes, it's a lot of
22 working area. Cars, you know, when you have the doors open
23 and everything, you need, you know, space to work around.
24 Everybody is more than welcome to come by and I'm more than
25 happy to tour the place. I am kind of proud of it.

26 MR. DYNES: I think the community is proud of a nice
27 looking spot in what otherwise may have been an eyesore in the
28 area. So --

29 MR. DeMICHELE: Yeah. Compared to what was there,
30 yeah.

1 MR. DYNES: I'll put my mask back on.

2 MR. ROWE: John, I think that eliminating those, as
3 you say, the four makes a lot of sense. I mean, that just
4 would really -- But it seemed like keeping that one strip
5 along the building could still be worked. I don't see that as
6 being as detrimental as these slots, you know, all that.

7 MR. DeMICHELE: Yeah. Just what we were looking at
8 when we're actually on the property, I mean, it's 5 feet wide
9 along the whole building. It's still, when the tow trucks are
10 making that swing, they're -- Like today, for instance, we
11 were there picking up some equipment and he was, the tow truck
12 was up against the building making the swing. He was backing
13 and, you know, the car was dropping off into the parking spot,
14 you know, to make that swing. Is it doable? Yeah, but you've
15 got to do it a couple, few times. It just makes it a whole
16 lot easier, especially come wintertime when there is going to
17 be a problem where to put the snow and everything. You know,
18 it backs everything up. So that's why I am going for that as
19 well.

20 MR. ROWE: Thank you.

21 VICE CHAIRMAN SWEENEY: Mr. DeMichele.

22 MR. DeMICHELE: Yes.

23 VICE CHAIRMAN SWEENEY: It is a wonderful building,
24 wonderful looking building.

25 MR. DeMICHELE: Thank you.

26 VICE CHAIRMAN SWEENEY: And that asphalt, the
27 asphalt section when you first pull in, that's a very wide --
28 that's a chunk of asphalt. So -- And you haven't put the
29 parking lines in yet or anything.

30 MR. DeMICHELE: No.

1 VICE CHAIRMAN SWEENEY: So that will obviously cut
2 it down. But I'm trying to get, from a practical standpoint,
3 I am trying to understand and I will try and reference it from
4 my copy of your schematic, when the tow trucks or the wreckers
5 come in, they pull in from one direction or another, and then
6 do they need to swing in?

7 MR. DeMICHELE: If they would -- Sorry. I don't
8 want to interrupt.

9 VICE CHAIRMAN SWEENEY: Yeah.

10 MR. DeMICHELE: They're driving towards, you know,
11 towards the building.

12 VICE CHAIRMAN SWEENEY: Yeah, there's two --

13 MR. DeMICHELE: And then the tow truck would be
14 perpendicular, you know, straight with the --

15 VICE CHAIRMAN SWEENEY: Parallel.

16 MR. DeMICHELE: Parallel, yeah. So the tow truck,
17 you're roughly 30 feet long.

18 VICE CHAIRMAN SWEENEY: Right.

19 MR. DeMICHELE: And your cars are average 16 feet
20 long.

21 VICE CHAIRMAN SWEENEY: Yeah.

22 MR. DeMICHELE: So in the parking lot's 50 feet
23 wide? It's 50 feet wide. So, you know, it doesn't take much
24 to do the math. There isn't much turning radius.

25 VICE CHAIRMAN SWEENEY: And you have a total of
26 three bays, one, two and then three?

27 MR. DeMICHELE: The two bay doors, the two -- The
28 first one is an inspection bay. Those are cars that are
29 mobile, driving through in and out.

30 VICE CHAIRMAN SWEENEY: Okay.

1 MR. DeMICHELE: And most of the, when the cars
2 aren't drivable, it's the second door.

3 VICE CHAIR SWEENEY: Okay. So the hardship would be
4 that the islands would get in the way of the trucks doing what
5 they need to do to drop the car off efficiently?

6 MR. DeMICHELE: Correct, correct.

7 VICE CHAIRMAN SWEENEY: What if there's parked cars
8 there?

9 MR. DeMICHELE: We have to move them.

10 VICE CHAIRMAN SWEENEY: You've got to move them, but
11 you can't move an island.

12 MR. DeMICHELE: Yeah, yeah.

13 VICE CHAIRMAN SWEENEY: Okay. That helps a lot.
14 Thank you.

15 MS. JARRELL: I can't imagine that the 5 foot
16 strip along the building would interfere. I can't believe
17 that a car or truck would make the cut so tight that that
18 would interfere with anything.

19 MR. DeMICHELE: When the -- How do I want to say it?
20 When the car is by itself, no, but when there is a car on the
21 truck, like I said, the truck is 30 feet long and then when
22 the car is on the back of it, you know, if you've ever seen a
23 tow truck, the bed comes back to let the car off and then you
24 have a 16 foot car and there is not enough space to do that.

25 MS. JARRELL: So you added the 600 plus feet of
26 parking lot deemed un -- deemed not useable and turned that
27 into green space at the right rear of the building.

28 MR. DeMICHELE: Correct.

29 MS. JARRELL: Did that have something to do with one
30 of the variances that was approved previously?

1 MR. DeMICHELE: No.

2 MS. JARRELL: No? Heather, you gave the history.
3 The April 2019 variance, screening around the septic area,
4 does that have anything to do with the 600 feet?

5 MR. DeMICHELE: No.

6 MS. JARRELL: No?

7 MS. FREEMAN: I can speak to that, Mr. Chairman.

8 MS. JARRELL: I am sorry?

9 MS. FREEMAN: I can answer that for you.

10 MS. JARRELL: Oh, yeah, that would be great.

11 MS. FREEMAN: I think, just to help Mr. DeMichele
12 out, the 600 square feet of asphalt that he eliminated was in
13 the back corner by the building here. They didn't pave way
14 over to here. It wasn't necessary. The variance that was
15 granted previously allowed him to put his septic field in the
16 rear, and one of the conditions was to do extra screening back
17 here with the landscaping, which he is still going to do.

18 MS. JARRELL: Okay.

19 MS. FREEMAN: Which is shown on the landscape plan.

20 MS. JARRELL: Okay, yeah. I have to think --
21 correct me if I'm wrong -- that you might have been able to
22 anticipate some of the issues that you're having, you know,
23 based on this original site plan. Did you not think you were
24 going to have issues?

25 MR. DeMICHELE: Well, the biggest, I didn't realize
26 we were having issues until we had to move the building 4 feet
27 over for Concord Fire Department so they could drive a fire
28 truck around.

29 MS. JARRELL: Oh, okay.

30 MR. DeMICHELE: And that happened whenever it

1 happened and it didn't click until the building was up and we
2 were, you know, you could actually physically see what's going
3 on and that 4 feet, you know, is a lot.

4 MS. JARRELL: You had to move to it the south?

5 MR. DeMICHELE: Yes, yeah, so they could drive the
6 fire truck around that, possibly, when they came for
7 inspections, which they said they'd probably never do because
8 it's too close. And I had to add the driveway and everything
9 on that side and spent roughly, you know, 7, 8 thousand
10 dollars extra for that that might never get used.

11 MS. JARRELL: That would have been a good element in
12 your letter.

13 MR. DeMICHELE: Well, I just don't like to throw
14 anybody under the bus.

15 MS. JARRELL: Well, no, no, you're not throwing
16 anybody under the bus except that the Township Resolution by
17 saying that the islands are redundant and they serve little
18 purpose. I mean, we have a Resolution for reasons. I can
19 completely -- I mean, that is a hardship that you had to move
20 it 4 feet, so that makes everything, everything tighter for
21 sure.

22 VICE CHAIRMAN SWEENEY: Any other questions from the
23 board?

24 MR. ROWE: No.

25 VICE CHAIRMAN SWEENEY: All right. If not, we'll go
26 ahead and close the public -- Anyone else to testify today?

27 MR. DeMICHELE: I think we're okay. We're good,
28 yeah.

29 MS. FREEMAN: Mr. Chairman, you will have to see if
30 there is anyone on the phone that wants to speak.

1 VICE CHAIRMAN SWEENEY: Yes. Is there anyone on the
2 phone who would like to participate?

3 MR. GRISEZ: Yes, I would.

4 VICE CHAIRMAN SWEENEY: Can you please state your
5 name and your address?

6 MR. GRISEZ: Okay. My name is Don Grisez, the
7 address is 7486 Jumpers Crossing Lane. And our property, the
8 rear of our property faces the new building, I mean, dead
9 square on. We have watched every feet of that building being
10 built from the time the land was cleared. So I am very, very
11 familiar with it. And what we ended up with -- Initially,
12 when the presentation was made before it was approved, we came
13 down to the, my wife and I came down to the Town Hall and had
14 the usual objections, noise, cars, trucks, that sort of thing,
15 and all that was kind of put to bed mostly at the basis of,
16 yes, but the landscaping will be very nice and taking care of
17 a lot of issues. The business, okay, you need to have
18 progress in your community. Sure, we got that, but we were
19 sold on the fact that the landscaping would be in place.

20 And what we ended up with is two stories of a gray
21 block, lots of glass, surrounded by a sea of blacktop and a
22 lot of sheet metal work sitting on top of all that. The
23 building is larger than anything in this area and it doesn't
24 blend with anything. It's gray and black. If you look to the
25 north, there is an excavation company and they have a very
26 small one-store building, like a ranch house that you can
27 barely see through the trees. It's all green. You can't see
28 anything. If you look to the south, you will see a little
29 electrical contractor's building. He put a couple garages on
30 it last year but, basically, it's a -- or a few years ago.

1 Basically, it's a small one-floor building surrounded by some
2 gravel, not a big deal. And the park is right, right close
3 behind all that. So it's not a bad deal.

4 But if you look at the building itself, it really
5 sticks out very, very much as a gray-black, kind of
6 industrial, heavy commercial building. When I -- The parking
7 area right now is all blacktop and, well, all black. To me,
8 it almost appears like there was no attempt going to be made.
9 But I understand that it's more cost effective to do it, do
10 the islands later.

11 What we're trying to get to, my wife and I, is that
12 we have to look at this thing every day. We understand
13 progress. We understand the better tax base. We're all for
14 that. But if we could please stay with the 10 percent plan on
15 the landscaping, we would certainly appreciate that. The
16 trees, they don't have to be on islands. You can put four
17 trees up front. No one cares other than we need to put the
18 lipstick on this thing and make it look more presentable on
19 Ravenna Road. It would fit wonderfully on Crile Road but on
20 Ravenna Road, a lot more green and brown and natural
21 tendencies than this building portrays at this point.

22 So if we could very consciously ask the Board to
23 consider leaving the 10 percent, again, it doesn't have to be
24 on the islands. I get that. I have ran manufacturing
25 companies for 40 years. You don't need those islands in
26 there, that's going to be a problem, but put four trees up
27 front. Rearrange where the trees are but keep the landscaping
28 and keep the 10 percent or very, very close to it, keep the
29 green or try to get more green into this project, if we could.
30 We would certainly appreciate that. Thank you.

1 VICE CHAIRMAN SWEENEY: Thank you. Is it Mr. Rezae?
2 MR. GRISEZ: Grisez, G-r-i-s-e-z.
3 VICE CHAIRMAN SWEENEY: G-r-i -- I'm sorry. Could
4 you spell that again?
5 MR. DYNES: G-r-i-s-e-z.
6 MR. GRISEZ: It's G, as in George, -r-i-s, as in
7 Sam, -e-z, Grisez.
8 VICE CHAIRMAN SWEENEY: Thank you, Mr. Grisez. And
9 if we could confirm your address. Are you the east or west
10 side of this building?
11 MR. GRISEZ: We are on the west side. We are
12 directly across from the building.
13 VICE CHAIRMAN SWEENEY: Across Ravenna Road.
14 MR. GRISEZ: Across Ravenna Road.
15 VICE CHAIRMAN SWEENEY: Okay. Thank you. Thank you
16 for your input.
17 MR. GRISEZ: Certainly.
18 MS. JARRELL: Mr. Grisez.
19 MR. GRISEZ: Yes?
20 MS. JARRELL: You do realize that across the street
21 from you is a General Business District, right?
22 MR. GRISEZ: Yes.
23 MS. JARRELL: Okay. And so what is your primary
24 concern really? Is it the noise? Is it the way it looks?
25 What is your issue, your primary issue?
26 MR. GRISEZ: The primary issue is that it's a very
27 large -- I didn't expect a very large, gray building with a
28 lot of blacktop. The biggest issue -- And we know that.
29 Okay? The biggest issue is the blacktop and the gray building
30 and there is nothing that it blends with. It's not green.

1 It's not anything representative of this area of Ravenna Road.

2 So our position is we would like to see as much
3 green to cover the building or to, at least, cover the
4 blacktop and break it up and make it a more natural,
5 acceptable view.

6 MR. DYNES: Mr. DeMichele, if I can ask you a
7 question.

8 MR. DeMICHELE: Yes.

9 MR. DYNES: Mr. Grisez is making a point. It seems
10 as though he is not too concerned about the islands but he is
11 concerned about the green. You're not proposing that, in
12 fact, any of this or this is going to be eliminated, are you?

13 MR. DeMICHELE: No, that will, yeah -- The
14 landscaping isn't in yet.

15 MR. DYNES: What I am showing to you is where it
16 abuts Ravenna Road in the front of your property. That
17 landscaping will still be put in place, correct?

18 MR. DeMICHELE: Correct, yeah. There's trees and
19 shrubbery on, on the hill that butts up against Ravenna and
20 there will be more shrubbery and flowers along right in front
21 of the windows, below the windows and along the side to hide
22 all the AC units and things. And then along the parking lot
23 where the islands would have been is trees, more trees and
24 more shrubs all the way down the side so you won't be able to
25 really -- It's not there right now because we haven't -- it's
26 not done yet.

27 MR. DYNES: Sure. I am just going to help try to
28 tie this together a little bit here.

29 MR. DeMICHELE: Okay.

30 MR. DYNES: You are suggesting eliminating the

1 islands.

2 MR. DeMICHELE: Correct.

3 MR. DYNES: You're not going to eliminate any of the
4 green space Mr. Grisez is concerned about. Mr. Grisez has
5 indicated he is okay and understands and appreciates
6 elimination of the islands presents a hardship to you.

7 MR. DeMICHELE: Correct.

8 MR. DYNES: He wants to make sure that green space
9 still stays up front.

10 MR. DeMICHELE: Yes.

11 MR. DYNES: You are going to do that. We understand
12 you are in the process of building this building. Completing
13 the landscaping and everything else still needs to be done,
14 correct?

15 MR. DeMICHELE: Correct.

16 MR. DYNES: And you're building, as Ms. Jarrell --

17 MR. GRISEZ: I would --

18 MR. DYNES: Excuse me, sir.

19 MR. GRISEZ: Yes.

20 MR. DYNES: Ms. Jarrell has appropriately indicated
21 that it is a business district. You're able to construct the
22 building as you choose, be it the features, exterior features,
23 colors and other things, right? You've done that.

24 There is no violation for any other zoning, anything
25 Mr. DeMichele has violated with zoning as far as the building,
26 right?

27 MS. FREEMAN: There are no violations.

28 MR. DYNES: I don't need to ask you in that manner.
29 I'm sorry. That was almost being admonishing to you. I
30 didn't mean to do that. Thank you, Ms. Freeman.

1 Thank you, Mr. DeMichele.

2 MR. GRISEZ: Thank you.

3 MS. JARRELL: Mr. DeMichele, I drove in there this
4 morning but I don't remember seeing this. Is that there, this
5 section?

6 MR. DeMICHELE: It's just dirt right now.

7 MS. JARRELL: It's just dirt?

8 MR. DeMICHELE: Yeah.

9 MS. JARRELL: Okay. That's why I didn't notice it.
10 Right in front of the building. So you are putting bushes in
11 there or something?

12 MR. DeMICHELE: Correct.

13 MS. JARRELL: Okay.

14 VICE CHAIRMAN SWEENEY: And your proposal is to
15 plant trees in the front larger section and then also to the
16 right of the driveway?

17 MR. DeMICHELE: Correct, yes, and then all down the
18 side in the parking area.

19 VICE CHAIRMAN SWEENEY: And then all down the side.
20 When those grow in, that will serve to -- as a nice frame?

21 MR. DeMICHELE: Yeah, they'll serve as shade, you
22 know, to block, yeah, to block. Mostly the ones in the front
23 of the property will hide the building a little more, as it's
24 totally exposed right now.

25 VICE CHAIRMAN SWEENEY: Yeah, I would think. And to
26 echo Mr. Grisez' concern, you are planting, like, trees?

27 MR. DeMICHELE: Correct.

28 VICE CHAIRMAN SWEENEY: Okay. I think that will go
29 a long way to soften everything.

30 MS. JARRELL: What kind of trees are you putting in

1 front? This writing is way too small for me to figure out all
2 these wonderful pictures of trees. What are you putting out
3 front? Are you putting evergreens or pear trees or -- I
4 stumped him.

5 MR. DeMICHELE: Black hale spruce, how is that?

6 MS. JARRELL: So like evergreens?

7 MR. DeMICHELE: Evergreens, yeah.

8 MS. JARRELL: Well, that will block a lot of it.

9 VICE CHAIRMAN SWEENEY: Yeah, those things grow.

10 MR. DeMICHELE: They're 8 feet tall.

11 VICE CHAIRMAN SWEENEY: They will grow fast.

12 MS. JARRELL: Yeah.

13 MR. DeMICHELE: Everything is minimum of six 6 feet
14 tall that is being planted, as far as trees wise.

15 MR. ROWE: And there will be the one -- I believe
16 it's on this. There is going to be one island cutting out?

17 MR. DeMICHELE: Correct, yeah, towards the front.

18 MR. ROWE: Yes.

19 MR. DeMICHELE: Which will hide, you know, if there
20 are cars parked there.

21 MR. ROWE: Yeah, okay. All right.

22 MS. JARRELL: Are you putting a tree in there?

23 MR. DeMICHELE: Yes.

24 MS. JARRELL: Okay.

25 VICE CHAIRMAN SWEENEY: Okay. All right. Again,
26 thank you, Mr. Grisez. Is there anyone else on the phone who
27 wishes to participate?

28 (No response.)

29 VICE CHAIRMAN SWEENEY: Doesn't sound like there is,
30 so we will assume that that is the total participation from

1 the phone this evening. Any further questions from the board?

2 MR. DYNES: I would move the approval of Variance
3 2020-56, Mr. Chairman.

4 VICE CHAIRMAN SWEENEY: Well, hold on one second.
5 Mr. DeMichele, did you have anything further you --

6 MR. DeMICHELE: Well, if he's, Mr. Grisez, is still
7 on the phone, I think the buffer, like, if the house, I
8 believe, is the one he is talking about is, the Illuminating
9 Company cleared out a bunch of buffer weeds, tall trees and
10 stuff like that when they put in a telephone pole across the
11 street on -- across from Ravenna Road, across our building and
12 that probably -- Now he can really see everything. You know,
13 he can see our building, if that makes sense. You can see his
14 back yard and everything. I apologize for that. It really
15 wasn't my doing on that end, the clearing everything up. I
16 think that's what -- He can really see the property now from
17 his back yard where they had tall grass, bushes, just
18 overgrown things that are growing back in now slowly but they,
19 the Illuminating Company, did cut that down with the telephone
20 pole. I did notice that at one time.

21 VICE CHAIRMAN SWEENEY: Okay. Thank you.

22 MR. DYNES: I will leave it up to you then.

23 VICE CHAIRMAN SWEENEY: If there is nothing further,
24 we will go ahead and close the public portion of the hearing,
25 correct? You seem to be taking the lead.

26 MR. DYNES: Just trying to help.

27 MS. JARRELL: You are so bossy tonight.

28 VICE CHAIRMAN SWEENEY: Do I have a motion?

29 MR. ROWE: So moved.

30 MR. DYNES: Second.

1 VICE CHAIRMAN SWEENEY: Do you want to restate the
2 motion?

3 MR. DYNES: Do you want me to restate it?

4 VICE CHAIRMAN SWEENEY: Yeah. Thank you.

5 MR. DYNES: Mr. Rowe? Mr. Chairman, I would move
6 for the approval of Variance Number 2020-65.

7 VICE CHAIRMAN SWEENEY: Second?

8 MR. DYNES: And moving for the approval of the first
9 part of that particular variance, Mr. Chairman, consideration,
10 I believe, of the variance from 10 percent, to allow 1.5
11 percent of the interior parking lot landscaping in lieu of the
12 minimum 10 percent required.

13 VICE CHAIRMAN SWEENEY: Second?

14 MR. ROWE: Second.

15 VICE CHAIRMAN SWEENEY: All right, so moved. I am
16 always confused when we address these multi-part variances in
17 a single --

18 MS. JARRELL: You have to do two rolls, two roll
19 calls.

20 VICE CHAIRMAN SWEENEY: Right. So we do them one at
21 a time, correct? Okay. And that is your motion for first
22 one?

23 MR. DYNES: Right.

24 VICE CHAIRMAN SWEENEY: All right. Well taken. And
25 discussion?

26 MR. HAMILTON: No discussion.

27 VICE CHAIRMAN SWEENEY: No discussion.

28 MR. DYNES: I have a couple points of discussion,
29 Mr. Chairman.

30 VICE CHAIRMAN SWEENEY: Okay.

1 MR. DYNES: I think it's important, since we had a
2 caller on the telephone who expressed some concerns, which I
3 think are certainly appreciated, but I do want to reiterate I
4 think what Mr. DeMichele has done, and his crew, is
5 noteworthy. I think they brought a nice business to the area,
6 which is zoned General Business. It's expected these types of
7 things will go in there. I think he's certainly suffering a
8 hardship. I think that hardship was something that was
9 unforeseen by him. As he's indicated, it was something that
10 he certainly could not have appreciated but for the Fire
11 Department. And it certainly makes sense that, in light of
12 the particular business that he operates, that it only is
13 appropriate to have those restrictions lessened upon him so
14 that he can operate effectively.

15 We certainly don't want cars in there getting
16 injured or people getting injured and all those other
17 hardships that might apply, whether it be snowplow or
18 otherwise, in lieu of the islands remaining there. I also
19 think it's noteworthy that Mr. Grisez indicated that he
20 doesn't have any objection to those islands. He's the only
21 one who was speaking, perhaps, against the appeal, if it was,
22 in fact, against the appeal.

23 So as far as the islands go, I think it makes good
24 sense for this Board to approve his request and approve the
25 variance allowing him to move forward.

26 VICE CHAIRMAN SWEENEY: Okay. Thank you, Mr. Dynes.
27 Any further discussion?

28 MR. DYNES: No. I am just helping build the record,
29 Mr. Chairman.

30 VICE CHAIRMAN SWEENEY: Appreciate it.

1 MS. JARRELL: Well said, Mr. Dynes.

2 VICE CHAIRMAN SWEENEY: If there is no further
3 discussion, then we will, Heather, if we could take the roll
4 on the following: The request for the variance from Section
5 38.05(B) to allow 1.5 percent, 1.57 percent interior parking
6 lot landscaping in lieu of the minimum 10 percent required.

7 MS. FREEMAN: Mr. Rowe?

8 MR. ROWE: Yes.

9 MS. FREEMAN: Ms. Jarrell?

10 MS. JARRELL: Yes.

11 MS. FREEMAN: Mr. Dynes?

12 MR. DYNES: Yes.

13 MS. FREEMAN: Mr. Hamilton?

14 MR. HAMILTON: Yes.

15 MS. FREEMAN: And Mr. Sweeney?

16 VICE CHAIRMAN SWEENEY: Yes.

17 It's a unanimous vote. That variance has been
18 granted.

19 And we will now move on to the second variance and
20 this is for the variance from Section 38.04(A), to eliminate a
21 minimum 5 foot planting area on the south side of the building
22 between the building wall and the parking area. Is there any
23 discussion regarding this variance?

24 MR. DYNES: No, sir.

25 MS. JARRELL: I would just like to reiterate --

26 VICE CHAIRMAN SWEENEY: Do I have a motion?

27 MR. DYNES: So moved.

28 MS. JARRELL: Second.

29 VICE CHAIRMAN SWEENEY: Discussion?

30 MS. JARRELL: Are we allowed?

1 VICE CHAIRMAN SWEENEY: Yeah, now you are.

2 MS. JARRELL: I just want to reiterate the fact that
3 the building had to be moved 4 feet to the south and that
4 makes quite a bit of difference, so I would support, I support
5 approving that variance.

6 MR. DYNES: I concur with Ms. Jarrell.

7 VICE CHAIRMAN SWEENEY: Thank you, Ms. Jarrell. Any
8 further discussion?

9 MR. ROWE: No.

10 VICE CHAIRMAN SWEENEY: If not, we will go ahead
11 and, Heather, if you would take the vote, please.

12 MS. FREEMAN: Mr. Hamilton?

13 MR. HAMILTON: Yes.

14 MS. FREEMAN: Ms. Jarrell?

15 MS. JARRELL: Yes.

16 MS. FREEMAN: Mr. Dynes?

17 MR. DYNES: Yes.

18 MS. FREEMAN: Mr. Rowe?

19 MR. ROWE: No.

20 MS. FREEMAN: And Mr. Sweeney?

21 VICE CHAIRMAN SWEENEY: Yes.

22 And that variance has also been approved.

23 Congratulations.

24 MR. DeMICHELE: Thank you.

25 VICE CHAIRMAN SWEENEY: And we appreciate your input
26 tonight.

27 MS. JARRELL: Good luck in your business.

28 MR. DeMICHELE: Thank you.

29 VICE CHAIRMAN SWEENEY: It's a very nice project.

30 MS. JARRELL: Very nice.

1 VICE CHAIRMAN SWEENEY: All right. I don't believe
2 we have any other matters on the docket this evening, so we
3 will move now to approval of the minutes from the June 8th
4 meeting.

5 MS. JARRELL: And I would just like to apologize on
6 the record for missing that meeting, unexpectedly. Forgive
7 me.

8 VICE CHAIRMAN SWEENEY: It happens. Anybody --

9 MR. DYNES: I would move to approve the minutes as
10 provided, Mr. Chairman.

11 VICE CHAIRMAN SWEENEY: Okay. Those in favor say
12 aye.

13 MR. ROWE: Abstain.

14 VICE CHAIRMAN SWEENEY: One abstention.

15 MS. JARRELL: I'm abstaining as well.

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

17 VICE CHAIRMAN SWEENEY: It was unanimous aye vote,
18 so the minutes have been approved.

19 Heather, the next board meeting is September 9th; is
20 that correct?

21 MS. FREEMAN: Yes.

22 VICE CHAIRMAN SWEENEY: Okay. And if there is
23 nothing else, this evening's meeting is now adjourned. Thank
24 you.

25 (Whereupon, the meeting was adjourned at 7:39 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 20th day of August 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