

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

March 10, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chair
Brandon Dynes, Member
Francis Sweeney, Member
Todd Golling, Alternate Member
James Rowe, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Abigail Bell, Esq., Legal Counsel (via Webex)

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

7:01 p.m.

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2 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals meeting for March 10, 2020
4 (sic), is now in session. I would like to introduce my board.
5 To my far left is Skip Sweeney and Brandon Dynes. I am Ivan
6 Valentich. To my right is Todd Golling and Jim Rowe. And to
7 our far right is Heather Freeman, our Zoning Inspector.

8 Under the advice of counsel, we ask that anyone
9 speaking tonight must be sworn in. If you plan on speaking,
10 please stand and raise your right hand. I would ask that, if
11 anyone is on the line virtually, that they also please stand
12 and raise their right hand to be sworn in.

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

14 CHAIRMAN VALENTIC: Thank you. Please be seated.
15 When presenting your case or commenting, come to the
16 microphone and state your name and address and confirm you've
17 been sworn in.

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

20 MS. FREEMAN: Yes, they were.

21 CHAIRMAN VALENTIC: Great. So we have two items of
22 Old Business tonight and one new variance. A three-vote
23 majority is required to either approve or deny the appeal. If
24 a request is denied, we know there is a process there.

25 So first is Old Business, Appeal Number 2018-41,
26 Randy Viviani, of 7757 Concord LLC, has requested for this
27 appeal to be tabled, so this one continues to lag.

28 The next one is Variance Number 2020-72, James and
29 Marian Mantel have provided correspondence requesting that we
30 remove this from our agenda.

1 MS. FREEMAN: Withdraw it.

2 CHAIRMAN VALENTIC: They've withdrawn it, so that
3 one will not be coming back at this time.

4 Next is New Business. We have Variance Number
5 2021-76, ProBuilt Homes, on behalf of the property owner,
6 Mountainside Farms LLC, is requesting a variance from
7 Section 15.04(B), Table 15.04-1, to allow for the construction
8 of a single-family dwelling with a 32 foot rear yard clearance
9 in lieu of the minimum 40 feet required for the property
10 located at 7996 Burgundy Court, current parcel number
11 08-A-023-E-00-084-0 and 10-A-023-E-00-008-0.

12 Please come up and, again, your name, that you've
13 been sworn in, and your address for the record.

14 MR. DAVIS: Yeah, hi. George Davis, 7962 Butler
15 Hill Drive, Concord. I am the owner of ProBuilt Homes. We're
16 the contractor for the house that would be built on this lot.
17 I was before the committee a couple months ago. We had a
18 different customer for this lot and for, you know, various
19 reasons, that contract was terminated. And, at that meeting,
20 we were here for a variance on the riparian. I want you to
21 know, first of all, that we are not encroaching any further on
22 the riparian than we did before.

23 Unfortunately, this house is bigger, as everybody
24 wants today. We've done, pretty much, all we can. We've
25 shrunk the house. We cut the depth two feet to try to, you
26 know -- Pretty much, any more than that makes it really hard,
27 you know, to accomplish what you would want to accomplish with
28 the room sizes. But we did make the house as small as we
29 possibly could and still retain functionality but, you know, I
30 am asking for an 8 foot variance on the rear setback. So it's

1 supposed to be 40 feet and the best we can do is 32 feet with,
2 you know, not encroaching any further on the riparian.

3 I think, you know, I think you guys are aware,
4 Mountainside Farms is one of those communities that was
5 impacted by the riparian setbacks. So when the roads were put
6 in, there was no riparian, now there is. And so, you know,
7 there is not any more depth to the lot. You know, you can't
8 sort of move the road. So I think we have done the best we
9 can. This is, pretty much, the last lot in Mountainside. So
10 you won't to have to see me anymore.

11 MR. ROWE: A round of applause there?

12 MR. DAVIS: We are now aware of riparians and we are
13 we are building the house -- or the roads differently. So I
14 would hope that the board would see it, see it fit to grant
15 this variance.

16 I think it's of note that, you know, there is no
17 home behind this. You know, it's the Lake, Lake Erie school
18 property that's behind it. So, you know, there is, God, 10
19 acres of woods back there. So it's not like we're pushing any
20 closer to anybody's residence.

21 And I do have the homeowner on the line in case you
22 wanted to speak with them, if that's necessary. And I believe
23 the developer, the current landowner, Larry, is also on
24 virtual.

25 CHAIRMAN VALENTIC: George, and I don't have the
26 previous grading plan, but are we grading any further into the
27 riparian?

28 MR. DAVIS: No, no. I didn't want to come to you
29 for two variances. So, you know, I could have pushed the
30 house more into the riparian and had maybe no rear setback

1 variance but I know that, in general, here, it's, in general,
2 you guys are giving me like a half of, you're allowing me to
3 encroach halfway in the riparian but not at all with the
4 house. And the only way to meet the rear setback is to
5 encroach the house into the riparian. And, you know, I
6 thought that, I thought that we were better to ask for no
7 additional riparian variance but instead to ask for a rear, a
8 slight rear yard variance, which is within that, exactly at
9 that 20 percent that, you know, I guess makes it a little
10 easier to grant.

11 CHAIRMAN VALENTIC: Okay. So we're clear for the
12 record, the grading is similar to what was before, no
13 increase, okay.

14 MR. DAVIS: Yes, correct.

15 CHAIRMAN VALENTIC: Okay. That's all I have.
16 Anyone else have any questions?

17 MR. DYNES: Nothing.

18 CHAIRMAN VALENTIC: Skip?

19 MR. SWEENEY: Yeah. Hi, George. I recall the last
20 time you were here. I think I asked you a question regarding
21 whether there was a creek behind, that runs behind that side
22 of the street. And I don't know if we figured out whether
23 there was or not.

24 MR. DAVIS: So the short answer is, as would be
25 defined by Chad, from Soil and Water, the answer would be no,
26 I believe.

27 MR. SWEENEY: Okay.

28 MR. DAVIS: The water does flow just down to the
29 Lake Erie property, you know. It's a hill there, right? So
30 there is sporadic flow without any defined bank back there.

1 When Larry put the street in, he put a catch basin there to
2 catch that water so it wouldn't go onto the road, onto
3 Karaboo. And it's not on this lot.

4 MR. SWEENEY: Okay.

5 MR. DAVIS: It's on the school property.

6 MR. SWEENEY: Okay. So if it does exist, it's not
7 on this property?

8 MR. DAVIS: Correct.

9 MR. SWEENEY: Okay, all right. That's all I have.

10 MR. DAVIS: It doesn't show up on the maps or
11 anything.

12 (Telephone interference.)

13 CHAIRMAN VALENTIC: Okay. If you are on the phone,
14 if you could mute your phone, we will get to you in a second.

15 Todd or Jim, do you have any questions?

16 MR. ROWE: No.

17 MR. GOLLING: Em-em.

18 CHAIRMAN VALENTIC: Okay. There is no one else
19 here. Is there anybody on the phone that would like to speak
20 for, for this appeal?

21 (No response.)

22 Is there anyone on the phone that would like to
23 speak against this appeal?

24 (No response.)

25 Okay. Heather, is there anyone in the chat typing
26 anything?

27 MS. FREEMAN: Hold on. Oh, they're having trouble
28 hearing. Hold on.

29 (Whereupon, discussion was held off the record.)

30 MS. FREEMAN: Bear with us. Hold on one second.

1 What did it say, star --

2 MR. SWEENEY: Star 6.

3 MR. GOLLING: Star 6.

4 MS. FREEMAN: Can you hear us? I apologize for
5 that.

6 MS. BELL: You're back. We can hear you now.

7 MS. FREEMAN: That is the attorney. I think it was
8 only for a minute. Maybe you should ask.

9 CHAIRMAN VALENTIC: So George has presented his
10 appeal. There are no further questions from the board. Our
11 question is, would anybody on the phone like to speak for this
12 appeal?

13 (No response.)

14 And if there is anyone that would like to speak
15 against the appeal on the phone?

16 (No response.)

17 All right. If there is no further questions, the
18 public hearing for Variance Number 2021-76 is now closed to
19 the public. Can I get a motion to approve Variance 2021-76?

20 MR. ROWE: So moved.

21 MR. DYNES: So moved.

22 MR. GOLLING: Second.

23 CHAIRMAN VALENTIC: I will let Heather figure that
24 out. Open discussion for the board.

25 MR. GOLLING: It just seems like the lesser of two
26 evils because I would rather have him move closer to the back
27 than into the riparian, given the choice.

28 CHAIRMAN VALENTIC: Yes, yeah.

29 MR. GOLLING: So it's 8 feet, right, 8 feet beyond
30 where it's supposed to be?

1 CHAIRMAN VALENTIC: Um-hum.

2 MR. GOLLING: That's about how far Brandon can throw
3 a baseball. So --

4 MR. DYNES: Seven and a half.

5 CHAIRMAN VALENTIC: We got that on the record.
6 Jim, anything?

7 MR. ROWE: No.

8 CHAIRMAN VALENTIC: Anything from either one of you?

9 MR. DYNES: No. A unique lot, unique circumstances.
10 I think it requires approval.

11 MR. SWEENEY: Yep.

12 MR. GOLLING: A question for Heather. Did we notify
13 Lake Erie College?

14 MS. FREEMAN: Yes, we did.

15 MR. GOLLING: And they're, obviously --

16 MS. FREEMAN: No correspondence from them.

17 MR. GOLLING: Okay.

18 CHAIRMAN VALENTIC: Okay. Thank you. You can be
19 seated.

20 The question is on the approval of Variance Number
21 -- Appeal Number 2021-76. A yes vote approves it, a no vote
22 denies it. Heather, please call the vote.

23 MS. FREEMAN: Mr. Dynes?

24 MR. DYNES: Yes.

25 MS. FREEMAN: Mr. Golling?

26 MR. GOLLING: Yes.

27 MS. FREEMAN: Mr. Rowe?

28 MR. ROWE: Yes.

29 MS. FREEMAN: Mr. Sweeney?

30 MR. SWEENEY: Yes.

1 MS. FREEMAN: And Mr. Valentic?
2 CHAIRMAN VALENTIC: Yes.
3 MS. FREEMAN: It's been approved.
4 CHAIRMAN VALENTIC: Great.
5 MR. DAVIS: Thank you.
6 CHAIRMAN VALENTIC: Thank you.
7 Next is on the approval of minutes. Do we have -- I
8 am trying to remember who was here last meeting.
9 MR. GOLLING: I was.
10 MR. ROWE: I was.
11 CHAIRMAN VALENTIC: You were too, Jim?
12 MR. ROWE: Yes.
13 CHAIRMAN VALENTIC: Okay. So we can do the minutes,
14 right?
15 MR. DYNES: Well, I was but --
16 CHAIRMAN VALENTIC: Yeah, but you are going to
17 abstain. So can I get a motion to approval the minutes from
18 February 10, 2021?
19 MR. ROWE: So moved.
20 MR. GOLLING: Second.
21 CHAIRMAN VALENTIC: All right. Any changes,
22 discussion for the minutes as written?
23 MR. GOLLING: No.
24 MR. ROWE: No.
25 CHAIRMAN VALENTIC: All in favor of approving the
26 minutes as written say aye. The minutes have been approved.
27 Anyone want to abstain?
28 MR. DYNES: I'll abstain.
29 MR. SWEENEY: Abstain.
30 CHAIRMAN VALENTIC: All right. Two abstentions.

1 Thank you.

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

3 CHAIRMAN VALENTIC: The minutes have been approved.

4 Our next meeting is April 14, 2021. The Concord
5 Township Board of Zoning Appeals meeting for March 10, 2021,
6 is now closed.

7 (Whereupon, the meeting was adjourned at 7:12 p.m.)

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STATE OF OHIO)
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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 16th day of March 2021.

Melinda A. Melton -----
Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

