

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

Held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

October 13, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chair
Francis Sweeney, Vice Chair
Chris Jarrell, Member
Brandon Dynes, Member
James Rowe, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Marty Pitkin, Assistant Zoning Inspector
Michael Lucas, Esq., Legal Counsel

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

7:04 p.m.

CHAIRMAN VALENTIC: Good evening. The Concord Township Board of Zoning Appeals meeting for October 13, 2021, is now in session. I would like to introduce my board. To my far left is Skip Sweeney and Brandon Dynes. I am Ivan Valentic. To my right is Chris Jarrell and Jim Rowe. To our far right is Heather Freeman, our Zoning Inspector.

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

(Whereupon, the speakers were sworn en masse.)

CHAIRMAN VALENTIC: Thank you. Please be seated. When presenting your case or commenting, make sure you come up to the microphone and state your name and address for the record and also confirm that you've been sworn in.

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

MS. FREEMAN: Yes.

CHAIRMAN VALENTIC: Great. Tonight we have three appeals. A three-vote majority is required to either approve or deny an appeal. If your request is denied, then Heather can help you.

First on our agenda is Conditional Use Permit 2021-19. Zappitelli Enterprises Inc. is requesting a conditional use permit in accordance with Section 13.28 to operate an automotive service establishment for the property located at 9862 Johnnycake Ridge Road. They have asked that this be tabled until our next meeting, so this will not be going forward this evening.

Next is Variance Number 2021-92. Trinita Salvo is

1 requesting a variance from Section 17.04(A) to allow for the
2 construction of an accessory building to be located with a 29
3 foot riparian setback in lieu of the minimum 75 foot required
4 for the property located at 11851 Christian Avenue.

5 Mr. Salvo, if you would like to come up and present
6 your case.

7 MS. SALVO: Good evening. My name is Triniti Salvo,
8 and I reside at 11851 Christian Avenue, Concord, Ohio, and I
9 was sworn in this evening.

10 CHAIRMAN VALENTIC: Thank you.

11 MS. SALVO: I am here to request the variance to be
12 appealed for the accessory building placed on our home
13 residence due to the location of the setback. If you're
14 familiar with the address, there is a 30-foot drop to a creek,
15 which is also, I guess, placed in terms of how they are zoning
16 the riparian establishment for the 75 feet. This location
17 where we are trying to place the accessory building, which is
18 shed, it's a 12 by 24 shed, is actually in the placement of a
19 previous shed that was there for about 30 years when I resided
20 there as a young child. So it's just replacing an old shed
21 that was there.

22 CHAIRMAN VALENTIC: Okay.

23 MR. SNYDER: Also, the main reason --

24 CHAIRMAN VALENTIC: I am sorry. Can you state your
25 name?

26 MR. SNYDER: Sure. Rob Snyder. I also reside at
27 11851 Christian Avenue, and I have also been sworn in.

28 The area that we're looking at here, the main reason
29 for the shed is we have a pool, an above ground pool. So
30 storage purposes, things like that. We have kind of run out

1 of space, with having two children. It's something we wanted
2 to do a while ago. We just weren't able to. And now is time
3 to do it, so that's why we're here.

4 Based on the layout of this, if anybody has seen the
5 property directly behind me on 608, that property has been
6 deemed a flood zone. So with that being said, I am 35 feet
7 elevated from that flood zone area. So I think that's
8 basically about it.

9 CHAIRMAN VALENTIC: So you're above the flood zone
10 and it was a shed located there before. So is it like gravel
11 now or turf?

12 MR. SNYDER: Yeah, it's a small pea stone.

13 CHAIRMAN VALENTIC: Okay. And you're not cutting
14 down any trees to put the shed up?

15 MR. SNYDER: No. The land itself has not been
16 tampered with in over 40 years.

17 CHAIRMAN VALENTIC: Okay.

18 MR. DYNES: What is the size of the prior shed?

19 MR. SNYDER: The prior shed was 10 by 16.

20 MR. SWEENEY: You grew up in the house?

21 MS. SALVO: I did.

22 MR. SWEENEY: Did you really?

23 MS. SALVO: Yeah, since 1978.

24 MR. SWEENEY: When it was first built?

25 MS. SALVO: Yes. My parents were the original
26 homeowners.

27 MR. SWEENEY: Wow, that's great.

28 CHAIRMAN VALENTIC: Anyone else have any questions?

29 MS. JARRELL: There is a small structure, when you
30 are facing your house, on the right side.

1 MS. SALVO: In the back yard?

2 MS. JARRELL: Um-hum.

3 MR. SNYDER: Yes.

4 MS. SALVO: Yes.

5 MR. SNYDER: That was, when I took down the bigger
6 shed because it was old, I got a small shed -- and this is,
7 you know, 15, 16 years ago -- that I put on the right side
8 because then I utilize that area as a play area for the
9 children.

10 MS. JARRELL: So it is like a playhouse or, I mean,
11 it's another accessory structure.

12 MR. SNYDER: That is coming down.

13 MS. JARRELL: That is coming down.

14 MR. SNYDER: Yes, that is coming down.

15 MS. JARRELL: Perfect, okay.

16 MR. SNYDER: Also, originally when I was coming
17 here, I was under the impression that I needed a variance for
18 my neighbor because I thought I was going to be a little too
19 close to his property. Heather, actually came out, we did
20 some measurements and I am actually 13 feet away from there.
21 But I do have a signed letter from my neighbor, Ken Skorepa,
22 who has no issue with the shed going there.

23 CHAIRMAN VALENTIC: Okay. You can give that to
24 Heather so it gets, ends up being part of the record. That
25 would be great.

26 I don't have any other questions. Do you guys?

27 MR. SWEENEY: No.

28 CHAIRMAN VALENTIC: Pretty cut and dry.

29 MR. DYNES: Yeah.

30 CHAIRMAN VALENTIC: Jim, do you have any questions?

1 These guys are good down here.

2 MR. ROWE: No. It seems pretty plain.

3 CHAIRMAN VALENTIC: I would agree.

4 Okay. You can be seated.

5 Is there anyone else that's speaking for this appeal
6 that would like to come up?

7 (No response.)

8 Is there anyone else that's speaking against this
9 appeal that would like to come up?

10 (No response.)

11 If there is no further questions, the public hearing
12 for Variance Number 2021-92 is now closed to the public. Can
13 I get a motion to approve Variance 2021-91 -- I am sorry --
14 92.

15 MR. SWEENEY: So moved.

16 MR. DYNES: Second.

17 CHAIRMAN VALENTIC: Discussion from the Board?

18 MR. DYNES: No. I think he said he's taking down
19 the other shed. I think that should be a condition to
20 granting it if we do decide to grant it, I guess, just so
21 there's not two accessory structures there on the property.
22 But I don't think there is.

23 CHAIRMAN VALENTIC: I am in favor of it. It's only
24 one anyway. Okay.

25 All right. If there is -- If that's it, then can I
26 get a vote for Variance Number 2021-92, yeah, 92? A yes vote
27 approves the variance. A no vote denies the variance.
28 Heather, could you please call the vote.

29 MR. DYNES: Do you have to move to, essentially,
30 amend it to say the conditions of the structure being removed.

1 CHAIRMAN VALENTIC: Oh, you want to add that? Okay.
2 So I will have a motion that we add a condition that
3 the second structure is removed prior to installing this
4 structure.
5 MS. JARRELL: So moved.
6 MR. DYNES: Correct.
7 CHAIRMAN VALENTIC: Correct, okay.
8 MR. DYNES: Yes.
9 CHAIRMAN VALENTIC: Heather, please call the vote.
10 MS. FREEMAN: Mr. Sweeney?
11 MR. SWEENEY: Yes.
12 MS. FREEMAN: Mr. Dynes?
13 MR. DYNES: Yes.
14 MS. FREEMAN: Ms. Jarrell?
15 MS. JARRELL: Yes.
16 MS. FREEMAN: Mr. Rowe?
17 MR. ROWE: Yes.
18 MS. FREEMAN: Mr. Valentic?
19 CHAIRMAN VALENTIC: Yes.
20 Your variance has been approved. Thank you.
21 Next on the agenda is Variance Number 2021-93,
22 Osborne Real Estate Service LLC is requesting a variance from
23 Section 29.04(B)(1) to allow a table service restaurant to
24 have 14 parking spaces in lieu of the minimum 65 spaces
25 required for the property located at 7649 Crile Road.
26 MR. RICK OSBORNE JR.: Yes. Rick Osborne Jr.
27 Office is at 7400 Center Street in Mentor, Ohio, and I was
28 sworn in.
29 CHAIRMAN VALENTIC: Thank you.
30 Chris, you were going to --

1 MS. JARRELL: I am abstaining from the vote, yes.
2 Sorry, Rick.

3 CHAIRMAN VALENTIC: Okay. So going forward, you
4 will have four members. Are you okay to proceed with four
5 members of the Board instead of five?

6 MR. RICK OSBORNE JR.: Yes.

7 CHAIRMAN VALENTIC: All right, thank you. Go ahead.

8 MR. RICK OSBORNE JR.: Okay. Mary's Diner is
9 looking to occupy the Pet Valu space at the plaza right in
10 front of Starbucks. That plaza, we feel, because of the
11 square footage that we're occupying, which is 3,200 square
12 feet, half of that is a kitchen space that's within that
13 square footage. So the requirements that are needed for the
14 actual square footage is going to be a lot less. What's
15 required is, or what we have there is 269 spots. What's
16 required 333 spots when you add all the square footage in.

17 We also feel -- Well, first of all, I want to just
18 tell you that Mary's Diner is a very family friendly
19 restaurant. They have three locations right now and they are
20 growing throughout the county. They have one in Geneva. They
21 also have another one in Madison that they recently opened
22 about a year ago. Each one of their stores are very, you
23 know, well done, well lit, very nice and kid friendly.

24 The idea here is they would be open from
25 8:00 a.m. -- I am sorry -- 6:00 a.m. to 8:00 p.m. seven days a
26 week and they would service breakfast, lunch and dinner, but
27 the peak time is really in the morning. We feel like the
28 parking is adequate. I have the landlord present as well and
29 he would be glad to attest to any of that and is in favor of
30 having this restaurant there. Thank you.

1 CHAIRMAN VALENTIC: Have you -- There is a few other
2 places in that building. Have you spoken to any of them or
3 has the landlord? Are they aware of the restaurant coming in
4 and that there will be, sounds like, some more shared use
5 parking? Has there been conversation with the other tenants?

6 MR. RICK OSBORNE JR.: I have not spoken to any of
7 the other tenants that are there. There is one vacancy that I
8 am aware of but everything else has been there for a while.

9 CHAIRMAN VALENTIC: Okay.

10 MR. SWEENEY: How many tables are there?

11 MR. RICK OSBORNE JR.: There is approximately 60
12 seats and they're ranging from booths to there is a real
13 large -- When you walk into this facility, it's a diner car.
14 And the diner car is going to be set up where you go in and
15 really unique, totally custom built, one big -- two big tables
16 in the back and then along the side there is seats.

17 MR. DYNES: Do you know the square footage of the
18 vacant space there? What's the square footage in that? Not
19 Mary's Diner but the other vacancy.

20 MR. LANCE OSBORNE: Oh, it's 2,000 square feet.

21 MR. RICK OSBORNE JR.: About 2,000 square feet
22 that's remaining in the plaza.

23 MR. DYNES: Any prospective tenants lined up for
24 that?

25 MR. RICK OSBORNE JR.: Not that I'm aware of.

26 CHAIRMAN VALENTIC: So if that vacant space comes in
27 and it's more, it's food service, will that really skew the
28 parking?

29 MR. RICK OSBORNE JR.: Depending if it was
30 carry-out, but it would definitely impact additionally more

1 than it is now. A lot of the restaurants that are there are
2 carry-out, too, which helps. People are coming and going
3 pretty quick. But, you know, ideally if we had another
4 typical retailer, it would be better for the plaza but, again,
5 you just don't know.

6 CHAIRMAN VALENTIC: Yeah, my only concern is how
7 does that impact the other businesses in that plaza, you know,
8 having potentially less parking available at some times of the
9 day. I am all for maybe having less parking but would hope
10 that the other tenants are on board with maybe parking being
11 tighter at times.

12 Jim, do you have any questions?

13 MR. ROWE: No. The one thing, Rick, your letter
14 makes a lot of sense that this type of place will probably
15 more popular in the morning, morning hours, not that they
16 won't get some, obviously, but the other places, you know,
17 Burger 2 Beer or whatever, is not heavily traveled.

18 MR. RICK OSBORNE JR.: Yeah, they're open late at
19 night.

20 MR. ROWE: Right. So, I mean, that kind of swings
21 things even, I don't know, in some way. I don't know that
22 they're too much in the breakfast trade.

23 MR. RICK OSBORNE JR.: It's just depends anymore.
24 Every place seems to be on their own little page.

25 MR. ROWE: There is no guarantees, for sure.

26 MR. RICK OSBORNE JR.: If they're open.

27 MR. ROWE: But, I mean, it makes sense in a way,
28 with the number of spaces available, that there should be a
29 workable situation. That's not to say that there won't be a
30 day come along that everybody goes out for early whatever, but

1 that's the only --

2 MR. RICK OSBORNE JR.: I drove by there tonight and
3 there was easily 40 spaces open, if not more than. I mean,
4 there is just a lot of spaces and we're going to make sure
5 that the employees park in the back.

6 MR. ROWE: Yeah, that's always good. As I say,
7 that's the one thing that I keep musing about is bouncing the
8 numbers. Thanks.

9 MR. RICK OSBORNE JR.: Thank you.

10 CHAIRMAN VALENTIC: Any other questions?

11 MR. SWEENEY: No.

12 MR. DYNES: No, I get it. I think it's a big ask,
13 to be quite honest, because I go over there all the time. I
14 am sure we all do, right? And there is not a ton of parking.
15 If you get another tenant in there, what are they going to
16 want? And then, you know, I think I am looking at the Mary's
17 Diner here proposed. I mean, that particular tenant, if this
18 is accurate, Building 2, Unit 3, that's 3,700 square feet
19 gross area, 3,200 usable, which puts that bigger than any
20 other facility there, even bigger than Burgers 2 Beer. So if
21 it does get crowded, get everybody there, I mean, I think it's
22 a concern.

23 And I realize you don't have anywhere else to put
24 people. It is what it is. You've got two outbuildings there
25 with Chipotle and Starbucks, which confounds the parking issue
26 even more, I guess, because I know everybody shares those
27 spaces whether, technically, they should or not, right?

28 MR. RICK OSBORNE JR.: I know Burgers 2 Beer has
29 more seats. They got their outdoor patio and they can just
30 take more people, no doubt.

1 MR. DYNES: Yeah, which we gave them a variance for
2 that years ago to add more people to their place.

3 CHAIRMAN VALENTIC: Mr. Osborne, I would just say
4 that, when you go fill the rest of that building -- hopefully
5 that happens sometimes soon -- that you come back to the
6 Zoning Department and you talk about a real strategy on how,
7 whatever that use is and how you've coordinated with the
8 tenants and how it really fits in the overall parking plan,
9 depending on what it is, and that it makes sense with the
10 parking requirements that they might need and that we're not
11 impacting the other tenants of that plaza.

12 MR. RICK OSBORNE JR.: I would be glad to push that
13 along to the landlord.

14 CHAIRMAN VALENTIC: We're all good then?

15 MR. DYNES: Yeah. Maybe there is some other people
16 speaking.

17 CHAIRMAN VALENTIC: Yeah. All right. Thank you.
18 You can be seated for now.

19 MR. RICK OSBORNE JR.: Thank you.

20 CHAIRMAN VALENTIC: Is there anyone else speaking
21 this evening for or against this appeal that would like to
22 come up?

23 (No response.)

24 Okay. Well, if there is no further questions, the
25 public hearing for Variance Number 2021-93 is now closed. Can
26 I get a motion to approve Variance 2021-93?

27 MR. ROWE: So moved.

28 MR. SWEENEY: Second.

29 CHAIRMAN VALENTIC: Thanks, Skip.

30 Discussion? I mean, I am kind of with Brandon.

1 That's a big ask, I think, a large percentage than just what a
2 variance --

3 MR. DYNES: I am not good at math but I think it's
4 about 64 spaces. The parking lot's got 269, required is 333.
5 That's 64, 65, 65. I certainly don't want to dissuade a
6 tenant from coming to the community and coming in and I am
7 sure it's a use that everyone is going to be excited about.

8 CHAIRMAN VALENTIC: Yeah, I think it's a great add.
9 I want it to be still convenient for the restaurant, the
10 people coming to the restaurant and the people that use the
11 other facilities there.

12 MR. DYNES: I think, in part, for our Board's
13 purposes, the concern we have to be mindful of is traffic and
14 parking and the congestion that might occur there. You know,
15 it's up to the landlord to appease his other tenants and do
16 what you've got to do. I mean, you know, if they're going --
17 whatever their issues may be. They're not here speaking.

18 CHAIRMAN VALENTIC: Right.

19 Jim, do you have anything you want to add?

20 MR. ROWE: No.

21 CHAIRMAN VALENTIC: No, okay.

22 Skip, you good? All right.

23 MS. JARRELL: So I am not allowed to talk at all,
24 right?

25 MR. DYNES: Right. You said you recused yourself,
26 right?

27 MR. ROWE: You're not here.

28 CHAIRMAN VALENTIC: All right. Well --

29 MR. SWEENEY: Leave it to Chris.

30 CHAIRMAN VALENTIC: Leave it to Chris. We will have

1 a discussion later.

2 Okay. We're all set then. The question is on
3 approval of Variance Appeal Number 2021-93. A yes vote
4 approves the variance. A no vote denies the variance.
5 Heather, please call the vote.

6 MS. FREEMAN: Mr. Rowe?

7 MR. ROWE: Yes.

8 MS. FREEMAN: Mr. Dynes?

9 MR. DYNES: Yes.

10 MS. FREEMAN: Mr. Sweeney?

11 MR. SWEENEY: Yes.

12 MS. FREEMAN: Mr. Valentic?

13 CHAIRMAN VALENTIC: Yes.

14 Your variance has been approved. Thank you.

15 MR. RICK OSBORNE JR.: Thank you.

16 CHAIRMAN VALENTIC: Next on our agenda is the
17 approval of minutes. We had, I guess we have everybody but, I
18 guess, Todd is not here.

19 MR. SWEENEY: I wasn't.

20 CHAIRMAN VALENTIC: You weren't here, so you'll
21 abstain from the minutes.

22 MR. SWEENEY: Yeah.

23 CHAIRMAN VALENTIC: Can I get a motion to approve
24 the minutes from September 8, 2021?

25 MR. DYNES: So moved.

26 MS. JARRELL: Second.

27 CHAIRMAN VALENTIC: Thank you. Is there discussion,
28 additions or deletions to the minutes?

29 MR. DYNES: Just commend Ms. Melton again on a
30 wonderful job, as always. She's always impressive with her

1 minutes and I think she should be commended once again
2 publicly.

3 MR. SWEENEY: Hear, hear.

4 MS. JARRELL: Hear, hear.

5 MR. LUCAS: Hear, hear.

6 MR. SWEENEY: And Brian.

7 MS. JARRELL: Hear, hear.

8 CHAIRMAN VALENTIC: All right, thank you. All in
9 favor of approving the minutes as written with no
10 modifications say aye.

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

12 CHAIRMAN VALENTIC: The minutes are approved from
13 September 2021. Our next meeting will be on November, I
14 believe, 10, 2021.

15 MR. ROWE: Somewhere in that neighborhood.

16 CHAIRMAN VALENTIC: The Board of Zoning Appeals
17 meeting is now closed.

18 (Whereupon, the meeting was adjourned at 7:25 p.m.)
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1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA)

CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 3rd day of November
19 2021.

20 Melinda A. Melton

21 Melinda A. Melton
22 Registered Professional Reporter

23 Notary Public within and for the
24 State of Ohio

25 My Commission Expires:
26 February 4, 2023

