

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

April 14, 2021  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

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

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector  
Marty Pitkin, Assistant Zoning Inspector  
Stephanie Landgraf, Esq., Legal Counsel (via  
Webex)

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

7:01 p.m.

1  
2 CHAIRMAN VALENTIC: Good evening. The Concord  
3 Township Board of Zoning Appeals meeting for April 14, 2021,  
4 is 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 Chris Jarrell and Blair Hamilton.  
7 To my far right is Heather Freeman, our Zoning Inspector.

8 Tonight, under the advice of legal counsel, we ask  
9 that anyone speaking must be sworn in. If you plan on  
10 speaking, please stand and raise your right hand. Please  
11 stand and raise your right hand if you plan on speaking at all  
12 tonight. Okay? Thank you.

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

14 CHAIRMAN VALENTIC: Thank you. Please be seated.

15 This evening when presenting your case and  
16 commenting, please come to the microphone with any comments  
17 when you're presenting, and also state your name and address  
18 and confirm that you've been sworn in. Okay?

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

21 MS. FREEMAN: Yes, they were.

22 CHAIRMAN VALENTIC: Great.

23 Okay. Tonight we have one Old Business, two  
24 conditional use permits, and five variances. So please be  
25 patient this evening with us. A three-vote majority is  
26 required to either approve or deny an appeal. If your request  
27 is denied, you can follow up with Heather.

28 So first is the Appeal Number -- is Old Business,  
29 Appeal Number 2018-41, Randy Viviani, of 7757 Concord LLC.  
30 This has been on the docket for a while.

1 Heather, they've requested to keep this tabled?

2 MS. FREEMAN: Yes.

3 CHAIRMAN VALENTIC: Next is the New Business. First  
4 is Variance 2021-75, Clara DiGiorgi is requesting a variance  
5 from Section 15.03(A)(6), Table 15.03-1, to allow more than  
6 one accessory building on a lot in lieu of the maximum one  
7 accessory building permitted for lots less than 2 acres, for  
8 the property located at 11635 Girdled Road, current parcel,  
9 permanent parcel number 08-A-004-B-00-006-0.

10 Please come up and present your case.

11 MS. DiGIORGI: Good evening. My name is Clara  
12 DiGiorgi and I live at 11635 Girdled Road and I have been  
13 sworn in.

14 CHAIRMAN VALENTIC: Thank you.

15 MR. BOSKOVIC: Hello. My name is Mark Boskovic. I  
16 live at 11635 Girdled as well. I have been sworn in, yes.

17 CHAIRMAN VALENTIC: Okay. Go ahead, whoever wants  
18 to start.

19 MR. BOSKOVIC: Really, we're just here to request  
20 the township of Concord to allow us to add another accessory  
21 building to the property.

22 CHAIRMAN VALENTIC: Do you want to maybe explain why  
23 you need the other building, because you already have two  
24 buildings on the property?

25 MR. BOSKOVIC: We do. So there is the garage and  
26 then there is one small shed, which is considered an accessory  
27 building, towards the back of the property. We got a new,  
28 larger shed for, you know -- Basically, the two-car garage is  
29 pretty much maxed out. And it would be really beneficial to  
30 us to allow us to take some of the big things out of the

1 garage so we can store these things in the new shed and then  
2 park our vehicles in the garage. So really that's kind of  
3 what it comes down to. We haven't been able to park in the  
4 garage because it's, pretty much, maxed out to capacity.

5 And really the house is kind of small as well,  
6 square footage is not really big. So it's kind of forced us  
7 to store a lot of that stuff in the garage. So it really  
8 comes down to just, you know, we've got this nice new shed  
9 that we kind of got sort of on a whim.

10 We were aware of the permit circumstances but, you  
11 know, we ended up buying this shed. And they're like, "We got  
12 to deliver it." So we brought it to the place that it's  
13 currently situated at and we want to actually move it to  
14 another location once we kind of do the landscape work and set  
15 up a nice foundation for this new shed. That's kind of what  
16 it comes down to.

17 MS. JARRELL: So I thought you were going to put the  
18 shed behind the garage.

19 MR. BOSKOVIC: Exactly, that's the point. Well,  
20 actually, yeah, it would be behind the garage. I mean, the  
21 way the garage is situated right now, it would actually be  
22 towards, if you were looking at the front of the garage where  
23 the main, large door is, it would be positioned behind it but  
24 it's actually towards the right of it.

25 MS. JARRELL: Right, right, that's what I mean.

26 MR. DYNES: It's currently between your garage and  
27 the road, right?

28 MS. DiGIORGI: Yes, yes.

29 MR. BOSKOVIC: Right now, it's currently between the  
30 garage and the road, yes. That was a temporary spot. We want

1 to get that moved further back into the property.

2 MS. JARRELL: So you're going to move all those  
3 rocks and everything that's underneath and --

4 MR. BOSKOVIC: Well, what we want to do is perimeter  
5 that off with ties and make that nice and neat there so that's  
6 additional parking right there to the left side of the garage,  
7 and then on the back side would be another perimetered off  
8 area with nice, clean gravel contained and that would be the  
9 new base for the shed.

10 MR. DYNES: What's the condition of the smaller shed  
11 in the back? Is that in good shape or is it --

12 MR. BOSKOVIC: It's not leaking. It's in fair  
13 shape. It does need a little bit of the carpentry repair,  
14 which we'd like to do that, too. It basically just needs some  
15 new doors is what it comes down to.

16 MS. DiGIORGI: But if it would need to be torn down,  
17 it can be torn down, if that's going to be a problem.

18 MR. BOSKOVIC: If that's the deciding factor, yeah,  
19 if that's the deciding factor, that shed could go. It is  
20 useful to us having that smaller shed but, if it comes down to  
21 that being the deciding factor, it can go.

22 CHAIRMAN VALENTIC: What we struggle with is that  
23 you're only allowed one and now, with this one, you're going  
24 to have three structures on the property.

25 MR. HAMILTON: So you were aware of the zoning prior  
26 to purchasing?

27 MS. DiGIORGI: No.

28 MR. BOSKOVIC: I knew that, I knew that there was  
29 permits required for a shed.

30 MR. HAMILTON: Okay.

1 MR. BOSKOVIC: But that was kind of it.

2 MS. DiGIORGI: But not of the one structure per on  
3 the property, I did not know about that until I came to do the  
4 permit and that's when I was made aware of it.

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

6 MR. SWEENEY: Em-em.

7 MR. HAMILTON: Had you considered enlarging the  
8 garage, any other options other than what we're dealing with  
9 here?

10 MR. BOSKOVIC: You know, it would definitely be an  
11 expense we would be not prepared to go into right now. That  
12 could happen down the road, but --

13 MR. HAMILTON: Okay.

14 MS. JARRELL: Have you talked with any of your other  
15 neighbors?

16 MR. BOSKOVIC: Not really, no.

17 MS. DiGIORGI: In regards to what?

18 MR. BOSKOVIC: Like if anybody objected to it or  
19 anything like that?

20 MS. JARRELL: Uh-huh.

21 MS. DiGIORGI: No, nobody said anything to us. The  
22 only reason it was, we were addressed was because somebody, I  
23 guess one of you guys must have saw it from the road.

24 MR. BOSKOVIC: Yeah, I think Marty saw it the same  
25 day it was delivered.

26 MS. DiGIORGI: Delivered, Marty, yeah.

27 MR. BOSKOVIC: Literally, the same day it was  
28 delivered --

29 MS. DiGIORGI: He was there.

30 MR. BOSKOVIC: -- he pulled in the driveway.

1 MS. DiGIORGI: Yes.

2 MR. BOSKOVIC: So it's not like, you know, we  
3 weren't trying to like do anything. It's just, you know, it  
4 was delivered, he pulls in, I am outside cleaning out some  
5 things, and he goes, "That can't be there." So that's kind of  
6 how that went.

7 MS. JARRELL: You got busted.

8 CHAIRMAN VALENTIC: He's good.

9 MR. BOSKOVIC: We really weren't trying to, like, do  
10 anything.

11 MS. DiGIORGI: I didn't know that you had to have 50  
12 feet from the middle of the road or whatever your --

13 MR. BOSKOVIC: We got a deal on the shed and we  
14 bought it and they wanted to get it delivered. We got that  
15 gravel base right now that's just, it was a nice spot for it  
16 temporarily and that's just where they were able to put it  
17 without going somewhere else. Like I said, we weren't trying  
18 to hide it or anything like that, obviously.

19 MS. JARRELL: Right.

20 MS. DiGIORGI: It's right out --

21 MR. BOSKOVIC: It just, it would be really  
22 beneficial. I mean, our big lawn equipment is in the garage  
23 right now. The house is not really big. It's kind of made us  
24 have to store things in the garage we really wouldn't want to.  
25 We get our lawn equipment in a nice shed like that. It is, it  
26 actually matches the house, looks pretty good with the  
27 property. So it's not a junky shed, by anything means.

28 MS. JARRELL: No, it's a nice shed.

29 MR. BOSKOVIC: It's pretty nice.

30 MS. JARRELL: Do you have a basement over there?

1 MR. BOSKOVIC: We do have a basement. It's pretty  
2 low. It's not the best basement. So, I mean, it would be  
3 nice to park cars in that garage, you know.

4 And, you know, the other thing that I wanted to  
5 bring to you guys' attention, I did mention on the request  
6 variance, so it's pretty tough living on Girdled Road,  
7 particularly in the wintertime with snow removal. You know,  
8 we can't park on the street temporarily even when we have our  
9 plow service there or if we're plowing the driveway, so we  
10 can't really clean the driveway that thoroughly. It would be  
11 really nice to get it shoveled when there is nothing in the  
12 driveway, right? So, you know, if we were able to park in the  
13 garage, plow trucks could come in and out of there and clean  
14 it nicely.

15 The reason I am bringing that up is the driveway is  
16 on the slope heading towards the house. So if we can't clear  
17 it well and we're trying to back out, like, we get kind of  
18 hung up at that skinny kind of bottleneck right at Girdled.

19 MS. DiGIORGI: Right at the end of the drive.

20 MR. BOSKOVIC: And it's just difficult to get out.  
21 So it really comes down to just not really being able to clear  
22 that driveway out that well when there is cars on the driveway  
23 and we can't park on the road. It's on Girdled. So, ideally,  
24 to park cars in the driveway would be really nice -- To park  
25 cars in the garage would be really nice.

26 CHAIRMAN VALENTIC: Okay. Does anyone else have any  
27 further questions? No?

28 Okay. You can be seated.

29 MR. BOSKOVIC: Thanks.

30 CHAIRMAN VALENTIC: Is there anyone else that's



1 speaking for or against this appeal that would like to come  
2 up?

3 Okay. If there is no further questions, the public  
4 hearing for Variance Number 2021-75 is now closed. Can I get  
5 a motion to approve?

6 MR. DYNES: So moved.

7 MS. JARRELL: Second.

8 CHAIRMAN VALENTIC: Thank you. Open for discussion  
9 on the board. Anybody want to start?

10 MS. JARRELL: Well, I think --

11 MR. DYNES: I will start. Go ahead.

12 MS. JARRELL: Please.

13 MR. DYNES: Well, you know, it's unique. You've got  
14 a detached garage here, so I understand it's a little bit of a  
15 different situation. And I think, at times, this board has  
16 tried to do its best to accommodate people with smaller lots  
17 with secondary buildings. The fact that there is three here,  
18 I think, is an issue. I think the fact that you've offered  
19 the alternative being the removal of the smaller, what looks  
20 to be much, much smaller shed, I would be inclined to grant  
21 this on the condition that the smaller one is removed.

22 I just think if we go down the line of allowing  
23 three separate buildings on a one acre parcel, you know, it's  
24 obviously a little bit much. So I appreciate that the  
25 applicant has stated in there that they would be willing to  
26 remove the small one.

27 I also think it's worth noting that one of the  
28 neighbors has provided their acquiescence to the shed that's  
29 in place now. I understand it's going to be moved. The  
30 neighbor to the, I guess, west has not offered an opinion or

1 otherwise. I presume they've been notified. They're not here  
2 to speak against it. So by their silence, I presume that's an  
3 affirmative vote on their behalf. But it's my two cents.

4 MS. JARRELL: I agree with that. And I think  
5 another condition should be that, definitely, the shed should  
6 be moved to the right of the garage. It's difficult because  
7 the house is kind of close to Girdled Road, so they need all  
8 the area that they can get. And it just, it would be better  
9 if it was in the back where it was originally proposed.

10 MR. HAMILTON: I will agree with Brandon that, you  
11 know, the three buildings is a bit -- is a big ask. The plan  
12 for placement of the new shed is fine. But I do believe it  
13 should be on the condition of removal of the smaller, older  
14 shed.

15 CHAIRMAN VALENTIC: Skip, do you have anything to  
16 add?

17 MR. SWEENEY: Em-em.

18 CHAIRMAN VALENTIC: Okay. Heather, should I have  
19 the applicant come up just for the record and state that  
20 they're willing to remove that shed?

21 MS. FREEMAN: Yes.

22 MS. JARRELL: And move the other one, move the new  
23 one.

24 CHAIRMAN VALENTIC: Yeah, and move the new one.

25 MS. FREEMAN: Yeah. You have to make the motion to  
26 that effect.

27 CHAIRMAN VALENTIC: Okay, we will have to. Okay,  
28 that's fine.

29 Can you please come up?

30 (A brief discussion was held between board members.)

1           CHAIRMAN VALENTIC: So what we just want to get  
2 clarified for the record is that, are you willing to state for  
3 the record that you would be willing to remove that third  
4 shed?

5           MS. DiGIORGI: Yes.

6           CHAIRMAN VALENTIC: And locate it as you have shown  
7 on the plans, kind of on the right side of the --

8           MS. DiGIORGI: Yes.

9           MR. BOSKOVIC: Yes, we will remove that third, that  
10 small shed, no problem.

11          CHAIRMAN VALENTIC: Okay. And you're going to set  
12 it on the right side of the existing garage?

13          MR. BOSKOVIC: Yes, that's definitely the idea.

14          CHAIRMAN VALENTIC: Okay.

15          MS. DiGIORGI: So how long are you guys going to  
16 give us to do that? That would be my question.

17          CHAIRMAN VALENTIC: I have no authority on how much  
18 time.

19          MS. JARRELL: What's your intention?

20          MS. DiGIORGI: We just got to get somebody there to  
21 excavate and get it prepared, and we're going to do most of  
22 the work ourselves but we need to get things rolling. And I  
23 am just wondering how much time frame.

24          MS. JARRELL: Would 60 days be enough?

25          MS. DiGIORGI: Oh, that's plenty of time.

26          MR. BOSKOVIC: Yes.

27          MS. DiGIORGI: Yeah.

28          MS. JARRELL: I just threw something out there.

29          MS. DiGIORGI: I just didn't know if you wanted it  
30 done in weeks or, you know, in a few weeks or give us a month.

1 MS. JARRELL: This weekend?

2 MR. DYNES: Well, Marty is going to be by later  
3 tonight. He'll expect it.

4 MS. DiGIORGI: Probably.

5 MR. DYNES: The eye in the sky.

6 (Laughter.)

7 MR. BOSKOVIC: Nothing getting by him, right?

8 MS. DiGIORGI: No, eagle eye.

9 CHAIRMAN VALENTIC: Heather, is that something we  
10 even dictate or is that on just the Zoning Department to make  
11 sure it gets done?

12 MR. DYNES: We can set that as a condition.

13 MS. DiGIORGI: Can I say something? Can I say  
14 something, please? My intentions for the little shed was to  
15 maybe do a chicken coop this summer, but that's not allowed?  
16 Is that -- If I was going to do something like that, can I  
17 keep that shed?

18 CHAIRMAN VALENTIC: I, I --

19 MR. DYNES: Do you want me to answer? I don't know  
20 that the use of the particular shed is really an issue here.  
21 I think it's the fact that it's a third structure.

22 MS. DiGIORGI: That it's a third structure on the  
23 property.

24 MR. DYNES: A third structure in and of itself.

25 MS. DiGIORGI: So then if I wanted to have chickens  
26 later on down the road, am I allowed to do that then?

27 MR. DYNES: I think that's an issue, if and when  
28 that comes about -- Why am I answering? You should take that  
29 up with the Zoning Department.

30 MS. DiGIORGI: Okay, gotcha.

1                   CHAIRMAN VALENTIC:  So you guys are, you're on  
2 board?

3                   MR. BOSKOVIC:  Yeah.

4                   MS. DiGIORGI:  Yes.

5                   CHAIRMAN VALENTIC:  So we're going to have to look  
6 for a new motion to -- Let's see.  So do I have to close it  
7 again to the public?

8                   MR. DYNES:  I will amend my prior -- I think you  
9 asked for a motion.

10                  CHAIRMAN VALENTIC:  Yes.

11                  MR. DYNES:  I so moved.  I would amend that motion  
12 to now include that the applicant's willingness and suggestion  
13 to amend their request to be for a second accessory building  
14 with the removal of the third accessory building, which was  
15 already in existence on the premises, to be removed within the  
16 next 60 days to allow for the second accessory building to be  
17 placed on the property behind the current garage in the place,  
18 in the spot dictated by the map provided by the applicant,  
19 which is to the northwest of their current garage.

20                  MS. JARRELL:  You got that?

21                  CHAIRMAN VALENTIC:  Yeah, I wrote it all down.  Can  
22 I get a second?

23                  MS. JARRELL:  Second.

24                  CHAIRMAN VALENTIC:  All right, very good.  Thank you  
25 very much.  You can be seated.

26                  MS. DiGIORGI:  I appreciate it.  Thank you.

27                  MS. JARRELL:  Take care.

28                  CHAIRMAN VALENTIC:  All right.  So the question  
29 is -- No, please, yeah, you want to stay for this part.

30                  MS. DiGIORGI:  I thought we were done.  I am sorry.

1 CHAIRMAN VALENTIC: No, we're not done yet. It's  
2 still -- It can be dicey up here.

3 The question is on the approval for Variance Number  
4 2021-75 as amended by the applicant and motion by Mr. Dynes.  
5 A yes vote is for the approval of the variance, a no vote  
6 denies it. Please call the vote, Heather.

7 MR. DYNES: Mr. Chairman, I think we also need to  
8 just make sure there is no further discussion by the board as  
9 to the new amended motion.

10 MS. JARRELL: Good thing we have him.

11 CHAIRMAN VALENTIC: Yeah. There isn't any  
12 discussion, right?

13 MR. HAMILTON: None here.

14 CHAIRMAN VALENTIC: None.

15 MR. SWEENEY: None.

16 CHAIRMAN VALENTIC: Okay. We good now?

17 MR. DYNES: Sorry.

18 CHAIRMAN VALENTIC: Heather, please call the vote.

19 MS. FREEMAN: Ms. Jarrell?

20 MS. JARRELL: Yes.

21 MS. FREEMAN: Mr. Dynes?

22 MR. DYNES: Yes.

23 MS. FREEMAN: Mr. Sweeney?

24 MR. SWEENEY: Yes.

25 MS. FREEMAN: Mr. Hamilton?

26 MR. HAMILTON: Yes.

27 MS. FREEMAN: And Mr. Valentic?

28 CHAIRMAN VALENTIC: Yes.

29 Your variance has been approved.

30 MS. DiGIORGI: Thank you.

1 MR. BOSKOVIC: Appreciate it.

2 MS. DiGIORGI: Thank you. Have a good night now.

3 MS. JARRELL: You too.

4 CHAIRMAN VALENTIC: You too. Take care.

5 Next is Variance 2021-77, Gregory Forcht is  
6 requesting a variance from Section 15.03(A)(6), Table 15.03-1,  
7 to allow for the construction of an accessory building to be  
8 1,296 square feet in lieu of the maximum 1,024 square feet  
9 permitted, for the property located at 11524 Girdled Road,  
10 current parcel, permanent parcel number 08-A-012-C-00-004-0.

11 Please come up and present your case.

12 MR. FORCHT: Hi. My name is Greg Forcht. I live at  
13 11524 Girdled Road.

14 CHAIRMAN VALENTIC: And you've been sworn in?

15 MR. FORCHT: I have been sworn in.

16 CHAIRMAN VALENTIC: Thank you.

17 MR. FORCHT: I am applying for a variance to put a  
18 small addition on my outbuilding for lawn and garden equipment  
19 and also household storage. I live, the house does not have a  
20 basement and the garage on the house is 20 by 20. Currently,  
21 we don't use the garage for parking because that's where I  
22 store all my lawn and garden equipment.

23 And I was applying for a variance. It would be 200  
24 square feet over what I am allowed. I wanted to put an  
25 addition on the east side of the building to use for a shed  
26 purpose, which would be toward the center of my property.

27 And I have spoke with all my neighbors. Nobody has  
28 any objections.

29 MS. JARRELL: What do you have in the outbuilding  
30 now?

1 MR. FORCHT: I have a stock car and equipment and  
2 it's quite full.

3 CHAIRMAN VALENTIC: Is that, that width, is that a  
4 12?

5 MR. FORCHT: 12 feet wide by 36 would be the depth.

6 Cost effective wise, you know, a shed would probably  
7 be a lot cheaper but I just thought putting, if I was able to  
8 do this, that putting an addition on the garage would make  
9 everything much cleaner.

10 MS. JARRELL: So your objective is to park in your  
11 garage?

12 MR. FORCHT: On the house, yes.

13 MS. JARRELL: So you are going to take everything in  
14 a 400 square foot space and put it into the addition that's  
15 200 square feet?

16 MR. FORCHT: No, no, it's over the maximum by 200  
17 square feet. The total would be --

18 MR. HAMILTON: 12 by 36.

19 MR. FORCHT: What is it, 12 by --

20 MS. JARRELL: Like almost 300.

21 MS. FREEMAN: 432 square feet.

22 MS. JARRELL: How much?

23 MS. FREEMAN: 432 square foot, the addition.

24 MS. JARRELL: Oh, okay, then that works.

25 CHAIRMAN VALENTIC: I mean, it's, I guess, it's the  
26 minimum really. With the 12 foot wide, you couldn't make it  
27 any smaller to try to shrink that request down.

28 MR. FORCHT: Well, I was trying to put an overhead  
29 door.

30 CHAIRMAN VALENTIC: To match the rest of it?



1 MR. FORCHT: Yeah. And if I do that, it's not,  
2 I mean, if I shorten it that much, now I have a man door and  
3 the overhead door would be behind the man door and it was just  
4 not conducive to getting in and out.

5 CHAIRMAN VALENTIC: Yeah. Skip, do you have any  
6 questions?

7 MR. SWEENEY: No.

8 CHAIRMAN VALENTIC: Brandon?

9 MR. DYNES: No.

10 MR. HAMILTON: It's clear, very clear.

11 CHAIRMAN VALENTIC: Very clear.

12 MR. HAMILTON: No questions.

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

15 Is there anyone else that's here this evening  
16 speaking for or against this appeal that would like to come  
17 up?

18 There isn't anyone that's joined on the phone,  
19 right, Heather?

20 MS. FREEMAN: There is another call in. There is  
21 another person on the phone, so you may want to ask.

22 CHAIRMAN VALENTIC: Maybe -- We're unmuted, right?

23 MS. FREEMAN: Yeah. You can ask if anyone on the  
24 phone wants --

25 CHAIRMAN VALENTIC: Does anyone on the phone want to  
26 speak for or against this appeal? (No response.)

27 If there is no further questions, the public hearing  
28 for Variance Number 2021-77 is now closed to the public. Can  
29 I get a motion for Appeal 2021-77?

30 MS. JARRELL: So moved.

1 MR. HAMILTON: Second.

2 CHAIRMAN VALENTIC: Thank you. Discussion on the  
3 board? No? Okay. Not much to say, okay. Then --

4 MR. DYNES: I think it makes a lot of sense,  
5 Mr. Chairman. It seems to be a pretty minimal request. I  
6 think, in order to provide some discussion to the board here  
7 so we build a record, I think that, in light of what this  
8 board has done in the past and by previous applicants seeking  
9 such a request, I think this is fair. It's appropriate. He's  
10 exhibited the reasons why this is a necessity for him and it's  
11 a bit of a hardship. And I don't find any neighbors or  
12 anybody else seem to take issue with it. So I would be in  
13 favor.

14 CHAIRMAN VALENTIC: Okay. The question is on the  
15 approval of Variance Number 2021-77 -- sorry -- yeah, 77. A  
16 yes vote approves it, a no vote does not.

17 Heather, please call the vote.

18 MS. FREEMAN: Mr. Dynes?

19 MR. DYNES: Yes.

20 MS. FREEMAN: Mr. Sweeney?

21 MR. SWEENEY: Yes.

22 MS. FREEMAN: Mr. Hamilton?

23 MR. HAMILTON: Yes.

24 MS. FREEMAN: Ms. Jarrell?

25 MS. JARRELL: Yes.

26 MS. FREEMAN: And Mr. Valentic?

27 CHAIRMAN VALENTIC: Yes.

28 Your variance has been approved. Thank you.

29 Next is Variance Number 2021-78, 7941 Ravenna LLC,  
30 also known as Pinky's Beverage, is requesting the following

1 variances for the property located at 7941 Ravenna Road,  
2 current permanent parcel number 08-A-004-A-00-017-0.

3 The first one, (a), is variance from Section  
4 13.25(A), to allow the fuel pump to be located 35.2 feet from  
5 the road right-of-way in lieu of the minimum 50 feet required.

6 (b), variance from Section 13.25(D), to allow the  
7 canopy to be located 28.2 feet from the road right-of-way in  
8 lieu of the minimum 40 feet required.

9 (c) is variance from Section 29.09(A), to allow one  
10 waiting space for the fuel pump in lieu of the minimum two  
11 required.

12 And, (d), variance from Section 29.06(C)(2)(c), to  
13 allow the parking aisle width to be 10.1 feet in lieu of the  
14 minimum 22 feet when 90 degree parking spaces are adjacent to  
15 a one-way aisle.

16 Please come up and present your case.

17 MR. PATEL: My name is Rohit Patel. I have a  
18 business at 7941 Ravenna Road and I have been sworn.

19 MR. LaMARCO: My name is Dominic LaMarco. I'm here  
20 with him, for Pinky's Beverage, 7941 Ravenna Road. I've been  
21 sworn in.

22 CHAIRMAN VALENTIC: Okay. So we're going to have to  
23 vote on these all separately, each variance, this evening. If  
24 you would like, do you want to just start with (a) and go  
25 through the order? It's up to you.

26 MR. LaMARCO: Yeah, we will start with the first  
27 one.

28 CHAIRMAN VALENTIC: Okay. And we might -- We could,  
29 I think, maybe just talk about all of them and then just do  
30 the vote.

1 MR. LaMARCO: We're here to answer all the  
2 questions, any concerns you have.

3 CHAIRMAN VALENTIC: Okay.

4 MR. LaMARCO: So, obviously, what we're looking to  
5 do there is expand the canopy, add a fueling point for his  
6 location. He's replacing the storage tank, so we're going to  
7 have all the ground ripped up, all the environmental stuff is  
8 going to happen. We're replacing the underground storage  
9 tanks, repiping it.

10 We figured, while all that's dug up, he wanted to  
11 expand the business because of customer demand and this is the  
12 great time to do it. It's most cost effective. Obviously, we  
13 are not going to dig it up again if we don't have to. So  
14 we're hoping we can get a variance with the Ravenna Road  
15 distance there. And this project is starting May 8th.

16 CHAIRMAN VALENTIC: Okay. Maybe one question I  
17 would have is that, instead of coming in for the variance, did  
18 you guys, was there an opportunity to look at putting it  
19 towards the back, what would happened there?

20 MR. LaMARCO: We did, yeah, we did look, we looked  
21 at that. With that slope coming from Girdled, it just seemed,  
22 with ice and winter conditions, if we went the other way,  
23 which would be, what, east, I didn't want, we didn't think a  
24 dispenser coming in from that apron was a good idea.  
25 Obviously, you can't but a bumper. Cars are going to have to  
26 go there to fuel. We're not going to put a bumper on the  
27 dispenser side, the nozzle side.

28 We wanted to put the third one more of a triangle  
29 and go east in the middle of those two dispensers but, again,  
30 there is a lot of slope there and it really hurts his lot

1 there. If that was flat, that would be great, but that's not  
2 the case. And to grade that out and kind of make that flat  
3 would be -- it just wouldn't be, wouldn't be worth the  
4 investment.

5 MS. JARRELL: Can you explain the one waiting space  
6 for the fuel pump?

7 MR. LaMARCO: That's a good question. There is  
8 always two sides to each dispenser. So I was -- I wanted to  
9 get some clarity on some of those questions you had, too. I  
10 mean, each dispenser has two sides. They're both, they're all  
11 dual sided.

12 I think what you were talking about is the parking  
13 spots on the one corner of the lot.

14 MS. FREEMAN: For each fuel pump, the Zoning  
15 Resolution requires two waiting spaces.

16 MR. DYNES: In stacking fashion.

17 CHAIRMAN VALENTIC: Stacking.

18 MS. FREEMAN: Yeah, stacking behind, a 10 by 20  
19 waiting space, so a car at the pump and then a spot for the  
20 next car that's waiting behind it.

21 MR. LaMARCO: So I think there is enough room there  
22 because we're, what, 20 -- What are we? We've got 35.2 feet  
23 from the right-of-way with that dispenser. So you're saying  
24 you need, you need two --

25 MS. FREEMAN: You have to have a car waiting at the  
26 fuel pump, a 10 by 20 spot at the fuel pump, and then directly  
27 adjacent to that or behind it another 10 by 20, and it cannot  
28 take -- it cannot be in the parking aisle. So as soon as you  
29 push out past that, you're in the parking aisle, so that does  
30 not meet the Zoning Resolution.

1 MR. LaMARCO: Is that just for Concord Township?

2 MS. FREEMAN: That's Concord Township, yes,  
3 specifically.

4 MR. LaMARCO: Oh, okay. I am familiar with a lot of  
5 gas stations and that's, I would say a good, over 50 percent  
6 of them probably do not have that.

7 MS. JARRELL: Are you, Heather, are you talking  
8 about over here there is only one waiting area, because on  
9 this side, it seems like there is plenty of room for two cars  
10 to be waiting for pumps.

11 MS. FREEMAN: I am talking about for the new fuel  
12 pump that's being added, they're providing one waiting spot.

13 MS. JARRELL: Yes, right here.

14 MS. FREEMAN: Yes, at the pump, measured at the  
15 pump. So they have one spot at the pump. There should be a  
16 second one behind, behind that other waiting spot.

17 MS. JARRELL: So right here.

18 MR. LaMARCO: So you are saying you need 40 feet  
19 behind the dispenser?

20 MS. FREEMAN: It's 10 by 20 spot at that fuel pump.

21 MR. LaMARCO: 10 by 20.

22 MS. FREEMAN: And then another 10 by 20 spot, yes.

23 MR. LaMARCO: So you're saying you guys are  
24 requiring 40 feet?

25 MS. FREEMAN: Yes, yes.

26 MR. LaMARCO: Okay.

27 MS. FREEMAN: So like -- I don't know. So one spot  
28 there, one spot there.

29 MR. DYNES: Towards Ravenna Road.

30 MS. FREEMAN: Yes.

1 MR. LaMARCO: Obviously, with these plans, we're not  
2 going to meet that requirement.

3 MS. FREEMAN: Right, which is why you're seeking the  
4 variance.

5 MR. LaMARCO: Right. And what we, our opinion is,  
6 is putting this dispenser there is going to increase the flow  
7 of traffic, get people in and out faster. It's going to help  
8 the situation. You've got a very busy store there and people  
9 are waiting already. So we figured, with the fueling point,  
10 people are going to get in and out of there a lot quicker.

11 Side by side going on each, if you look on the side,  
12 you have a ton of room, you know. So, I mean, yeah, with  
13 that, that would definitely be a variance we need. Again, I  
14 would look at over 50 percent of the gas stations in all  
15 communities, I would say that would be a problem for a lot of  
16 them.

17 CHAIRMAN VALENTIC: But I look at that area, I mean,  
18 the stacking, okay, even if we give you the variance, we have  
19 an entry to that gas station and it's one that I've been  
20 through, I mean. So we're pulling cars this way and we have  
21 people coming in. It seems like we've got a lot going on at  
22 that entrance. Did you think about, was there an option to  
23 get rid of that entrance?

24 MR. LaMARCO: We could do something with the apron.  
25 That was something we were going to propose. Obviously,  
26 signage, you know, entrance, exit, and if we wanted to put  
27 some kind of signage to help the flow of traffic. But, yes,  
28 it's something we are definitely open to with the apron. It's  
29 going to be dug up there. This is the time to do whatever  
30 we've got to do and any recommendations and anything, any

1 guidance from you guys, we could do at that time, sure.

2 MR. DYNES: How many cars do you have in there a  
3 day, in and out of there seeking fuel?

4 MR. PATEL: During the hush hour, there is a lot  
5 more. Usually, in the morning at about 8:00 or so, there is  
6 like six cars trying to get gas but there is only four that  
7 can get it, but most of the time it's accommodated pretty  
8 well.

9 MR. DYNES: I guess my question is, in a given day,  
10 presumably -- maybe you don't have the numbers and that's  
11 okay -- but do you have an idea how many cars are coming in in  
12 a given day and seeking fuel?

13 MR. LaMARCO: I know your foot traffic probably,  
14 based on your sales, probably 4 to 5 hundred people a day,  
15 easy, foot traffic coming inside the door.

16 MR. DYNES: Forty-five hundred people a day?

17 MR. LaMARCO: No, 4 to 5 hundred.

18 MR. PATEL: Four to five hundred, more than that, I  
19 think.

20 MR. LaMARCO: Yeah. I mean, he does a really good  
21 job, really good store and inside business.

22 MR. DYNES: So the reason I ask that question is if  
23 we've got 4 to 5 hundred people coming in in a day, we've got  
24 -- Whether it's Concord Township and whether people like what  
25 Concord Township zoning says or not, this is what we live by,  
26 right? So if we've got a stacking requirement and now we're  
27 going to push that back and you're seeking a variance from  
28 that to get closer to Ravenna, if we've got 4 to 5 hundred  
29 people coming in a day, it's our job to account for this and  
30 be safe for the community and everybody else, right?



1 MR. LaMARCO: Absolutely.

2 MR. DYNES: And make sure that you guys can do  
3 business. So my concern is, I think, what the other board  
4 members have indicated is that we've got Ravenna Road right  
5 there. We're going to have a car if they're stacked up -- And  
6 you are telling me rush hour is pretty busy -- there's going  
7 to be a lot of people right there. They're going to have a  
8 hard time, the ingress and egress of the place, not to  
9 mention, I guess, my next question is going to be flowing from  
10 that is, what does the Fire Department say and what does the  
11 Fire Code say about that?

12 MR. LaMARCO: There is -- We've had no issue with  
13 the Fire Code. With the canopy and the outside work, I don't  
14 believe there is a fire inspection needed. We get permits  
15 from BUSTR, which is the Bureau of Underground Storage Tanks.  
16 That's the permit we have to get, which we have.

17 But we're open to changing that apron, for sure, I  
18 mean, if that's what we think. Our, again, our thought  
19 process was having the extra fueling points would get people  
20 in and out of there faster. You would have less people  
21 needing to stack because you are adding two more fueling  
22 points to get those 4 or 5 hundred people on their way.  
23 They're not waiting.

24 MR. DYNES: And I don't disagree with you but I  
25 think, in reality, sometimes people don't pull all the way up,  
26 someone sits there, someone is turning around.

27 MR. LaMARCO: People do a lot of crazy things.

28 MR. DYNES: As you noted, you're in a real unique  
29 spot with the slope and everything else. So, I mean, that's a  
30 tough way to get in and out of there.

1 MR. LaMARCO: Do you guys think it would be better  
2 just having the two aprons and just eliminating that one or  
3 moving it down or making the one bigger?

4 MS. JARRELL: I think that you should eliminate it  
5 because, if you were even going to do, you know, only in or  
6 only out, it's so close --

7 MR. LaMARCO: Nobody is going to listen.

8 MS. JARRELL: People won't listen and it's so close  
9 to the stop sign right there coming out on Ravenna, it's just  
10 going to be dangerous.

11 MR. LaMARCO: He doesn't want that, I don't want  
12 that because people having a hard time in and out aren't going  
13 to stop then and that's going to defeat the purpose.

14 MS. JARRELL: Right.

15 MR. LaMARCO: So that is fine. I mean, I don't  
16 think there a curb there with the frontage, I don't believe,  
17 that it will really be nothing to eliminate that and change  
18 that flow from both, just the far ends away from the fueling  
19 pumps.

20 MS. JARRELL: And, also, those three spots right  
21 there on the corner and with only the 10 feet, I don't like  
22 those spots there. I think that that is going to be a danger.

23 MR. LaMARCO: Well, we can --

24 MS. JARRELL: So if you eliminated the apron and you  
25 put some spots that are parallel with the right-of-way on  
26 Ravenna, you could, you know, replace those spots and then you  
27 could free up that whole southern border.

28 MR. LaMARCO: A hundred percent agree. He owns  
29 property on the north, too, that grass area. We could even  
30 expand some parking spots there. That was our, our plan.

1 MS. JARRELL: At the very least, make them parallel  
2 with the right-of-way.

3 MR. LaMARCO: Yeah.

4 CHAIRMAN VALENTIC: Did you look at how the fuel  
5 trucks would come in? How do the fuel trucks come in and out  
6 of there?

7 MR. LaMARCO: Well, we're going to make that a lot  
8 better, too.

9 MR. PATEL: Yeah.

10 MR. LaMARCO: Right now, the existing underground  
11 storage tanks, they're underneath, basically, the existing  
12 canopy, which is not ideal. Obviously, you have a big tanker  
13 in there dropping gas, 15, 20 minutes, at least, minimum time  
14 of dropping the fuel. It's blocking his pumps. So we're  
15 moving the underground storage tanks to the new area, which  
16 will make it easy for him to get in and out of and be away  
17 from the fueling points, causing less congestion.

18 MS. JARRELL: But if that apron is eliminated then,  
19 and if the big truck comes in off of Girdled --

20 MR. LaMARCO: He'll have no problem getting in  
21 either way and going out.

22 MS. JARRELL: It's, no, okay.

23 MR. LaMARCO: No, no problem.

24 CHAIRMAN VALENTIC: So you would get rid of three  
25 spots you have shown on the right here?

26 MR. LaMARCO: We could very easily add them, as  
27 she said, if we got rid of that apron, we'd have some other  
28 spots available there. And then the property north, he owns  
29 the grass area. We could put asphalt there and have a few  
30 spots over there.

1           CHAIRMAN VALENTIC: I don't know. You'd have to  
2 look at it and maybe show us. I don't know if you have room  
3 to put it on the north because you still have to allow  
4 stacking for the cars.

5           MR. LaMARCO: The north side of the lot away from  
6 the --

7           CHAIRMAN VALENTIC: I mean on the --

8           MS. JARRELL: South.

9           CHAIRMAN VALENTIC: I guess, the south side of the  
10 lot.

11          MR. DYNES: If we are talking to the north -

12          CHAIRMAN VALENTIC: North is this way.

13          MR. DYNES: I could be wrong but that's where you've  
14 got an existing septic system, correct?

15          MR. LaMARCO: It's in the back. There is room  
16 there.

17          MR. PATEL: Yeah.

18          CHAIRMAN VALENTIC: Where the septic system is?

19          MR. LaMARCO: Yeah, there is room. There is room  
20 there, 10 feet, easy, 10 by 20, a couple, two, three spaces.  
21 We believe it would be easy there. And, obviously, we can  
22 update the site plan.

23          MR. PATEL: We are also replacing the septic system  
24 and putting in a brand new one. We can move that back, also.

25          MS. JARRELL: Can you explain that again?

26          MR. PATEL: The septic system we have currently, we  
27 are replacing the whole system and putting in a new one. We  
28 can --

29          MS. JARRELL: And the septic system is where?

30          MR. LaMARCO: The north, the north grass area.

1 MS. JARRELL: Over here?

2 MR. PATEL: By the building, actually.

3 MS. JARRELL: Over here?

4 MR. LaMARCO: Yes.

5 MS. JARRELL: Do you use those three spots?

6 MR. PATEL: Hardly ever use them.

7 MS. JARRELL: Yeah, I think that it needs to be,  
8 I mean, it just would seem to be safer, you know, especially,  
9 as you indicate, with the grade there in the wintertime.

10 MR. PATEL: Right.

11 CHAIRMAN VALENTIC: But then if you got rid of  
12 those, then you wouldn't need the variance for the 10 foot  
13 aisle, right?

14 MS. JARRELL: Right.

15 CHAIRMAN VALENTIC: That would --

16 MS. JARRELL: Right.

17 MR. LaMARCO: Yeah. I mean, I sat there, actually,  
18 before the meeting and kind of just watched traffic, make sure  
19 there was -- how much room was there. And, yeah, without  
20 those spaces there, there is, I mean, there is plenty of room.  
21 And if there is no apron there, it won't interfere with  
22 Ravenna Road and the stop sign there.

23 The nice thing is, with all the digging up we're  
24 going to do, it's going to be basically a clean slate to a  
25 point that we can do these things fairly easy at that time.

26 CHAIRMAN VALENTIC: But the existing, the two  
27 existing pumps, they're not -- you're not changing those at  
28 all?

29 MR. LaMARCO: We're just replacing the dispensers on  
30 them, just an upgrade of the equipment. That's all.

1 MR. DYNES: I've got to tell you, I mean, it's not  
2 for me to tell you what to do but, conceptually, it's kind of  
3 hard. I mean, I appreciate you saying, "We're going to do  
4 this. We're going to do that. We'll make it work. We'll do  
5 all these things." We're presented with certain factors right  
6 now and a particular site plan. I am not an engineer and I  
7 don't pretend to be. So I'm trying to make sense of this --

8 MR. LaMARCO: Neither am I.

9 MR. DYNES: -- as best I can, right?

10 MR. LaMARCO: Right.

11 MR. DYNES: But it's difficult for me to do that. I  
12 mean, I don't know. I am just going to tell you right now.  
13 It's hard for me to approve this this evening with all these  
14 unknowns and all those other potential things you may or may  
15 not do. I mean, I --

16 MR. LaMARCO: Well, we're a hundred percent on board  
17 of eliminating that apron. I mean, like I said, it's very  
18 easy if that's something we need to do. We can get site plans  
19 redrawn and submit them before the, you know, the work is  
20 done.

21 MS. JARRELL: It's really not that difficult to  
22 conceptualize eliminating the apron and eliminating the three  
23 spaces.

24 MR. DYNES: We're still going to be only 35.2 feet  
25 away from the road. We're going to have a pump that distance  
26 as opposed to the 50 required.

27 CHAIRMAN VALENTIC: Yeah, that's not changing. (a)  
28 and (b) do not change with those modifications.

29 MS. JARRELL: So we vote on those and we make the  
30 conditions.

1           CHAIRMAN VALENTIC: And the waiting, Heather, do you  
2 -- Well, I guess I am not sure. If we get rid of that, we  
3 still, do we have enough waiting area if we get rid of that --

4           MS. JARRELL: Apron.

5           CHAIRMAN VALENTIC: -- apron? We don't know.

6           MS. FREEMAN: I don't know. I mean, it doesn't --  
7 There's no dimensions on here to know that.

8           MS. JARRELL: Well, you said 10 by 20, right?

9           MS. FREEMAN: Yeah.

10          MS. JARRELL: So we can extrapolate those  
11 measurements.

12          MR. DYNES: We clearly don't.

13          CHAIRMAN VALENTIC: Yeah, we clearly don't.

14          MR. DYNES: We don't because you've got to have at  
15 least 40 feet and we've got 35.2 to the roadway.

16          MR. LaMARCO: Well, would you count the space not,  
17 you know, not straight behind it? He's got to be straight  
18 behind? Because, obviously, if that apron is not there,  
19 that's going to be a turn.

20          MS. FREEMAN: You still have to maintain your  
21 parking aisle width of 22 feet if it's a two-way. So there  
22 is --

23          MS. JARRELL: So we vote on that variance. We vote  
24 on the variance of having just the one waiting area and we  
25 make conditions. We vote on the variance of the distance from  
26 the canopy and the fuel pump. I don't see how this is  
27 difficult.

28          CHAIRMAN VALENTIC: Any, Skip or Blair, any thoughts  
29 or comments?

30          MR. HAMILTON: I think there is a concern with the

1 right-of-way requirement and I don't see, from what's  
2 proposed, that it's going to meet that.

3 MS. JARRELL: Which right-of-way requirement are you  
4 talking about?

5 MR. HAMILTON: The 40 feet.

6 MR. DYNES: The fuel pump from the roadway, Blair?

7 MR. HAMILTON: Yeah.

8 CHAIRMAN VALENTIC: Yeah, no.

9 MS. JARRELL: What is the issue with that?

10 MR. LaMARCO: Yeah, we understand that. That's why  
11 we're here.

12 MR. HAMILTON: But your comment was that it's not  
13 unusual in other installations.

14 MR. LaMARCO: Yeah. I mean, look at Concord Plaza,  
15 that's out in the front there, which is Shell now. Look at  
16 Zappitelli's right in Concord. I mean, those are right on the  
17 road. And it's very often, I mean, we deliver a lot of  
18 places. Obviously, not Concord Township, like you said, not  
19 everything but those are two examples that, off the top of my  
20 head, I know in Concord that definitely don't meet  
21 requirements but, obviously, those were probably before the  
22 rules were made.

23 MR. DYNES: I used to work at that one at the plaza.

24 MR. LaMARCO: Which one?

25 MR. DYNES: What was it, Sohio, not that that  
26 matters. The pump key, we had to go turn the pumps. Tony  
27 will remember that.

28 MR. LaMARCO: We still have a station with that, the  
29 Little Mountain station in Mentor.

30 MR. DYNES: I was the guy turning the pumps so the



1 next guy could pump their gas.

2 MR. LaMARCO: Good ole days.

3 MR. DYNES: I think it was the '80s.

4 CHAIRMAN VALENTIC: So fuel pumps should be located  
5 50 feet from the right-of-way and you're proposing 35.2.

6 MR. LaMARCO: We can change, I mean, we could make  
7 that a little -- I mean, obviously, we might not be able to  
8 get to the exact but there is some, you know, room to play.  
9 We measured it so there was plenty of room so someone in the  
10 middle wouldn't be stuck. So we gave it a lot of distance.  
11 We thought that was the smartest way to present it to the  
12 board.

13 There is, I mean, there is a lot of distance between  
14 the dispensers but we didn't want someone in the middle not  
15 being able to get out or, you know, especially on the side  
16 with the building, which that's a problem, you know. The  
17 building and those pumps are already there. The one side, I  
18 think it's no problem; but the other side, I think that could  
19 be a problem. So that's why we proposed having that distance  
20 between them so the middle person would not have an issue  
21 moving on to keep the flow of traffic going.

22 I mean, that's our whole thing is we want to get  
23 people in and out of there quicker and more efficient than  
24 what's going on there now without causing any issues on the  
25 Ravenna Road side. Obviously, the Girdled Road side is no  
26 problem. So --

27 CHAIRMAN VALENTIC: Can you walk me through again --  
28 this is just me, I am slow -- why we can't put them, why we  
29 couldn't shift this to the back? I know there is some grade  
30 back there but, I mean, there is grade at the other one, too.

1           MR. LaMARCO: If we shifted that -- You are saying  
2 this east dispenser further east, just go straight back  
3 towards --

4           CHAIRMAN VALENTIC: Or put your new one in the back  
5 instead of the front.

6           MR. LaMARCO: There's just not enough room there.  
7 We looked. There is not. And that apron that comes off of  
8 Girdled with that slope, our opinion, it's going to be just an  
9 accident waiting to happen. Having it on this side, I think,  
10 is way safer with --

11          MR. DYNES: So the question is, people are going to  
12 slide into that pump on that apron. That's the fear, right?

13          MR. LaMARCO: That's our fear.

14          CHAIRMAN VALENTIC: Unless they made it an exit  
15 only.

16          MR. LaMARCO: Again, getting people to change their  
17 ways of going in and out of that store after all these years.

18          MS. JARRELL: Especially when you're eliminating one  
19 of the aprons.

20          CHAIRMAN VALENTIC: Well, you can keep that apron  
21 then.

22          MR. LaMARCO: I don't think that's --

23          MS. JARRELL: I personally think it's dangerous,  
24 that apron is dangerous there.

25          MR. LaMARCO: Yeah. Obviously, this dispenser where  
26 we are presenting it now, obviously, it would have a bumper on  
27 the end of it, a bollard, to protect anything like that, as  
28 they all do. So the biggest concern, which I don't disagree  
29 with, is if there is a stack, two stacked cars there on  
30 Ravenna Road there. And I think having the apron not there

1 will keep the flow of traffic how we all would be happy with,  
2 I think.

3 MS. JARRELL: Especially with eliminating the three  
4 spots.

5 MR. LaMARCO: Yeah. Like you said, no one parks  
6 there anyway.

7 MR. PATEL: We never use that.

8 MR. LaMARCO: And we can put parking spots behind  
9 the building. Really and truly, there is room behind the  
10 building. And we're not even talking about the grass and the  
11 septic. There is plenty of room behind the building as well.  
12 I looked at that today.

13 MS. JARRELL: You will have to check with the Fire  
14 Department about that.

15 MR. LaMARCO: Absolutely, yeah.

16 MR. DYNES: Heather, have you heard anything from  
17 Fire Department or fire marshal, anybody else as far as the  
18 proposal? Have they been --

19 MS. FREEMAN: I do not think anything has been  
20 submitted to them.

21 MR. DYNES: Okay.

22 MS. FREEMAN: And, Mr. Chairman, just so you know,  
23 we do have legal counsel on the phone now, if you have  
24 questions.

25 CHAIRMAN VALENTIC: Okay. Thank you.

26 MR. DYNES: Okay. So my question, okay, we  
27 eliminate the three spots that run perpendicular to Girdled  
28 Road that we have been discussing, right? That still doesn't  
29 solve, it doesn't solve our stacking problem and the 35.2 feet  
30 to the roadway.

1 MS. JARRELL: They're asking for a variance.

2 MR. DYNES: I know. I am asking. That's my point  
3 here. I mean, we're talking about removing those. That's  
4 going to help --

5 MR. LaMARCO: I think it helps the situation but,  
6 yeah, you're correct. It does not --

7 MR. DYNES: It's going to help that 10.1 feet that  
8 Ms. Jarrell indicated is awfully narrow if you're trying to  
9 pull in and out of there and there is a car there. It's  
10 almost impossible.

11 MR. LaMARCO: Yeah, yeah.

12 MR. HAMILTON: Let me ask, does that then eliminate  
13 Variance (d) if we no longer have to be concerned about the  
14 10.1 feet?

15 CHAIRMAN VALENTIC: Correct.

16 MS. JARRELL: Yes.

17 MR. HAMILTON: It goes away.

18 CHAIRMAN VALENTIC: Yeah, (d) would go away. So  
19 we'd be voting on (a), (b) and -- Oh, I don't know. We'd be  
20 approving (a), (b) and (c). I don't know what would happen to  
21 (d), how we handle that.

22 MR. DYNES: Your indication is that work is to begin  
23 May 8th?

24 MR. LaMARCO: May 8th, they're going to break  
25 ground.

26 MR. DYNES: And that work is going to be breaking  
27 ground subject to this particular site plan?

28 MR. LaMARCO: No, we're breaking ground regardless.  
29 We just, if we don't get the variances, we're still doing the  
30 underground storage tanks, the environmental, and the

1 dispenser swap. We just, this is the time, if we are going to  
2 add a dispenser to help the business, help what we think will  
3 increase the traffic flow getting in and out of there faster,  
4 this is the time to do it. The ground is going to be open.

5 And petroleum underground storage work is very, very  
6 expensive. We're not going to break the ground again if this  
7 doesn't pass. So this is our chance and we're hoping, we're  
8 hoping we can do it.

9 CHAIRMAN VALENTIC: Heather, even if we approve this  
10 variance tonight or vote on it, they still have to go through  
11 further review from with the site plan review?

12 MS. FREEMAN: Well, if we start talking about  
13 changing ingress, egress, flow of the site, then that does  
14 trigger a different level of review that would require site  
15 plan review. If you're talking about eliminating parking  
16 spaces and adding new ones, that would require a full site  
17 plan review application to be submitted to the Zoning  
18 Commission, which is not approved administratively by the  
19 Zoning Inspector.

20 MR. LaMARCO: Which we probably wouldn't have time  
21 by ground breaking.

22 MS. FREEMAN: No, you would not.

23 MR. LaMARCO: Right.

24 MS. FREEMAN: No, you would not, not by May 8th.

25 MR. LaMARCO: That's the thing, the essence of the  
26 time, obviously. And the people doing this, our goal is to  
27 get in and out of there and get him back up a hundred percent  
28 within 30 to 40 days. So I don't think that would be an  
29 option for us if we don't get the variance this evening.

30 CHAIRMAN VALENTIC: Well, I think she is saying,

1 even if we approved the variance, you still have to go through  
2 that review process.

3 MS. FREEMAN: Right. Yeah, if you are going to do  
4 some of the things that you suggested that you are willing to  
5 do this evening --

6 MR. LaMARCO: Right, but then we know we have the  
7 variances that we -- I don't think there would be a problem.  
8 We would go through that process with the parking spots and  
9 stuff. Obviously, that's not anything to do --

10 MS. FREEMAN: But the timeline, you would not have  
11 zoning approval by May 8th.

12 MR. LaMARCO: But I don't think it would affect the  
13 underground work. This is all above ground.

14 MR. DYNES: That's what I was asking you. So I  
15 think we're all saying the same thing here.

16 MR. LaMARCO: Yes.

17 MR. DYNES: In other words, you're going to begin  
18 the underground storage tank work on May 8th. Because you're  
19 beginning that, you want to do all this in one fell swoop.  
20 But what we're saying is there is more steps here with this.

21 My initial thought was -- and I know some of my  
22 board members admonished me -- but my thinking is, I would  
23 like to see something a little bit more put together. And I  
24 am not telling you what to do but for me, anyway, to vote on  
25 this and give you approval, I would like to see something a  
26 little more definitive and have you come back with that.

27 I mean, you are asking for area variances and things  
28 that have specific definitions to them, and you are talking  
29 about removing aprons and all these things. I think, for us  
30 to be appropriate and that and to protect the drivers and the

1 public and the people coming down Ravenna Road, if there's  
2 stacking issues and someone hanging out on Ravenna Road and  
3 there is accidents, someone is going to come back and go,  
4 "Well, Board of Zoning Appeals, what in the world did you do?"

5 "Well, we looked at this plan and we said they were  
6 going to do this, they were going to do that. We made all  
7 these conditions."

8 MR. LaMARCO: Sure.

9 MR. DYNES: It's difficult for me. And, again, I am  
10 not that bright conceptually or engineering wise. So that's  
11 why I am trying to tell you it just almost seems like you  
12 would be, you would be in a much better position -- again, I  
13 am not telling you what to do. It's not my place -- but if  
14 you table this and came back to us in a month, in May, and  
15 said, "Here is what we're doing, here is why," and give us all  
16 those answers. But, again --

17 MR. LaMARCO: I don't disagree, don't disagree.  
18 Unfortunately, that's not an option.

19 MR. DYNES: Okay.

20 MR. LaMARCO: Tanks are being delivered. Can't  
21 store 12,000 gallons tanks in someone's back yard, you know.  
22 I mean, prior to this, I mean, there was amendments and  
23 approvals, you know, based on the shed being removed that  
24 wasn't on their plan. Can we do some kind of amendment of --  
25 in that nature? You know, our plan, the reason why the site  
26 plan wasn't like this going in is our intentions weren't  
27 necessarily to remove that apron, but to help get the variance  
28 passed we are willing to.

29 MS. JARRELL: Can we talk about the timeline, how  
30 this would work if they were to go back and redo the site

1 plan, per Brandon's recommendations, and they would have to  
2 come back to us and then it would go to the Planning  
3 Commission? Or if we were to approve a couple of these  
4 variances and with conditions, then it goes to the Planning  
5 Commission. So which timeline is shorter? Can you walk us  
6 through that?

7 MS. FREEMAN: Well, I'd have to -- Unfortunately, I  
8 don't have the deadline schedule and meeting schedule with me  
9 as far as submittals but, typically, you would need to submit  
10 an application and go in front of the Zoning Commission about  
11 five weeks before a meeting. So it probably wouldn't be able  
12 to get in front of the Zoning Commission, rather than the  
13 Planning Commission, until their June meeting, which they meet  
14 the first Tuesday of the month, which looks like it's Tuesday,  
15 June 1st. And that's if they went back and got Jones  
16 Surveying to completely --

17 MS. JARRELL: And then it would have to come back to  
18 us?

19 MS. FREEMAN: Yeah, right. And, you know, they  
20 could -- The way the zoning is written, variances need to be  
21 approved prior to the Zoning Commission approving the site  
22 plan, so those variances would have to be approved by this  
23 board in April or May and then the Zoning Commission --

24 MS. JARRELL: Yeah. So they would have to, if we  
25 went with Brandon's recommendations, then they would have to  
26 redo the site plan, they'd have to come back to us next month,  
27 and then the following month they would have to get the Zoning  
28 Commission to approve, right?

29 MS. FREEMAN: At best, yeah. I mean, that's without  
30 having the deadline schedule in front of me.



1 MS. JARRELL: Okay. But if we made conditions to  
2 what they were asking and we approved the variances that were  
3 necessary tonight, then they could take it to the Zoning  
4 Commission next month?

5 MS. FREEMAN: It would still be June at the earliest  
6 in front of the Zoning Commission.

7 MS. JARRELL: It would still be June.

8 MS. FREEMAN: Yeah, yeah, because, I mean, the  
9 deadline to be in front of them in May has already passed.

10 MS. JARRELL: Well, it's June. They would have to  
11 come back here -- this is April -- in May, okay. So it's  
12 about the same.

13 MS. FREEMAN: Yeah, it's about the same.

14 MS. JARRELL: Okay.

15 MR. DYNES: Again, we're still in discussion. I am  
16 not necessarily making a recommendation. I am just telling  
17 you my difficulty in voting to approve something that I don't  
18 know that it's put together to do that.

19 CHAIRMAN VALENTIC: So, Skip, do you have anything  
20 to add?

21 MR. SWEENEY: Well, it seems to me that these  
22 gentlemen have a deadline as it applies to the underground  
23 tank; am I correct? Okay. And this seems to be a pretty  
24 urgent situation. Okay? So --

25 CHAIRMAN VALENTIC: But it's also -- Go ahead. I am  
26 sorry.

27 MR. SWEENEY: But I guess my suggestion would be, is  
28 it possible for them to keep that deadline on the underground  
29 tank, do what they've got to do on that, all right, release a  
30 little pressure there, and then go about all this, all these

1 other machinations in the meantime? Is that something that  
2 you guys would be okay with?

3 MR. LaMARCO: Well, it's going to be difficult.  
4 When you have the underground storage tanks, we're taking out  
5 the old ones.

6 MR. DYNES: Let me interrupt you for a second.  
7 We're not deciding anything with the underground storage  
8 tanks. You are doing that anyway.

9 MR. LaMARCO: Correct.

10 MR. DYNES: We're deciding all kinds of other things  
11 tonight.

12 MR. LaMARCO: Those tanks are connected to the  
13 dispensers, obviously, with the product lines.

14 MR. DYNES: Right, understood.

15 MR. LaMARCO: So at the time of those underground  
16 storage tanks being installed, the product lines would have to  
17 be run to the island to have --

18 MR. SWEENEY: So you have two new lines and you've  
19 got to connect them or else you have to dig it back up.

20 MR. LaMARCO: Right, right.

21 CHAIRMAN VALENTIC: So what was the plan, I guess,  
22 if we didn't approve any of this tonight then? Just --

23 MR. LaMARCO: We would just replace the underground  
24 storage tanks and he would still just have the two dispensers  
25 and the current canopy. That's expensive, it's an expensive  
26 investment not to help grow the business. But --

27 MS. JARRELL: Where were you guys two months ago?

28 MR. PATEL: We were there.

29 CHAIRMAN VALENTIC: Yeah.

30 MR. PATEL: Working it out.

1 MR. LaMARCO: We have other locations that we are  
2 working with with other things. So -- And, you know, every  
3 township has different requirements, so it's not just a --

4 CHAIRMAN VALENTIC: But regardless --

5 MR. LaMARCO: It's not just a template for any gas  
6 station, any property. So --

7 CHAIRMAN VALENTIC: But, regardless, if we approve  
8 it or don't approve it tonight, you still aren't getting any  
9 approval till June, it sounds like, if you've got to go to  
10 planning -- if you've got to go to zoning. You can get our  
11 approval but you are still not getting the get approval on  
12 making these changes till much later because they've got to  
13 look at where -- they may not agree with, you know, they might  
14 want something else, too.

15 MR. LaMARCO: For, you are saying like the parking  
16 spots?

17 CHAIRMAN VALENTIC: Yeah. They might not like  
18 removing the drive apron. I don't know, you know. That's a  
19 different board and a different review process. We are just  
20 looking at the variances.

21 MR. LaMARCO: Correct.

22 MS. JARRELL: Even if we approve some of these  
23 tonight, we are going to place these conditions and so you  
24 would have to go through the process.

25 MR. LaMARCO: Understood.

26 MS. JARRELL: So I know you are trying to have only  
27 one construction period but it doesn't seem like that's going  
28 to be possible.

29 MR. LaMARCO: Okay.

30 CHAIRMAN VALENTIC: Yeah.

1 MR. DYNES: We clearly want to work with you and  
2 help you.

3 MR. LaMARCO: I know. I know guidelines are just  
4 set to get the discussion going. I understand that.

5 MR. DYNES: I think we've proven that.

6 MR. HAMILTON: Let me ask a question. Is it  
7 possible, while you're doing this tank replacement, do all the  
8 necessary plumbing, you know, with the possibility of adding  
9 this third pump down the road?

10 MR. LaMARCO: It's a decision we have to make. It's  
11 expensive, it's just expensive.

12 MR. HAMILTON: Right.

13 MR. LaMARCO: Everything with the petroleum industry  
14 is very experience, dispensers, underground, all that work is.

15 MR. HAMILTON: At least you would have the  
16 infrastructure in place --

17 MR. LaMARCO: Right.

18 MR. HAMILTON: -- to do that if you were able to  
19 move ahead with what's being proposed.

20 MR. LaMARCO: Yeah, that's something we can discuss  
21 and, obviously, make that decision for the business.

22 MS. JARRELL: It's a crap shoot.

23 MR. LaMARCO: And then keep on going.

24 MS. JARRELL: It's a scrap shoot though. That's an  
25 expensive crap shoot.

26 MR. LaMARCO: Yeah, yeah.

27 MR. HAMILTON: Well, you are running plumbing to the  
28 old dispensers anyways, I mean.

29 MR. LaMARCO: I know. Digging up concrete and  
30 piping is, like I said, and having licensed people to do it

1 is --

2 MR. HAMILTON: Understood.

3 MR. LaMARCO: You've got to sell a lot of gas.

4 MR. HAMILTON: Yeah.

5 CHAIRMAN VALENTIC: Is there, so what's it entail if  
6 those existing pumps, say you slid them 10 feet, you know,  
7 because then if you just did 10, you know, that variance goes  
8 from 35.2 to 45.2, you know. All those variance requests  
9 shrink. So when you are doing all this work is that a, you  
10 know, you talked about not being able to flip the whole thing  
11 in the back but is there --

12 MR. LaMARCO: Well, if we discussed just the new  
13 dispenser, if we can get somewhat closer to the existing ones,  
14 you know, what's the magic number? We don't have to be that  
15 far apart. We chose those distances because we figured, in  
16 our opinion, that was the best setup. But, you know, we're  
17 talking how many? We're talking -- I mean, I know the  
18 variance from the dispenser to the road is about, what, 15  
19 feet but it seems like the biggest concern tonight is the  
20 stacking issue.

21 CHAIRMAN VALENTIC: Well, for me, it was the 10.1.  
22 You got rid of that one, potentially. That was, I think, a  
23 real problem. I mean, that, making that go away was your  
24 greatest accomplishment tonight, I think.

25 The stacking is a problem and, honestly, for me (a)  
26 and (b) are still an issue for me -- that's just my opinion of  
27 it -- having this canopy and this tank or the station coming  
28 out as far as it is.

29 MR. LaMARCO: Well, we can shorten it some. We can  
30 shorten it some to make it -- Obviously, we don't want to make

1 it any more congested. Okay? We have the same goals, keeping  
2 it safe and keeping people, getting in and out of there.

3 MR. DYNES: And maybe you know. It's not our  
4 purview, it's not within what we do but maybe, I presume,  
5 there is some kind of state mandated requirement, distance  
6 between dispensers, right? I mean, you have to have --

7 MR. LaMARCO: There is. Well, it's not mandated.  
8 It's not mandated, it's a recommendation.

9 MR. DYNES: Really?

10 MR. LaMARCO: Yes.

11 MR. DYNES: The state simply has a recommendation as  
12 to the distance between dispensers and that's it?

13 MR. LaMARCO: Oh, yeah. I mean, we just -- The  
14 people who do the installing and the people who sell the  
15 equipment, obviously, know what's going to be most beneficial.  
16 Like I said, there is no template. Every gas station, every  
17 lot is so different. There is so many small lots in the city  
18 that you can't make it a template and a mandate, you just  
19 can't. Property owners that have gas stations just wouldn't  
20 be able to have a gas station if they're mandated. They're  
21 recommendations.

22 CHAIRMAN VALENTIC: I think the vehicle drives it  
23 more, you know, than -- I don't know.

24 MS. JARRELL: So I have to guess that one of the  
25 reasons, it's not just the grade on the eastern side because  
26 the grade is not that severe. I have to guess that the reason  
27 that you're going westward is because it's cheaper to run the  
28 lines. Is that correct?

29 MR. LaMARCO: Not necessarily, no.

30 MS. JARRELL: Is there validity to that?

1 MR. LaMARCO: I mean, sure, the longer the run is,  
2 obviously, it's going to be a little more expensive. But our  
3 thing was, if you moved this, that existing dispenser further  
4 to the east, you're in the middle of the apron. You're in the  
5 middle of the entrance and exit apron.

6 MR. PATEL: If you moved this new pump all the way  
7 in the back with the area, okay --

8 MS. JARRELL: I am sorry?

9 MR. PATEL: If you move the new pump in the back of  
10 the area, it does get pretty steep over there.

11 MS. JARRELL: I mean, I just drove in over there and  
12 turned around right in that area. I didn't think that the  
13 grade was that severe.

14 MR. PATEL: When it is snowing, it is a little  
15 scary. Right now, it's not a problem.

16 MR. LaMARCO: Yeah. I mean, like I said, we looked  
17 at every option to get inside these requirements to the best  
18 of our ability. I just did a store in Painesville Township  
19 and we did the two and then put a third one more like a  
20 triangle. It worked out great. There was plenty of room here  
21 square footage wise but that slope just killed the plan.

22 And then we looked at going that direction and just,  
23 our opinion, if you go there and you look at that entrance and  
24 that apron, they're going to go right into those dispensers at  
25 some point during the winter, no doubt.

26 CHAIRMAN VALENTIC: So we have, we can vote -- I am  
27 just talking to the board, I guess, right now. We can vote on  
28 what's here in front of us or we can vote and ask for some  
29 modifications or, I guess, the third option is the applicant  
30 can table it and come back next month with an updated plan and

1 propose something else, right? Those are our options as a  
2 board right now.

3 Do you have a preference, as the applicant, on what  
4 you would want us to do? Do you want us to vote as is or do  
5 you want us to, would you want to table it and come back?

6 Or, you know, it's up to the board if they want to  
7 go forward with modifications this evening.

8 MS. JARRELL: I don't personally think that this is  
9 rocket science. I mean --

10 MR. LaMARCO: Yeah, I would like to have it voted  
11 today, if possible, personally.

12 MS. JARRELL: I am sorry?

13 MR. LaMARCO: I would like to have it voted on  
14 today, personally. If there is a few changes we've got to do,  
15 we're all for it.

16 MS. JARRELL: So they came here asking for the  
17 stacking variance. Okay? We're sitting here, you know,  
18 trying to eliminate it and move things, whatever. I  
19 personally believe, in my opinion, that removing the apron,  
20 removing those spaces, it eliminates the variance (d). It  
21 doesn't eliminate the waiting space. And so we vote on (a),  
22 (b), (c) and make those conditions.

23 These people are putting a lot of money into this  
24 corner. Being right across from Bremec's, that whole little  
25 corridor there is growing up. They're putting a lot of money  
26 into it. They've, obviously, got professionals involved. And  
27 I think that we should do our best to help them with their  
28 timeline and make these conditions. We have the condition of  
29 no apron, the condition of getting rid of the three spaces.  
30 That is -- That's not rocket science. And we have the



1 condition that they have to go through the Fire Department,  
2 obviously, go through the rest of the administrative process.

3 I don't think it's a difficult request. They came  
4 here asking for the variances. We're eliminating one and we  
5 vote on (a), (b), and (c).

6 CHAIRMAN VALENTIC: Skip, would you be comfortable  
7 voting on something without a drawing and on just  
8 recommendations?

9 MR. SWEENEY: Yeah, I don't have any problem with  
10 that except this could get shot down the second the Fire  
11 Department or another agency gets wind of it.

12 MS. JARRELL: It could.

13 CHAIRMAN VALENTIC: That's not --

14 MS. JARRELL: That's not for us to determine or to  
15 speculate.

16 MR. SWEENEY: Right. Well, then I am comfortable.

17 MR. DYNES: We don't even have to talk about this.  
18 If they want to take this to a vote, then we can simply do  
19 that. We're just having a question session with them. That's  
20 our discussion after the motion's been made.

21 MR. HAMILTON: I will say one thing. Their timeline  
22 doesn't change if we insist on a new site plan. It's the same  
23 timeline. Either way, it gives us more clarification and  
24 allows them to do some background into some of these proposed  
25 changes that they'll have a higher confidence level that will  
26 go ahead with the zoning board when it does get there.

27 MS. JARRELL: They want to take the chance in having  
28 us vote. And if we vote on it, it's two, it's two conditions  
29 to the site plan. It's not a big deal, in my opinion.

30 MR. HAMILTON: It might get shot down by zoning

1 right away.

2 MS. JARRELL: Then that's the chance that they're  
3 willing to take. We shouldn't -- If they want us to make a  
4 vote on it, then let's take a vote on it.

5 MR. SWEENEY: Yeah.

6 MS. JARRELL: Put the conditions on it and let them  
7 shoot the dice.

8 CHAIRMAN VALENTIC: Okay. Well, let's talk about it  
9 in our discussions.

10 MR. SWEENEY: Yeah, yeah, let's close the --

11 CHAIRMAN VALENTIC: Okay. Is there any further  
12 questions for the applicant?

13 MR. SWEENEY: No questions.

14 CHAIRMAN VALENTIC: From the board, you guys are  
15 good?

16 You can be seated. Thank you.

17 Is there anyone else that's here speaking for or  
18 against this appeal that would like to come up? Is legal the  
19 only -- Is legal on the phone? Is that it?

20 MS. FREEMAN: We've got just legal on the phone.

21 CHAIRMAN VALENTIC: So, okay. Again, is there  
22 anyone else here speaking for or against this appeal?

23 MS. FREEMAN: Mr. Chairman, I would just recommend  
24 that you don't close the hearing if you think you are going to  
25 want them to agree to those conditions before.

26 CHAIRMAN VALENTIC: Sure, okay. You can let me know  
27 what I've got to do, Heather, because I am not sure right now.

28 So I do have a question for you, Heather, is that  
29 what happens -- or for legal counsel if they are on the  
30 phone -- what happens with, if we don't have to vote on

1 variance (d) because, you know, we've eliminated those three  
2 parking spaces? It's not required? How do we handle that?

3 MR. HAMILTON: Isn't that a stipulation to variance  
4 (d)?

5 MS. FREEMAN: Stephanie, are you able to answer  
6 that?

7 MS. LANDGRAF: I am sorry. I can only hear every  
8 other word. Can you say it again?

9 CHAIRMAN VALENTIC: Sure. Stephanie, with variance  
10 (d), one of the stipulations that we've discussed as a board  
11 is eliminating the three parking spaces. If those are  
12 eliminated, they essentially wouldn't need to apply for  
13 variance (d) that they have requested. How do we handle that  
14 in the discussion and the vote?

15 MS. LANDGRAF: If they don't need the variance as a  
16 result of one of your other variances with conditions, then  
17 you just -- that would be eliminated at the time that you were  
18 to go to vote on that.

19 CHAIRMAN VALENTIC: Okay. But I think we would be  
20 eliminating, our modification isn't a result, it's not a  
21 result of any of the other variances. It would just be for  
22 that.

23 MR. SWEENEY: Or we can vote on it knowing that the  
24 three spaces are going to go away and it's not going to  
25 matter.

26 CHAIRMAN VALENTIC: Just vote no against it --

27 MR. SWEENEY: Yeah.

28 CHAIRMAN VALENTIC: -- and just not worry about it,  
29 yeah, okay.

30 MS. LANDGRAF: If you are saying that the -- Maybe I

1 misunderstood you. If voting on another variance still does  
2 not alleviate what the variance that's requested in (d), I  
3 think is what you said, then the board still has to vote on  
4 it. You can't take that variance application away from the  
5 applicant on your own.

6 MS. JARRELL: Okay. So we vote on it.

7 CHAIRMAN VALENTIC: Yeah.

8 MR. SWEENEY: So we just vote on it.

9 CHAIRMAN VALENTIC: Yeah.

10 All right. So we've got to do each one of these  
11 separate, a motion for each one, Heather?

12 MS. LANDGRAF: Yes.

13 MS. FREEMAN: Yes.

14 MR. DYNES: Before we do that, can I ask a question  
15 while we're still here? What's the distance between the pumps  
16 and the building? We've got 10.1 feet between that space if  
17 you go between those three eliminated parking spaces that  
18 we're discussing to be eliminated. What is the distance  
19 between the parking area there for the cars lined up at a pump  
20 and the structure itself? Do we know that? Looks like --

21 MS. FREEMAN: The existing canopy and the building?

22 MR. DYNES: Yeah.

23 MS. FREEMAN: What's that distance?

24 MR. DYNES: That looks like --

25 MS. FREEMAN: Like by the mailbox there?

26 MR. DYNES: Correct. Anybody know?

27 MS. FREEMAN: That dimension is not in here.

28 MR. LaMARCO: It's less, it's less on that side than  
29 the other side by far.

30 MS. FREEMAN: No, it's wider between the guardrail

1 and the edge of the canopy.

2 MR. DYNES: Right.

3 MS. FREEMAN: Just visually looking at that, it  
4 looks, in my eyes, it looks larger than the 10.1.

5 MR. DYNES: Okay.

6 MS. FREEMAN: But there is no dimension provided on  
7 here.

8 MR. PATEL: If a car is pumping gas, another car can  
9 pass.

10 MS. JARRELL: Do you want to bring them back up  
11 here?

12 MR. LaMARCO: You are saying to the parking spot,  
13 the 10.1, okay. Yeah, that side is then bigger than 10 feet.  
14 Another car can pass on that side. I thought you were talking  
15 about the old space to the grass.

16 MR. DYNES: Okay.

17 MR. SWEENEY: Remember, the canopy is up in the air.

18 MS. JARRELL: Right.

19 CHAIRMAN VALENTIC: Yeah.

20 MR. DYNES: Oh, I know.

21 MR. SWEENEY: Okay. Just clarifying.

22 MR. DYNES: I am not that bad.

23 CHAIRMAN VALENTIC: Okay. So the first motion is to  
24 approve --

25 MS. FREEMAN: Excuse me, Mr. Chairman. The public  
26 hearing, effectively, is still open. So before you make that  
27 motion, you want to close the public hearing.

28 CHAIRMAN VALENTIC: Are we good to close the public  
29 hearing then?

30 MR. DYNES: I don't know. Is nobody else speaking

1 for or against?

2 CHAIRMAN VALENTIC: No one is speaking for or  
3 against. We have no further --

4 MR. DYNES: Legal counsel is on the line now.

5 CHAIRMAN VALENTIC: Yeah, we don't need you anymore.  
6 So we don't have any further questions for the  
7 applicant, so then we can close the public hearing, correct,  
8 Heather?

9 MS. FREEMAN: Correct, yes.

10 CHAIRMAN VALENTIC: Okay. If there is no further  
11 questions, the public hearing for Variance Number 2021-78 is  
12 now closed to the public. All right. Can I get a motion to  
13 approve Variance 2021-78, Variance, I am going to call it (a),  
14 which is from Section 13.25(A), to allow the fuel pump to be  
15 located 35.2 feet from the road right-of-way in lieu of the 50  
16 feet required.

17 MR. HAMILTON: So moved.

18 MS. JARRELL: Second.

19 CHAIRMAN VALENTIC: Heather, please call the vote.

20 MS. JARRELL: Are we not having discussion?

21 CHAIRMAN VALENTIC: Oh, I'm sorry.

22 MR. HAMILTON: Discussion.

23 CHAIRMAN VALENTIC: Discussion. I was already --  
24 We've still got a couple more things to do this evening, just  
25 so you know. Sorry.

26 Go ahead. State your case.

27 MS. JARRELL: Well, I am just going to reiterate  
28 what I said. I think that making these two simple changes to  
29 make it safer and more palatable to the whole project is, you  
30 know, really no different than us requiring, during the first

1 case, that the small shed be removed as a condition. We are  
2 making two simple conditions, well, more than that, but the  
3 site plan conditions are removal of the three spaces, removal  
4 of that apron. I think that a further condition would be to,  
5 obviously, it's going to have to go through the other  
6 administrative, you know, ins and outs and have the Fire  
7 Department approve it as well.

8 I don't think that this is a difficult request. The  
9 applicant is requesting that we're voting on this. And I  
10 believe that it truly makes it safer. I don't like that apron  
11 there anyway. I think it's very dangerous being so close to  
12 the stop sign and right across from Bremec's entrance as well.  
13 And I just, I don't think this is difficult. Let them, let  
14 them take the project on and we can, we can approve it as  
15 requested with conditions.

16 CHAIRMAN VALENTIC: Okay. I will just say I would  
17 feel more comfortable if we saw the drawing or they came back.  
18 I don't think their self-imposed deadline should dictate what  
19 we do. However, Chris, I am willing to take the chance and  
20 only -- and let them go forward, in my opinion and with your  
21 modifications, only because there is going to be several other  
22 departments, groups looking at this and catching any potential  
23 issues and we're really just looking at, you know, allowing  
24 the variance with these stipulations.

25 So, you know, I am not comfortable not seeing the  
26 plan but, you know, in this case, I can live with it but, you  
27 know, I am just not a hundred percent sold. So we will just  
28 leave it to the other departments and our staff to catch any  
29 potential issues when they come back because, you know, it is  
30 a significant change and it's going to require engineering and

1 review of the site.

2 MS. JARRELL: And I think they have proven that  
3 they're very willing to do what it takes to do it properly and  
4 to make the significant investment into our township.

5 MR. HAMILTON: I believe the stipulation for the  
6 apron should be made with the motion for (a), so that would  
7 need to be reworded.

8 CHAIRMAN VALENTIC: I don't know which one it goes  
9 to. I will be honest with you.

10 MR. HAMILTON: Where would you put it?

11 CHAIRMAN VALENTIC: I would maybe put them both with  
12 (c) but that's just me, but it doesn't matter either way.

13 Any other thoughts from the board?

14 MR. DYNES: Well, we're talking about ifs and ifs  
15 and if they do that and if we make this amended motion, which  
16 is great. So I think we're on the right path. But it's  
17 almost like when they passed Obamacare without really reading  
18 it. We're asking to pass something without almost reading all  
19 of it and asking to pass something and do these and make these  
20 amendments without seeing the site plan.

21 I am willing to entertain that as well. I think  
22 there are notable differences because we're talking about  
23 fueling, we're talking about gas, we're talking about things  
24 that are abutting a roadway where traffic is passing. It's  
25 not the elimination of a shed or a number of other things that  
26 is quite simple on a lot.

27 MS. JARRELL: That's kind of beyond our pay scale.

28 MR. DYNES: Well, I don't think so. And I'm not  
29 trying to be quarrelsome. I'm just telling you my opinion  
30 right now. So I am having a hard time with all these things.



1 And I think that what we're doing is we're --

2 Ivan noted a real remarkable point here. I think  
3 what's it's important to note is everybody -- There is that  
4 old adage that your lack of planning isn't my emergency. I am  
5 not suggesting you have a lack of planning but you've come to  
6 us less than one month before you intend to rip this up. I  
7 don't know that that's good planning. It doesn't put us in a  
8 position where I feel as though the people in the community  
9 are going to say, "Hey, Brandon, you made a real good decision  
10 on that based upon the facts you had," because I don't know  
11 that the facts I have are enough for me to make a decision  
12 that's going to approve what you are looking to be approved  
13 even with some of the these changes because, again, maybe it's  
14 the limitations I have in my mind -- and shame on me for  
15 that -- but I am what I am as a board member here and I can  
16 only go with what I see.

17 So it's difficult for me to do that. You want to  
18 proceed with it and that's fine. I think what we have to do,  
19 again, is have a definitive amended motion. If we are going  
20 to vote on this, it has to be the elimination of these spaces  
21 and we take each one as they are.

22 I have a lot of issues here with the stacking. I  
23 have a lot of issues with cars coming up against the roadway  
24 as it is. Some of these things, I think, are pretty simple  
25 and pretty easy.

26 Believe me, I am in favor of businesses in Concord  
27 Township thriving and being successful and I want to do  
28 everything I can to help them. But there are some other  
29 things here and I don't know that it's sufficient just to  
30 simply say -- and this isn't a dig on anybody -- that hope

1 that all the other agencies that have issues with this will do  
2 what they have to do. We are still the Board of Zoning  
3 Appeals. We still have an obligation here.

4 You're telling me that the administrative code is  
5 such that it only has recommendations as to where dispensers  
6 can be put. That's something you will have to deal with.  
7 That's, again, outside of our purview. It seems a little bit  
8 odd to me. So I don't know what those distances are. They  
9 talked about moving those pumps, moving the dispensers to  
10 accommodate that.

11 Again, if that's the case, that's something I want  
12 to see. And then that potentially alleviates some of the  
13 things that we're voting on. And if that's the case to  
14 alleviate things we're voting on, if it's in another month or  
15 two months that we're voting on all those things being  
16 remedied, it's an easy vote, but right now it's a difficult  
17 vote and it's a cumbersome vote.

18 MS. JARRELL: We are making a lot of  
19 speculation. You're talking about a whole lot of things here.  
20 We are putting on a few simple conditions, three spaces and  
21 one apron. And if there are other issues that need to be  
22 changed, then, you know, the State of Ohio, the Planning  
23 Commission, the Zoning Commission, then they will make changes  
24 and it will come back to us. They have asked us to move  
25 forward on these. And in order to do that safely, in my  
26 opinion, is we put these conditions on what they have asked us  
27 to do and with their original proposal.

28 We are in major speculation mode. They are taking  
29 on the risk. Let's make these changes with conditions and  
30 approve what they've asked us, vote on all four of them and

1 let them move on.

2 CHAIRMAN VALENTIC: Skip, do you have anything to  
3 add?

4 MR. SWEENEY: Yeah. I agree with everything  
5 everyone has said. The only thing, I've got a discomfort  
6 within me that echoes what Brandon and Ivan said that this  
7 feels rushed. I feel rushed. I don't like feeling rushed.  
8 But when I look at this practically, okay, I've been going  
9 here, I've been going to Pinky's for 15 years. I live right  
10 down the hill. I probably have gone in and out of there more  
11 than anybody else on the board and, possibly, anybody else in  
12 this room. And I can tell you from a practical standpoint,  
13 people, drivers, they self select. They know what's coming  
14 up. They know where the entrances are. They know what they  
15 have to do.

16 I think we're creating a gloom and doom situation of  
17 epic proportions depending on where you pull in, how you pull  
18 in, and so on. I think that's going to take care of itself.

19 In terms of the apron, I, frankly, think that that  
20 drive, if left there, would make it easier because, again,  
21 people self select. I know because I do this. If I am going  
22 to the store or to the gas, I actually use different  
23 entrances, and I know other people do it as well.

24 MS. JARRELL: But if there's a third pump there,  
25 it's very likely that the stacking could be in Ravenna.

26 MR. SWEENEY: Well, again, people self select.

27 MS. JARRELL: Right.

28 MR. SWEENEY: People aren't stupid. Drivers aren't  
29 stupid. They understand --

30 MS. JARRELL: Exactly. So they'll be stopped right

1 in the middle of Ravenna, Ravenna.

2 MR. SWEENEY: No, no. What they will do is they'll  
3 either go to the other entrance or they will drive on by.  
4 People aren't -- It just, it works that way with traffic. I  
5 have seen that intersection go from, you know, no stop signs  
6 15 years ago with hardly anybody going into Pinky's, what it  
7 was before, to now being today and I think people account for  
8 that. So that's just --

9 MS. JARRELL: What do you, what do you think? What  
10 do you think?

11 MR. SWEENEY: What I think is I think we should vote  
12 on it because I think that whatever is going to happen in  
13 terms of if they're going to keep their schedule or not, it's  
14 going to be what it's going to be.

15 MS. JARRELL: Sure.

16 MR. SWEENEY: Frankly, unfortunately, I don't think  
17 it's going to happen. I think there is going to be other  
18 agencies intervening and it's going to be a problem, but I  
19 think we should vote on this. I don't think it's that big of  
20 a deal. If you don't like it, if you feel rushed, vote no.  
21 But they want a vote and I think we should give it to them.

22 CHAIRMAN VALENTIC: Yeah. I mean, I would love to  
23 see it. I am a visual person. I would like to see cars drawn  
24 on here showing the stacking, showing how it works.

25 But like Brandon, I agree. I don't think we  
26 should -- we have to rely on other departments to make sure  
27 that this gets handled correctly and we just have to focus on,  
28 I guess, these variances, if we think that we should allow  
29 them and these stipulations, if they maybe make that variance  
30 more palatable. I don't know. So --

1 MR. DYNES: Well, listen, I don't know. To  
2 Ms. Jarrell's point, apparently, I was speculating. I am not  
3 sure I speculate. I look at the black letter of the law.  
4 I look at the code. I look at the text. I see what it says.  
5 I've not heard a definitive motion yet to what's going to be  
6 done. As soon as I hear that, I am happy to -- and whether  
7 it's provided by the applicant or a board member or otherwise  
8 and then we can do that.

9 So there is no question. As Mr. Sweeney said, we're  
10 voting on it. That's where we are right now, right?

11 CHAIRMAN VALENTIC: Yeah, that's where we are.

12 MR. DYNES: That's not for us to even think about  
13 right now. So, you know, if someone, whether it be the  
14 applicant or somebody else, I am not in a position to make  
15 that motion right now, an amended motion on their behalf and  
16 to bring it before us for a vote. We're, obviously, going to  
17 vote on something. So I am still, I guess, not knowing what  
18 exactly it is. Elimination of three spaces, but what are we  
19 doing? Elimination of an apron. That's still going to have a  
20 35.2 feet distance from the canopy to that roadway, whether  
21 it's an entrance or not. I don't know that that's of any -- I  
22 don't know -- particular --

23 MS. JARRELL: Well, I think Skip makes a good point  
24 about the apron. I mean, what does everybody else think about  
25 that?

26 MR. DYNES: I am having a hard time offering any  
27 opinion because I haven't heard from the applicant what  
28 exactly it is they're willing to do to amend their application  
29 right now, and I haven't heard from any particular board  
30 member what they want to do to do that, subject to the

1 applicant then accepting that, like we did with the shed.

2           The other people with the shed offered an  
3 alternative. In lieu of us voting one way or the other on  
4 that, they said, in lieu of that or in the alternative to  
5 that, here is what we will do. Easy enough. I haven't heard  
6 other than, well, we can do this, we can do that, we can  
7 maybe -- I am sorry, Mindy. I am talking way too fast and  
8 I know better -- we can remove an apron, we can take out those  
9 spaces, we can do that.

10           Okay. And my simple suggestion to them at that time  
11 was, it looks like, if it's me, I would come back at an  
12 appropriate time with all those things stated and with a  
13 definitive site plan to allow the board to understand that.  
14 That's all I am trying to say here. I haven't heard anything  
15 that gives me an easier decision here yet.

16           CHAIRMAN VALENTIC: No. So we have (a), which is  
17 the variance from Section 13.25, which is to locate the fuel  
18 pump 35.2 feet instead of the 50 feet from the right-of-way.  
19 We will just take that one first. That's the one we're voting  
20 on right now. Okay?

21           So is there any changes to that one or are we going  
22 to accept that variance as is or are there any modifications  
23 or stipulations with that?

24           MR. HAMILTON: I will agree that you can add that  
25 stipulation regarding the apron to (c) or one of other  
26 variances. So, no, no modifications.

27           CHAIRMAN VALENTIC: Okay. So does someone want to  
28 put forward a --

29           MR. DYNES: Blair, let me understand you. I am  
30 sorry. So as to (a), which is the one on the table right now,

1 no modification to that. But you are suggesting that the  
2 removal of the apron would be tied to, perhaps, the stacking  
3 and (c) or some other --

4 MR. HAMILTON: Correct, correct.

5 MR. DYNES: Okay.

6 CHAIRMAN VALENTIC: Yeah. I think because the apron  
7 doesn't -- You know, it's the right-of-way. The right-of-way  
8 is not going to change.

9 MR. DYNES: Right. I think the practical difficulty  
10 there is that then is, by its implication and by what you are  
11 doing, has to do with stacking. One certainly is tied to the  
12 other.

13 CHAIRMAN VALENTIC: Yeah.

14 MR. DYNES: Right, okay.

15 CHAIRMAN VALENTIC: So do we want to put forth a  
16 motion for (a) or is there further discussion moving forward  
17 for (a)?

18 MR. HAMILTON: We did.

19 MR. DYNES: I think Blair has moved to --

20 MR. HAMILTON: I did, yeah.

21 MR. DYNES: The motion as it is.

22 CHAIRMAN VALENTIC: Okay. Second?

23 MS. JARRELL: Second.

24 CHAIRMAN VALENTIC: Heather, please call the vote  
25 for variance (a).

26 MS. JARRELL: Did we have a motion? Is that what  
27 you're --

28 MR. DYNES: It was already moved and seconded and  
29 there hasn't been any modification, so we didn't need --  
30 Right? Well, legal counsel is on the phone but I don't think

1 we needed another movement or second because it was already on  
2 the table. We're still in discussion and now, if everybody's  
3 done, would be a time for a vote.

4 MS. JARRELL: I am really lost.

5 CHAIRMAN VALENTIC: Yeah, I --

6 MS. LANDGRAF: I just want to make sure I am  
7 understanding. This is a motion that was made with no  
8 conditions as to the first variance request, correct?

9 CHAIRMAN VALENTIC: Correct. Okay.

10 MS. FREEMAN: Ready for the --

11 CHAIRMAN VALENTIC: The approval is on Variance  
12 Appeal Number 2021-78, Variance (a). Heather, please call the  
13 vote.

14 MS. FREEMAN: Ms. Jarrell?

15 MS. JARRELL: Yes.

16 MS. FREEMAN: Mr. Dynes?

17 MR. DYNES: Yes.

18 MS. FREEMAN: Mr. Sweeney?

19 MR. SWEENEY: Yes.

20 MS. FREEMAN: Mr. Hamilton?

21 MR. HAMILTON: Yes.

22 MS. FREEMAN: Mr. Valentic?

23 CHAIRMAN VALENTIC: Yes.

24 Okay. Next is, can I get a motion to approve  
25 Variance 2021-78, Variance (b), which is from Section  
26 13.25(D), to allow a canopy to be located 28.2 feet from the  
27 road right-of-way in lieu of the 40 feet required.

28 MS. JARRELL: So moved.

29 MR. DYNES: Second.

30 CHAIRMAN VALENTIC: Okay. Do we want to talk about



1 this one at all? Okay. There is no changes to this one then  
2 from the board, no modifications, correct? All right.

3 So, Heather, this, next, we need a vote for the  
4 approval of Variance Appeal Number 2021-78, Variance (b).  
5 Please call the vote.

6 MS. FREEMAN: Mr. Dynes?

7 MR. DYNES: Yes.

8 MS. FREEMAN: Ms. Jarrell?

9 MS. JARRELL: Yes.

10 MS. FREEMAN: Mr. Sweeney?

11 MR. SWEENEY: Yes.

12 MS. FREEMAN: Mr. Hamilton?

13 MR. HAMILTON: Yes.

14 MS. FREEMAN: Mr. Valentic?

15 CHAIRMAN VALENTIC: Yes.

16 Okay. Next is (c). All right. So this one is  
17 where we wanted to add, potentially, stipulations to this.  
18 First, let's just talk about it. So can I get a motion to  
19 approve Variance Number 2021-78 (c)?

20 MR. DYNES: So moved.

21 MR. SWEENEY: Second.

22 CHAIRMAN VALENTIC: Okay. Discussion on the board  
23 for this one?

24 So the stipulation that we've talked about, just so  
25 we have them maybe all square, is that Skip has said maybe we  
26 don't need to eliminate the drive. I suggested maybe we do  
27 eliminate the drive because it seems like it makes, to me, it  
28 seems like it makes it feel safer, based on just looking at  
29 this diagram.

30 MS. JARRELL: I contend that it would be safer.

1           CHAIRMAN VALENTIC: Brandon's raised a great point,  
2 which I agree with. I would prefer to have a drawing to see  
3 it. I am a visual person. I would like to have somebody walk  
4 me through it so I can understand it clearly so I can make a  
5 better decision. With that being said, we are not going to  
6 get that drawing. So based on what we have in front of us, we  
7 have to vote on this, approving variance (c) to allow one  
8 waiting space for the fuel pump in lieu of the two required,  
9 with the modification or the stipulation that the entry drive  
10 off of Ravenna Road is eliminated and is no longer used as an  
11 entrance and exit to the facility, and that the three parking  
12 spaces would be eliminated just to the south of the proposed  
13 tank, and that the other stipulation would be that they would  
14 need to follow the process to get further approvals from the  
15 appropriate departments.

16           And, Heather or legal, Stephanie, should I ask the  
17 applicant to come up to state that they're okay with those  
18 modifications or they accept them?

19           MS. LANDGRAF: Yeah, that's always a good idea.

20           MR. LaMARCO: Can we have a quick discussion in  
21 private first?

22           CHAIRMAN VALENTIC: Go ahead.

23           AUDIENCE MEMBER: I hope they're wearing you down.

24           (Laughter.)

25           MS. JARRELL: No way.

26           CHAIRMAN VALENTIC: We've had some, we've had long  
27 evenings but we've never had this many cases that I can  
28 remember.

29           MS. JARRELL: Exactly. We've only been discussing  
30 some cases for like three hours.

1                   CHAIRMAN VALENTIC: No?

2                   MR. LaMARCO: Well, we decided we don't want the  
3 stipulation on it. We want it voted as is. As Mr. Dynes  
4 said, we want to be more definite. We were open to that  
5 suggestion if that would help things for the board but it's  
6 not on the drawing because we didn't really want it. So we  
7 would, actually, rather have you vote.

8                   We agree, Mr. Sweeney. I don't think it's going to  
9 change. People are coming in and out of that entrance right  
10 now. Are there any issues there right now? No.

11                   The stacking issue, there is plenty of room on this  
12 lot that most people, like you said, use their common sense,  
13 they use their awareness. There is plenty of room to wait for  
14 a dispenser that's not directly behind that person in the  
15 apron. So we decided we would like to be voted on as is and  
16 not amended.

17                   CHAIRMAN VALENTIC: Okay. One question before we  
18 make, just to make sure we're clear. The three parking  
19 spaces, would you like to keep those as well?

20                   MR. LaMARCO: We can change that. That, I think, is  
21 really, really simple and will not have any issues with any  
22 other department going forward.

23                   CHAIRMAN VALENTIC: So that --

24                   MR. LaMARCO: That's not changing.

25                   MS. JARRELL: That would be a condition.

26                   MR. LaMARCO: I think the apron is a big thing and,  
27 again, I think you guys all made great points, every single  
28 one of you, for and against it. But I agree, it's not going  
29 to change anything having that other dispenser there with  
30 problems with Ravenna Road. I think it actually gives them

1 another option getting in and out of there, three options  
2 instead of just two.

3 CHAIRMAN VALENTIC: Okay.

4 MR. LaMARCO: That's why it was not on the drawings.

5 CHAIRMAN VALENTIC: Okay. So can we then add to  
6 Variance (d), while I have you here, for the record for  
7 Variance (d) that we have to then vote and approve, that you  
8 would eliminate the three parking spaces as part of  
9 Variance (d)?

10 MR. LaMARCO: Absolutely, we agree to that.

11 CHAIRMAN VALENTIC: Okay.

12 MR. HAMILTON: Wait. Wouldn't that would just be a  
13 no vote?

14 MR. SWEENEY: Right.

15 MS. FREEMAN: Just vote no on it.

16 MR. SWEENEY: Yes.

17 MS. JARRELL: So we have to put the condition on  
18 (c).

19 MR. SWEENEY: Right.

20 CHAIRMAN VALENTIC: Right, okay.

21 MR. LaMARCO: We agreed to the parking lot condition  
22 on (c).

23 MS. JARRELL: Okay, perfect.

24 CHAIRMAN VALENTIC: All right.

25 MR. DYNES: The difference there is there were two  
26 conditions being put on (c), one was the elimination of the  
27 apron, the second was the elimination of the parking spaces.

28 MR. HAMILTON: You don't need it on (c), parking  
29 spaces.

30 CHAIRMAN VALENTIC: Yeah, it shouldn't -- It doesn't

1 have anything to do with (c).

2 MR. HAMILTON: No.

3 CHAIRMAN VALENTIC: I think it should go towards  
4 (d), the three parking spaces.

5 MS. JARRELL: But we have to vote no on that, on  
6 that variance.

7 MR. HAMILTON: Yes.

8 CHAIRMAN VALENTIC: Well, now you can vote yes and  
9 eliminate those parking spaces. We could make a condition  
10 that you --

11 MR. HAMILTON: No. You're eliminating, you're  
12 eliminating the variance of the 10.1 feet by voting no on that  
13 variance, so it goes away. It was defeated.

14 MR. SWEENEY: Right. You can't put a condition on a  
15 no vote.

16 MR. HAMILTON: Therefore, that 10.1 feet is not  
17 allowed.

18 MR. SWEENEY: On a potential no vote.

19 MS. JARRELL: So we have to put that condition on  
20 something, so we will put it on (c).

21 CHAIRMAN VALENTIC: What if (c) doesn't pass? I  
22 would say that is a pretty strong possibility at this point.  
23 I am just, I'm just saying. So, okay, we will put it on  
24 whatever you guys think. I am not sure where to put it.

25 MR. SWEENEY: Well, I think it's where the applicant  
26 wants to place it.

27 CHAIRMAN VALENTIC: Yeah. So the three parking  
28 spaces that you are willing to eliminate, which, on (c) or  
29 (d), would you like it? I guess on (c)?

30 MR. LaMARCO: Which one is that affecting? Is it

1 affecting (c) or (d)?

2 CHAIRMAN VALENTIC: I think it affects (d).

3 MS. JARRELL: Yeah.

4 MR. LaMARCO: I do, too.

5 CHAIRMAN VALENTIC: Okay. Let's kind of get through  
6 (c) and --

7 MR. LaMARCO: So we can put a condition, a condition  
8 on (c), whatever one you guys want, eliminating those.

9 MS. JARRELL: Can't we --

10 MS. FREEMAN: Excuse me, Mr. Chairman, do you mind  
11 if I say something?

12 MS. JARRELL: Please.

13 MS. FREEMAN: All right. So you're talking about  
14 that they're willing to eliminate some of those parking  
15 spaces; therefore, they avoid the necessity for that Variance  
16 (d). That's something, you know, I think that that's on the  
17 modification on the site plan that they would provide.  
18 Therefore, if you agree with reducing it down to 10.1, you  
19 vote yes. If you don't agree with that, then vote no. If you  
20 vote no, then they have to figure out how to make that work  
21 moving forward regardless.

22 MR. DYNES: Right, correct.

23 MS. FREEMAN: If it means eliminating those  
24 spaces --

25 MS. JARRELL: Very good.

26 MS. FREEMAN: -- or changing the orientation of  
27 them, whatever, they still, they would have to comply with  
28 that minimum width, the parking aisle width.

29 CHAIRMAN VALENTIC: So we don't have to make it a  
30 condition.

1 MS. JARRELL: So we don't have to do it.

2 CHAIRMAN VALENTIC: We don't even have to make it a  
3 condition.

4 MS. JARRELL: That's a good point.

5 CHAIRMAN VALENTIC: We just vote no and they've got  
6 figure a way out.

7 MR. SWEENEY: Right.

8 MS. FREEMAN: So they have to make sure --

9 MR. LaMARCO: So then we can just --

10 MS. FREEMAN: They would have to make sure they're  
11 still providing the minimum number of parking spaces on the  
12 lot and comply with the parking aisle width.

13 CHAIRMAN VALENTIC: Okay. So we don't need that  
14 condition.

15 MS. JARRELL: Okay.

16 CHAIRMAN VALENTIC: The parking condition,  
17 stipulation.

18 MS. JARRELL: Correct.

19 MR. SWEENEY: Yeah.

20 CHAIRMAN VALENTIC: That's what I am hearing, okay.  
21 So then we are going to vote on --

22 MR. LaMARCO: So we're voting for everything as is.

23 MS. JARRELL: Yes.

24 MR. LaMARCO: Okay.

25 CHAIRMAN VALENTIC: All right. So we're going to  
26 start from the beginning on (c). Can I get a motion to  
27 approve Variance 2021-78(c), which is a variance from  
28 Section 29.09(A)?

29 MS. JARRELL: So moved.

30 MR. SWEENEY: Second.

1 CHAIRMAN VALENTIC: All right. Open discussion?

2 MR. DYNES: I will just simply state that it doesn't  
3 meet any of the Duncan Factors. I don't know. I mean, does  
4 the property return -- yield a reasonable return, a beneficial  
5 use without it? Yes.

6 Is the variance substantial? Yes, because it  
7 potentially puts cars into the roadway.

8 Will the essential character of the neighborhood be  
9 substantially altered or adjoining properties suffer  
10 substantial detriment if the variance is granted?  
11 Potentially, Yes.

12 Will the variance adversely affect delivery of  
13 governmental services? Hard to say. Ambulance and things are  
14 going by there and cars in the road, I don't know. Maybe  
15 that's a stretch and it's speculative.

16 Did the property owner purchase the property with  
17 the knowledge of the zoning restrictions? Yes, in fact, they  
18 did.

19 Can the problem be resolved by some manner other  
20 than the granting of the variance? Yes. We have discussed  
21 that and I think that's been acknowledged.

22 Will the variance preserve the spirit and intent of  
23 the Zoning Resolution and will substantial justice be done by  
24 granting the variance? That's up for debate.

25 CHAIRMAN VALENTIC: Do you have anything to add,  
26 Skip, or are you good?

27 MR. SWEENEY: No.

28 CHAIRMAN VALENTIC: Okay. No?

29 MR. HAMILTON: No further comments, no.

30 CHAIRMAN VALENTIC: Chris, you good?



1 MS. JARRELL: Yeah.

2 CHAIRMAN VALENTIC: All right. Heather, the  
3 question is on the approval of the Variance Appeal Number  
4 2021-78 (c). A yes vote is for the approval of the variance,  
5 a no vote denies it. Please call the vote.

6 MS. FREEMAN: Mr. Sweeney?

7 MR. SWEENEY: Yes.

8 MS. FREEMAN: Mr. Hamilton?

9 MR. HAMILTON: No.

10 MS. FREEMAN: Ms. Jarrell?

11 MS. JARRELL: Yes.

12 MS. FREEMAN: Mr. Dynes?

13 MR. DYNES: No.

14 MS. FREEMAN: Mr. Valentic?

15 CHAIRMAN VALENTIC: No.

16 Okay. That one has been denied.

17 Next is Variance Number 2021-78, a variance from  
18 Section 29.06(C)(2)(c), to allow the parking aisle width to be  
19 10.1 feet in lieu of the 20 feet when 90 degree parking spaces  
20 are adjacent to the aisle. Can I get a motion?

21 MS. JARRELL: So moved.

22 MR. SWEENEY: So moved.

23 MR. DYNES: Second.

24 CHAIRMAN VALENTIC: All right. Any discussion on  
25 this one? So this is, we're going to vote no so they can  
26 modify, potentially, the parking spaces. Okay.

27 Heather, please call the vote for 2021-78(d).

28 MS. FREEMAN: Ms. Jarrell?

29 MS. JARRELL: No.

30 MS. FREEMAN: Mr. Dynes?

1 MR. DYNES: No.

2 MS. FREEMAN: Mr. Sweeney?

3 MR. SWEENEY: No.

4 MS. FREEMAN: Mr. Hamilton?

5 MR. HAMILTON: No.

6 MS. FREEMAN: Mr. Valentic?

7 CHAIRMAN VALENTIC: No.

8 All right. Thank you very much. Thank you for your  
9 patience this evening.

10 MR. LaMARCO: Thank you. Appreciate your time.

11 CHAIRMAN VALENTIC: All right. Next is Conditional  
12 Use Permit 2021-15, HSB Architects and Engineers, on behalf of  
13 Auburn Vocational School District, is requesting a continual  
14 use permit for the expansion of a school, in accordance with  
15 Section 13.10, for the property located at 8140 Auburn Road,  
16 current parcel number 08-A-021-0-00-040-0.

17 MR. KHAWAM: Good evening, guys. Andre Khawam, with  
18 HSB Architect.

19 CHAIRMAN VALENTIC: I am sorry. I didn't get your  
20 name.

21 MR. KHAWAM: Andre Khawam, with HSB Architect.

22 CHAIRMAN VALENTIC: Thank you.

23 MR. KHAWAM: I promise you. This is going to be an  
24 easy one.

25 MR. DYNES: Mr. Khawam wasn't here when people were  
26 sworn in.

27 CHAIRMAN VALENTIC: Oh, were you sworn in this  
28 evening?

29 MR. KHAWAM: No, I did not.

30 CHAIRMAN VALENTIC: Were you not here? No. Okay.

1 We are going to have to swear you in real quick.

2 Thank you. You've got good eyes, too, new glasses.

3 Let me find my paper. Ready. Raise your right  
4 hand.

5 (Whereupon, Mr. Khawam was sworn in.)

6 CHAIRMAN VALENTIC: All right. State your -- You  
7 stated your name. We need your address and confirm that  
8 you've been sworn in.

9 MR. KHAWAM: Okay. Again, Andre Khawam, with HSB  
10 Architect, at 1250 Old River Road in Cleveland, Ohio.

11 CHAIRMAN VALENTIC: All right.

12 MR. DYNES: And you've been sworn in?

13 CHAIRMAN VALENTIC: And you've been sworn in. We  
14 just went through it, right? Sir, you've been sworn in?

15 MR. KHAWAM: Yes.

16 CHAIRMAN VALENTIC: All right. Go ahead, if you  
17 want to present.

18 MR. KHAWAM: Like I said, this is an easy one. We  
19 are adding canopy at the back of an existing building, at the  
20 art building center at the Career, Auburn Career Center. It's  
21 an outdoor canopy for outdoor learning classes. That's it.

22 CHAIRMAN VALENTIC: What are they going to be using  
23 inside the canopy? What's going to be happening out there?

24 MR. KHAWAM: They're special courses, my  
25 understanding. And the owner, the director of Auburn Career  
26 is here.

27 Do you mind explaining that, Jeff?

28 MR. SLAVKOVSKY: Sure. Thanks, Andre.

29 Good evening, Board. Jeff Slavkovsky, I am the  
30 executive director at Auburn Career Center, 8140 Auburn Road.

1 I have been sworn in.

2 So the main purpose of this outdoor lab, as we're  
3 calling it, is some of you may know that, historically, for 30  
4 years, our construction programs have collaborated on building  
5 a new home from the foundation up. And thanks to a global  
6 pandemic, we had to halt that process last March, over a year  
7 ago.

8 And with the uncertainty of our planning moving  
9 forward over the summer for this school year -- Are we going  
10 to be in session? Are we going to be at home? Are we going  
11 to be remote? -- we decided that we were not going to  
12 continue with the home building for our construction programs  
13 and we want to be able to offer a comparable experience for  
14 those students in a larger outdoor space where they can, you  
15 know, they can still build trusses and roofs, that maybe not  
16 be able to do a whole house at once but we will be able to do  
17 the varying aspects of building a home just at different  
18 times.

19 So underneath this 75 by -- 50?

20 MR. KHAWAM: 100 feet.

21 MR. SLAVKOVSKY: 75 by 100 feet --

22 MR. KHAWAM: 100 feet by 75.

23 MR. SLAVKOVSKY: Okay, yeah. I am not an engineer  
24 either. Yeah, it's 100 feet deep.

25 MR. KHAWAM: It's 100 feet wide and about 75 feet  
26 projection.

27 MR. SLAVKOVSKY: With the raised --

28 MR. KHAWAM: About 22 feet high.

29 MR. SLAVKOVSKY: 22 feet high?

30 MR. KHAWAM: Correct.

1 MR. SLAVKOVSKY: -- steel structured roof over it,  
2 really. It's more than a canopy. We believe that that will  
3 eliminate a lot of the elements except for just the harsh  
4 winter days where this area wouldn't be able to be used. So,  
5 again, construction-like stuff, just not building an entire  
6 house all at once.

7 MR. DYNES: Can I ask a question? Will the noise  
8 reverberate off of that roof, steel roof? Is that going to  
9 add to the noise, do you think? It is a silly question maybe.  
10 I don't know.

11 MR. KHAWAM: I mean, it might. It's hard to tell.  
12 The entire canopy really is open on all four sides. So the  
13 noise is going to be, basically, you know, dispersed.

14 MR. DYNES: Okay. Just curious.

15 MR. KHAWAM: And it's really high, so significantly  
16 high. It's 22 feet high. There might be some, a little bit  
17 level of noise but I cannot imagine very high noise.

18 MR. SLAVKOVSKY: The location on our campus doesn't  
19 have any adjacent homes or properties or anything that would  
20 be affected by any increase or amplified noises, as Mr. Dynes  
21 is saying.

22 CHAIRMAN VALENTIC: So, what, are the tools,  
23 equipment going to get stored in there or is it just you  
24 build something?

25 MR. SLAVKOVSKY: We may have some storage out there,  
26 some locked storage, but it wouldn't be much. It would be  
27 more for maybe racks storing lumber, stuff along those lines.  
28 We don't plan on leaving any of our equipment out there, no.  
29 We have storage for that elsewhere on the campus.

30 MS. JARRELL: So you are going to have saws going

1 and what else is going to be --

2 MR. SLAVKOVSKY: I am sure you will be hearing any  
3 kind of power tools, hand drills, hammers.

4 MS. JARRELL: Every day.

5 MR. SLAVKOVSKY: Not every day but a lot of days.

6 MS. JARRELL: And when the --

7 MR. SLAVKOVSKY: That's not -- I'm sorry.

8 MS. JARRELL: When the notifications were sent out,  
9 how what was it stated to the neighbors?

10 MS. FREEMAN: Basically, exactly what is written on  
11 the agenda as far as how we advertised the legal, the hearing,  
12 that expansion requesting --

13 MS. JARRELL: So an average Joe would look at that  
14 and be like, "We love Auburn Career Center. No problem." But  
15 they probably did not go beyond to the next step to consider  
16 that there will be tools going every day during the season and  
17 listening to that. You know, it's not like a house is being  
18 built and that the noises will only be there for, you know, 60  
19 days or something. This is going to be a whole entire season  
20 with this noise going on and the neighbors are not recognizing  
21 that, I would suspect.

22 MR. SLAVKOVSKY: If I could, there is outdoor work  
23 at the school that happens all the time.

24 MS. JARRELL: Saws and --

25 MR. SLAVKOVSKY: Yes.

26 MS. JARRELL: -- motorized equipment?

27 MR. SLAVKOVSKY: Yes, ma'am.

28 MR. DYNES: So students are participating in these  
29 activities?

30 MR. HAMILTON: These are the same noises you would

1 hear in your other, your normal building program when you are  
2 building a home.

3 MR. SLAVKOVSKY: Correct.

4 MR. HAMILTON: So the neighbor to wherever that lot  
5 would be, they're going to hear those noises.

6 MS. JARRELL: Well, when they build a home, they're  
7 not on site over there.

8 MR. DYNES: Well, I think Ms. Jarrell's point is  
9 that there is a definitive end point when you are building a  
10 home. And this is in an R-1 residential district, so I think  
11 her point is well taken.

12 CHAIRMAN VALENTIC: Correct.

13 MR. DYNES: So what you are telling us is that this  
14 building goes on currently at Auburn Career Center.

15 MR. SLAVKOVSKY: Correct.

16 MR. DYNES: Student are doing this in some fashion  
17 there present day?

18 MR. SLAVKOVSKY: Yes.

19 MR. DYNES: You are just simply now --

20 MR. SLAVKOVSKY: Indoors and outdoors.

21 MR. DYNES: -- adding a canopy in an R-1 district to  
22 allow this use to continue at a separate place on campus.

23 MR. SLAVKOVSKY: Correct.

24 MR. DYNES: Is that accurate?

25 MR. SLAVKOVSKY: That is correct.

26 CHAIRMAN VALENTIC: Is there a reason why there  
27 isn't any kind of side to it, you know, maybe even from  
28 Girdled Road? I am trying to picture. I remember, I know  
29 I've driven past here 100 times. I know where this building  
30 is at. I am trying to picture if you can really even see that

1 far back to where this building is going to be and I don't  
2 know if it's visible or not.

3 MR. SLAVKOVSKY: You would be able to see from  
4 Girdled Road just on the approach to the four-way stop sign  
5 heading east.

6 CHAIRMAN VALENTIC: And this is just a gravel floor?

7 MR. SLAVKOVSKY: Yeah, gravel floor, drain tiles.  
8 The one that we have seen in Richfield actually used sand, so  
9 we were now thinking we may go along that line instead because  
10 it's actually a little bit more -- holds up better.

11 MR. HAMILTON: So the area to the west is wooded.

12 MR. SLAVKOVSKY: Yes.

13 MR. HAMILTON: And that's the area towards the  
14 closest residence, I presume?

15 MR. SLAVKOVSKY: Yes.

16 MR. DYNES: Heather, just out of curiosity, is there  
17 anybody else on the phone?

18 MS. FREEMAN: Just legal counsel.

19 MR. DYNES: Okay.

20 CHAIRMAN VALENTIC: And what about lighting? Is  
21 there anything on the -- I mean, obviously, there is lighting  
22 underneath.

23 MR. KHAWAM: Yes, there is.

24 CHAIRMAN VALENTIC: Is there anything on the columns  
25 that come down around the building or the structure?

26 MR. KHAWAM: As far as lighting?

27 CHAIRMAN VALENTIC: Yeah, lighting. Or is it just  
28 underneath?

29 MR. KHAWAM: Yeah, just underneath the roof.  
30 Basically, it's strip, you know, LED lighting directly, not



1 pendant. So there is not glare, direct glare to any traffic  
2 whatsoever.

3 CHAIRMAN VALENTIC: Is that, like, is that on a  
4 switch or is that on motion? How is that?

5 MR. KHAWAM: Normally, they're on sensors and you  
6 can control them as well.

7 CHAIRMAN VALENTIC: So if someone leaves it on, Jeff  
8 leaves the lights on, we don't have neighbors calling, right?  
9 They'll just turn off?

10 MR. KHAWAM: Absolutely, yes.

11 MS. JARRELL: When you say that some of these  
12 activities are going on now at the school and, I mean, is it  
13 your contention that really very little is changing, you're  
14 just putting a top over it now or are these activities going  
15 on every day? I mean, paint the picture for us, if you would.

16 MR. SLAVKOVSKY: So the activities are going on  
17 every day because we still have the construction program.  
18 We're just not building a house. They're doing, this year,  
19 they're doing things on a much smaller scale than we would be  
20 able to do with the outdoor lab.

21 MS. JARRELL: So the only difference is putting the  
22 outdoor lab. They're still doing the same activities every  
23 day. I am trying to get --

24 MR. SLAVKOVSKY: Yes.

25 MS. JARRELL: -- is it going to be the same noise?

26 MR. SLAVKOVSKY: Yes, yes.

27 MS. JARRELL: Exactly the same noise?

28 MR. SLAVKOVSKY: Yes, just in a different location  
29 on campus.

30 MR. DYNES: It's attaching to the existing

1 industrial art building.

2 CHAIRMAN VALENTIC: Yeah.

3 MR. KHAWAM: Yes.

4 MR. SLAVKOVSKY: Yes.

5 CHAIRMAN VALENTIC: It's all going to match that.  
6 It's all -- So that's good.

7 I don't have any further questions. I mean, maybe I  
8 would have liked to have seen some, you know, a little wall,  
9 at least, to screen some of the stuff so you wouldn't see it  
10 but --

11 MR. SLAVKOVSKY: We have talked about doing that, as  
12 maybe making that the storage wall for the lumber and such.  
13 We have talked about that.

14 CHAIRMAN VALENTIC: Maybe add some landscape or  
15 something but --

16 MR. DYNES: We are not generally a difficult group.  
17 We just have to answer to the constituents, you know, the  
18 residents in Concord, so we're trying to be careful with  
19 everything tonight.

20 MR. SLAVKOVSKY: Sure.

21 MR. DYNES: I think we are getting a bad rep.  
22 Marty's driving around watching people.

23 CHAIRMAN VALENTIC: All right. Any other questions  
24 from anyone? You good, Skip?

25 Okay. You're good. You can be seated.

26 MR. KHAWAM: Thank you.

27 CHAIRMAN VALENTIC: Is there anyone else here  
28 speaking for or against this appeal that would like to come  
29 up?

30 MR. DYNES: I have one more question,

1 Mr. Slavkovsky. I apologize. I mean, you indicate in here --

2 CHAIRMAN VALENTIC: Could you come up to the podium,  
3 please?

4 MR. DYNES: I am assuming this is accurate. I mean,  
5 you are discussing the noises as light construction noises  
6 when in use, hammers, power saws, battery-powered hand tools,  
7 pneumatic tools, right? I mean, so that's accurate.

8 MR. SLAVKOVSKY: What I meant by that was there is  
9 no excavating, there is no big tractors and bulldozers and  
10 backhoes.

11 MR. DYNES: Won't be dynamiting anything?

12 MR. SLAVKOVSKY: No, exactly. You might hear a  
13 hammer.

14 MR. DYNES: Thank you. Just building the record.

15 MR. SLAVKOVSKY: You might hear a drill, might hear  
16 a saw.

17 CHAIRMAN VALENTIC: Okay.

18 MR. DYNES: Okay.

19 CHAIRMAN VALENTIC: Thank you. All right. So if  
20 there is no further questions, the public hearing for Variance  
21 Number 2021-15 is now closed to the public. Can I get a  
22 motion to approve Conditional Use Permit 2021-15?

23 MR. DYNES: So moved.

24 CHAIRMAN VALENTIC: Second?

25 MR. SWEENEY: Second.

26 CHAIRMAN VALENTIC: Discussion to the board?

27 Nothing.

28 Heather, the question is approval of Variance  
29 Number 2021-15. A yes vote approves it, a no vote does not.  
30 Please call the vote.

1 MS. FREEMAN: Mr. Hamilton?  
2 MR. HAMILTON: Yes.  
3 MS. FREEMAN: Mr. Sweeney?  
4 MR. SWEENEY: Yes.  
5 MS. FREEMAN: Ms. Jarrell?  
6 MS. JARRELL: Yes.  
7 MS. FREEMAN: Mr. Dynes?  
8 MR. DYNES: Yes.  
9 MS. FREEMAN: And Mr. Valentic?  
10 CHAIRMAN VALENTIC: Yes.  
11 Your conditional use permit is approved. Thank you.  
12 MR. SLAVKOVSKY: Thank you.  
13 CHAIRMAN VALENTIC: Okay. Next is another  
14 conditional use permit, 2021-16, Tony Milam, of Sunny Street  
15 Cafe, is requesting an amended conditional use for outside  
16 dining in accordance with Section 13.33 for the property  
17 located at 7531 Crile Road, current parcel number  
18 08-A-019-B-00-012-0.  
19 Please come up and present your case.  
20 MR. MILAM: Hello, everyone.  
21 CHAIRMAN VALENTIC: Hello.  
22 MS. JARRELL: Hello.  
23 MR. MILAM: Tony Milam, I am with Sunny Street Cafe,  
24 7531 Crile Road.  
25 CHAIRMAN VALENTIC: And you've been sworn in?  
26 MR. MILAM: And I have been sworn in, yes.  
27 CHAIRMAN VALENTIC: Okay. I know there is another  
28 variance request after this but let's just focus on this.  
29 MR. MILAM: On the first one, okay.  
30 CHAIRMAN VALENTIC: On the conditional use permit.

1 MR. MILAM: Okay. Well, basically, the first one is  
2 about the limitation on outside seating to inside seating,  
3 which is 25 percent. And we're looking to have a -- have that  
4 removed from our conditional, well, from our zoning permit on  
5 the first one, I think, right?

6 CHAIRMAN VALENTIC: No. The first one is --

7 MR. MILAM: Oh, conditional use, yeah.

8 CHAIRMAN VALENTIC: Yeah.

9 MR. MILAM: Okay. So we're looking to have that  
10 removed because the condition is very difficult because, you  
11 know, when you have nice weather, you have people that the  
12 majority of people want to go outside. So we may have 50  
13 people come to the restaurant and all 50 might want to sit  
14 outside. So we'd like to have that, that one removed.

15 CHAIRMAN VALENTIC: No. Heather, they need a new  
16 conditional use permit because they're revising the patio. Is  
17 that the case?

18 MR. MILAM: Oh, yeah.

19 MS. FREEMAN: Yeah, you're requesting an amended  
20 conditional use permit --

21 MR. MILAM: Right.

22 MS. FREEMAN: -- due to the changes that you are  
23 proposing to have.

24 MR. MILAM: Right, we're proposing to change our  
25 canopy.

26 MR. DYNES: Increase?

27 MR. MILAM: We're not increasing anything but we're  
28 changing the canopy from a canopy structure, a vinyl  
29 structure, a fabric structure to a hard, lumber-built  
30 structure.

1           CHAIRMAN VALENTIC: Okay. What else are guys  
2 changing on it?

3           MR. MILAM: That's pretty much it, but we're  
4 covering the whole patio. The patio is not all completely  
5 covered, so we're actually expanding the roof a little further  
6 but it doesn't expand the actual area that we already have as  
7 the patio area.

8           CHAIRMAN VALENTIC: I think we approved this back in  
9 2010, conditional use permit for outside dining, and so you  
10 have to come back to amend it because of the change in the  
11 structure.

12          MR. MILAM: Yeah, the change in structure type puts  
13 it into a different category. So even though we would like to  
14 have the percentage removed --

15          CHAIRMAN VALENTIC: Well, we will talk about that  
16 one next.

17          MR. MILAM: Oh, that's not it, okay.

18          CHAIRMAN VALENTIC: Yeah. We've got to keep this  
19 group focused on this. It's been a long evening.

20          MS. JARRELL: Aren't we increasing the occupancy  
21 outside?

22          MR. DYNES: Right.

23          CHAIRMAN VALENTIC: He would like to do that as well  
24 but that's the next variance.

25          MR. DYNES: Isn't that first on our agenda?

26          MS. JARRELL: I thought it was the parking variance.

27          MR. DYNES: Number 6 is a conditional use,  
28 requesting an amended conditional use permit for outside  
29 dining in accordance with Section 13.33.

30          MR. MILAM: Well, 13.33, there is E and G that are

1 impacting us. The second one is the parking, one space per  
2 100 square feet. So we have two within that same section.

3 CHAIRMAN VALENTIC: Two within 6 just -- we've got  
4 Number 5 and we have Number 6, so right now we're just talking  
5 about Number 5.

6 MR. DYNES: Right, that's my understanding, which is  
7 the conditional use modification amendment.

8 CHAIRMAN VALENTIC: Yes.

9 MR. MILAM: Well, the same two things apply in both  
10 that we're trying to do, which is the 25 percent on the first  
11 one, which is the conditional use permit, and the second one  
12 is the variance for --

13 CHAIRMAN VALENTIC: The parking space.

14 MR. DYNES: Right. You asked him to discuss --

15 CHAIRMAN VALENTIC: Number 5.

16 MR. DYNES: -- Number 5 first.

17 MR. MILAM: Well, no, the one is for the zoning  
18 permit, right, Heather?

19 MR. DYNES: And then we would do that and vote on  
20 that and then take the second one after that.

21 CHAIRMAN VALENTIC: Correct.

22 MR. DYNES: Right.

23 CHAIRMAN VALENTIC: You said everything I've said, I  
24 think.

25 MR. DYNES: My understanding --

26 CHAIRMAN VALENTIC: We are in sync tonight.

27 MR. DYNES: -- is that we're just talking -- So,  
28 Mr. Milam, you've requested he only address the amendment of  
29 continual use to exceed that 25 percent.

30 MR. MILAM: Well, it doesn't seem to be written

1 correctly because --

2 CHAIRMAN VALENTIC: Yeah.

3 MR. MILAM: -- there is an E and G in both of them  
4 that we need removed. There is a conditional use permit.

5 Is this right, Heather?

6 MS. FREEMAN: So the amended conditional use permit  
7 requires you to comply with all of the items in 33.33.

8 MR. MILAM: Right.

9 MS. FREEMAN: So A through --

10 MR. MILAM: G?

11 MS. FREEMAN: A through I.

12 MR. MILAM: I, okay.

13 MS. FREEMAN: And you focused on your application,  
14 on your -- for your CUP, you focused on the two that you are  
15 having trouble complying with, therefore, why you're  
16 requesting a variance.

17 But this board is trying to get you to discuss items  
18 A through -- all of the items to show what you are doing,  
19 making sure you're complying with the provisions for the  
20 outdoor dining area.

21 And I don't know if you want to help, maybe walk him  
22 through what those are, if that helps you. I don't know.

23 CHAIRMAN VALENTIC: Yeah. So --

24 MR. MILAM: The only two we can't comply with are E  
25 and G, so that's what the focus is and that's what the letter  
26 that we submitted on the variance is focused on, is E and G or  
27 -- E and G, yeah.

28 CHAIRMAN VALENTIC: But we still need, we need to  
29 approve you for all the other ones first. All right?

30 MR. MILAM: Oh, I see.



1           CHAIRMAN VALENTIC: We've got to give you -- We've  
2 got to amend your conditional use permit because you're  
3 changing that structure. And then we can, then you're going  
4 to request a variance to E and G as a separate request.

5           So if you haven't seen this, there is this 13.33 for  
6 outdoor dining, A through I.

7           MR. MILAM: Yeah, I have seen those, yes.

8           CHAIRMAN VALENTIC: Okay.

9           MR. MILAM: I am familiar with them.

10          CHAIRMAN VALENTIC: So what we're trying to get  
11 through here, painfully, is that we want to -- you want to  
12 present a conditional use permit amendment to the outdoor  
13 dining and then present that and then we can talk about it and  
14 we can vote on it, and then we can bring you right back up and  
15 we can talk about your variance request from E and G.

16          MR. MILAM: Okay. So we're already in compliance  
17 with the current conditional use.

18          CHAIRMAN VALENTIC: Okay.

19          MR. MILAM: But there are some new stipulations,  
20 like G wasn't there when we got our original one. So that's  
21 been an addition.

22          Is that right, Heather? Because I am looking at it  
23 here. It goes through F.

24          MS. FREEMAN: I think what we, yeah, I think what  
25 they're looking for you to do is explain how you're changing  
26 your patio and explain what you -- what the architectural plan  
27 is.

28          MR. MILAM: Okay. The architectural plan is in the  
29 package and that's basically, you know, we're changing the  
30 roof structure. It's located almost in the exact same

1 position, has the same pitch to it. So there is really no  
2 major change at all to what you're going to see as far as like  
3 the structure except for the material type.

4 CHAIRMAN VALENTIC: What's the new roof material  
5 going to be?

6 MR. MILAM: It's going to be a standing seam metal  
7 roof, same coloration, everything.

8 CHAIRMAN VALENTIC: Okay. And is stone going to  
9 match the building?

10 MR. MILAM: The stone will match the existing  
11 building.

12 CHAIRMAN VALENTIC: Great, okay. I have no further  
13 questions on the continual use permit. Does anyone else?

14 MR. DYNES: No.

15 MS. JARRELL: No.

16 CHAIRMAN VALENTIC: Go ahead, Skip.

17 MR. SWEENEY: I am just a bit confused.

18 CHAIRMAN VALENTIC: Here we go. I got your answers.

19 MR. SWEENEY: Nothing is being changed. You are  
20 here tonight. The only thing that's different from when you  
21 originally applied for outdoor dining and so on is that you're  
22 changing the roof and you're using specific materials,  
23 correct? That's the only difference?

24 MR. MILAM: Pretty much, yes.

25 MR. SWEENEY: Okay. But in the interim, did the  
26 code change? Why is he even here?

27 MS. JARRELL: Heather.

28 MS. FREEMAN: Oh.

29 MR. SWEENEY: Why does he even need to be here?

30 MS. FREEMAN: So the plans presented for the patio

1 renovation, he is changing the perimeter boundary of the  
2 patio. So, right now, he has an ornamental fence with some  
3 stone connecting that and you can just walk in and out of the  
4 patio, correct? There's no doors.

5 With this new plan, he is installing doors and like  
6 a knee wall, like bench seating on the perimeter of it and  
7 putting a hard surface roof, which in addition to that, he is  
8 changing his occupancy both inside the restaurant and outside.

9 MS. JARRELL: That's being addressed with the  
10 variances though.

11 MS. FREEMAN: Right. Those come into play. I mean,  
12 that -- yeah. So he is changing the occupancy, the seating  
13 capacity on both in and out. And from what I understand is  
14 that those changes require, you know, Building Department  
15 approval as well, which we is working with.

16 CHAIRMAN VALENTIC: But because he's changing the  
17 structure, that's why he has to come back for an amendment to  
18 his conditional use permit.

19 MS. FREEMAN: Yes, right. And he's changing the  
20 seating, which was previously approved in 2010.

21 MR. DYNES: There's a minor increase in seating.

22 MS. FREEMAN: Yeah.

23 MR. SWEENEY: All right. So all of this has been  
24 previously approved.

25 MR. DYNES: More or less.

26 MS. FREEMAN: Well, different plan, a different set  
27 of plans. The same footprint of the patio, yes.

28 CHAIRMAN VALENTIC: Yes.

29 MS. FREEMAN: Yes.

30 CHAIRMAN VALENTIC: So let's --

1 MR. SWEENEY: Right. The square footage hasn't  
2 changed.

3 CHAIRMAN VALENTIC: Correct.

4 MR. SWEENEY: But certain minor things have.

5 MS. FREEMAN: Right.

6 MR. SWEENEY: Knee walls and things like that.

7 CHAIRMAN VALENTIC: Correct.

8 MR. SWEENEY: And that's why he's here.

9 CHAIRMAN VALENTIC: For the conditional use permit.

10 MS. FREEMAN: Yes.

11 CHAIRMAN VALENTIC: For the conditional use permit  
12 only.

13 MR. SWEENEY: For just the CUP.

14 CHAIRMAN VALENTIC: Yes.

15 MS. FREEMAN: Yes. And with that, there are new  
16 provisions that he shall comply with based on coming back to  
17 get the amended and that's why he followed up with the  
18 separate variance application.

19 MR. SWEENEY: Right. And those additional things he  
20 needs to comply with did not exist when he originally applied  
21 for it.

22 MS. FREEMAN: Correct.

23 MR. SWEENEY: Got it.

24 MS. FREEMAN: And he is held to that now, yes.

25 MR. SWEENEY: Got it. Okay, I am with you.

26 MS. FREEMAN: Okay.

27 MR. SWEENEY: Thank you.

28 CHAIRMAN VALENTIC: Okay. Is there any questions  
29 for the, questions for the applicant on the conditional use  
30 permit? No.

1           You can be seated.

2           MR. MILAM:   Okay.

3           CHAIRMAN VALENTIC:  Is there anyone else here  
4 speaking for or against this appeal?

5           MS. JARRELL:  Excuse me, sir.  No, don't leave,  
6 don't leave.

7           MR. DYNES:  Don't leave, Tony.

8           MS. JARRELL:  Don't leave.

9           CHAIRMAN VALENTIC:  Man, this is twice in one night.

10          MR. PITKIN:  He's just getting water.

11          MS. FREEMAN:  Oh, he's not leaving.

12          MR. MILAM:  Do you need me back?

13          MS. FREEMAN:  Oh, they thought you were leaving, so  
14 we were making sure you weren't leaving.

15          MR. MILAM:  Oh, no.

16          CHAIRMAN VALENTIC:  Sorry.

17          All right.  So if there's no further questions, the  
18 public hearing for Conditional Use Permit 2021-16 --

19          MS. FREEMAN:  Well, did you want to see if there was  
20 anyone speaking for or against it.

21          CHAIRMAN VALENTIC:  I did.  I am sorry.  I was  
22 quick.

23          MS. FREEMAN:  Oh, I didn't hear you.  I'm sorry.

24          CHAIRMAN VALENTIC:  I know.  I was really quick with  
25 that.

26          MR. DYNES:  Anybody else on the phone?

27          CHAIRMAN VALENTIC:  Is there anyone else on the  
28 phone?  Good point.

29          MS. FREEMAN:  There is no one else on the phone.

30          MS. LANDGRAF:  No, just me.

1 CHAIRMAN VALENTIC: All right. Hopefully, you're in  
2 some warm pajamas over there, Stephanie.

3 All right. So if there are no further questions,  
4 the public hearing for Variance Number 2 -- Oh, Conditional  
5 Use Permit Number 2021-16 is now closed to the public. Can I  
6 get a motion to approve Continual Use Permit 2021-16?

7 MR. DYNES: So moved.

8 MR. SWEENEY: Second.

9 MS. JARRELL: Second.

10 CHAIRMAN VALENTIC: All right. We got a second from  
11 Skip. He was first. Any discussion from the board? No  
12 discussion from the board.

13 Heather, please call the vote for Conditional Use  
14 Permit 2021-16.

15 MS. FREEMAN: Mr. Sweeney?

16 MR. SWEENEY: Yes.

17 MS. FREEMAN: Ms. Jarrell?

18 MS. JARRELL: Yes.

19 MS. FREEMAN: Mr. Dynes?

20 MR. DYNES: Yes.

21 MS. FREEMAN: Mr. Hamilton?

22 MR. HAMILTON: Yes.

23 MS. FREEMAN: And Mr. Valentic?

24 CHAIRMAN VALENTIC: Yes.

25 All right. Your conditional use permit has been  
26 approved.

27 Okay. Tony, come back on up. So next is Variance  
28 Number 2021-79, Tony Milam, of Sunny Street Cafe, is  
29 requesting a variance from Section 13.33(E), to allow outside  
30 dining capacity to exceed the permitted maximum 25 percent of

1 the restaurant seating capacity indoors, for the property  
2 located at 7531 Crile Road, current parcel number  
3 08-A-019-B-00-012-0. And, also, a second variance is  
4 requested from Section 13.33(G) to eliminate the requirement  
5 for one parking space per 100 square feet of outdoor dining  
6 area.

7 Heather, are we going to have to vote on these two  
8 separately, these two variances?

9 MS. FREEMAN: Yes.

10 CHAIRMAN VALENTIC: Okay.

11 All right. Tony, walk us through this. I am  
12 really -- I am sort of confused. I kind of understand what  
13 we're trying to do with 25 percent. And I know, with the COVID  
14 restrictions and everything, too, that all comes into play.  
15 So I wanted to really, for me, I really want to understand  
16 what you are trying to do and what you want so we can get  
17 maybe, you know, get through that one.

18 MR. MILAM: Okay. Well, in today's state of the  
19 pandemic and our requirements at a restaurant, there are  
20 stipulations for us in spacing and how much seating we can  
21 have, especially in the open area of the patio. Inside is  
22 more controlled by barriers between booths and things like  
23 that but outside we got the spacing.

24 So today, if we were to just go with our plan, it's  
25 more set up for meeting the, you know, COVID restriction type  
26 pandemic things. But we want to be able to expand that.  
27 That's the reason we are putting the sitting wall in. And  
28 then we have, you know, future plans to, you know, increase  
29 occupancy at some point. But today we're trying to just stay  
30 within our occupancy because it's very costly to expand beyond

1 100 because then you get into the fire issues because now the  
2 space becomes more in the fire code area and you have to go to  
3 sprinklers and things like that. So we're trying to stay with  
4 our occupancy at the level we're at now, so we're not trying  
5 to make any -- we're just trying to get our seating back to  
6 full capacity.

7 CHAIRMAN VALENTIC: Okay. So you have to stay under  
8 a certain number because of fire suppression?

9 MR. MILAM: Right.

10 CHAIRMAN VALENTIC: Okay. But you want to be able  
11 to put more people, a higher percentage of people outside than  
12 you are typically allowed to so you can space them out.

13 MR. MILAM: Seasonally, that's the demand.

14 CHAIRMAN VALENTIC: Got it.

15 MR. MILAM: Like the last few weeks, everybody  
16 that's come in on these nice days, they all said outside,  
17 outside, so we want to accommodate them outside. And most  
18 everybody in dining is pushing for outside seating right now.

19 CHAIRMAN VALENTIC: So, okay, that makes sense. I  
20 get that part. So what happens when the COVID restrictions  
21 are over?

22 MR. MILAM: Without having the stipulation, we don't  
23 have to come back in front of this committee for another  
24 variance to say, okay, today it's this number, tomorrow it's  
25 that number. If we just eliminate that there is any  
26 limitation on outdoor-to-indoor seating, that helps the  
27 restaurant the most.

28 CHAIRMAN VALENTIC: But the thing is the ordinance  
29 without COVID there is a elimination to the amount of outdoor  
30 seating.



1 MR. MILAM: Yeah. But I think almost every  
2 restaurant in Concord has gotten a variance. I find it hard  
3 to believe -- Take the Redhawk, for example. There is a huge  
4 number of outdoor seats. And from what I have learned from  
5 other restaurants, they have had to go through the same thing  
6 that I am doing to get a variance.

7 CHAIRMAN VALENTIC: Okay. I don't know if that's  
8 the case.

9 Heather, do we know if that's the case? I don't  
10 remember if we have approved others for -- I don't remember.

11 MS. FREEMAN: Redhawk was established prior to the  
12 township regulating the patio and size. There have been a few  
13 variances granted on the outdoor dining recently in the Crile  
14 Crossing development, some of those patios there.

15 CHAIRMAN VALENTIC: Okay. So, I guess, what would  
16 be if you -- Do you know what the number would be if you had  
17 your max capacity inside and what your percentage would be  
18 outside, like, post COVID.

19 MR. MILAM: You know, it's -- We can get up to 50  
20 seats outside if we really wanted to. And, you know, we're  
21 occupancy of like 99 right now. So that would eliminate the  
22 inside seating.

23 CHAIRMAN VALENTIC: But you can't go over 100.

24 MR. MILAM: Right.

25 CHAIRMAN VALENTIC: Right, so if you did 50 outside,  
26 then you've got to do --

27 MR. HAMILTON: So what is the occupancy of the  
28 inside portion of the restaurant?

29 MR. MILAM: That can go as high as, I think, we're  
30 around 60, I believe, if we used every seat inside and maxed

1 it out. We can't do that today.

2 MR. HAMILTON: Right.

3 MR. MILAM: But that would be what it could get up  
4 to.

5 CHAIRMAN VALENTIC: But if you have that on the  
6 inside, then you would have to eliminate seating on the  
7 outside, correct? The 100 is going to drive your, how many  
8 seats you put out there.

9 MR. MILAM: For now. But if we decide to come back  
10 for a higher occupancy and put in fire suppression, we will  
11 have the space to do it and we won't have this limitation to  
12 come back and, you know, ask for another variance.

13 MS. JARRELL: What are you getting at?

14 CHAIRMAN VALENTIC: I am getting at -- I am just  
15 trying to understand why, you know, the COVID restrictions and  
16 then post COVID because once COVID is over, he doesn't have  
17 the restrictions on the seating. Right now, he's got a bigger  
18 patio, wants to have more seating so he can have, right,  
19 people spaced out. So I am just trying to understand what  
20 happens after COVID.

21 MS. JARRELL: Well, correct me if I am wrong, but  
22 you want to have the 25 percent, regardless of COVID, post  
23 COVID, you just want more people to be able to sit outside,  
24 right?

25 MR. MILAM: I don't want the 25 percent as part of  
26 the condition at all. That's what we're trying to eliminate  
27 is any limitation for outdoor seating.

28 MS. JARRELL: Okay.

29 MR. MILAM: I mean, we're still, we fall under what  
30 the fire codes are and we fall under what building codes are,

1 too. And fire codes are egress and things like that. So you  
2 can only put so many. We are just trying to keep it --

3 CHAIRMAN VALENTIC: Okay. But correct me, Blair,  
4 you are the one that kind of -- It seems like a big variance  
5 request or am I wrong because he's asking that there is no --  
6 it's not like he's asking for 30 percent instead of 25.

7 MR. HAMILTON: His total capacity is limited, as he  
8 stated. And then 13.35(E) (sic) says, "Outside seating  
9 capacity shall not exceed 25 percent of the restaurant seating  
10 capacity indoors."

11 CHAIRMAN VALENTIC: So he's asking to eliminate the  
12 25 because it's unlimited.

13 MR. HAMILTON: He's still limited to 25, right.  
14 Well, he's limited by other factors.

15 MR. MILAM: The other factors, yeah.

16 CHAIRMAN VALENTIC: Okay.

17 Any other questions?

18 MR. DYNES: I don't have any.

19 CHAIRMAN VALENTIC: Blair, are you good?

20 MR. HAMILTON: I am good, yeah.

21 CHAIRMAN VALENTIC: Chris?

22 MS. JARRELL: Um-hum.

23 CHAIRMAN VALENTIC: All right. Thank you. You can  
24 be seated.

25 MR. MILAM: There was a second part to that, too.

26 CHAIRMAN VALENTIC: Oh, yeah.

27 MR. MILAM: There is the G.

28 CHAIRMAN VALENTIC: Parking.

29 MR. MILAM: Which is one parking space per 100  
30 square feet. Since we're not -- There are a couple things on

1 that. We're not really growing our occupancy at all, number  
2 one. It's not an addition of the additional space. And that  
3 requirement wasn't in there when we got our original one. G  
4 was added later.

5 And we are also in a shared parking lot where, when  
6 we're busy, all the other businesses are, pretty much, shut  
7 down, which are morning, weekends, which is our heavy period  
8 of time. And they don't -- There is very little business  
9 activity in the plaza as well, so there is pretty ample  
10 parking.

11 MR. DYNES: Mr. Milam, you provided us a letter of  
12 approval from the Friedman Real Estate Group, right, to that  
13 end?

14 MR. MILAM: Yes, we did.

15 MR. DYNES: No objection from any other tenants or  
16 owners or otherwise?

17 MR. MILAM: No.

18 CHAIRMAN VALENTIC: Any other questions?

19 You can be seated.

20 Is there anyone that's here speaking for or against  
21 this variance this evening? If there's no further questions,  
22 the public hearing for Variance Number --

23 MS. FREEMAN: Mr. Chairman.

24 DEPUTY CHIEF TERRIACO: Ron Terriaco, Concord Fire  
25 Department.

26 CHAIRMAN VALENTIC: Excuse me.

27 DEPUTY CHIEF TERRIACO: Do you want any  
28 clarification on occupant rolls or those type of things? I am  
29 here to speak in favor of both sides. So yes or no?

30 CHAIRMAN VALENTIC: Do you guys have any questions?

1 DEPUTY CHIEF TERRIACO: Are you good?

2 CHAIRMAN VALENTIC: We're good, apparently, up here.

3 MR. DYNES: Thank you for being here.

4 DEPUTY CHIEF TERRIACO: All right.

5 CHAIRMAN VALENTIC: I didn't see you hiding behind  
6 the podium.

7 DEPUTY CHIEF TERRIACO: Because it's morning  
8 already, isn't it?

9 MR. MILAM: Ready for breakfast? We'll make you  
10 eggs.

11 MR. DYNES: You had a long walk, we know.

12 CHAIRMAN VALENTIC: If there is no further  
13 questions, the public hearing for Variance Number 2021-79 is  
14 now closed to the public. Can I get a motion to approve the  
15 variance?

16 MR. DYNES: So moved.

17 CHAIRMAN VALENTIC: Second?

18 MR. SWEENEY: Second.

19 CHAIRMAN VALENTIC: Thank you. Discussion? I will  
20 just say, on the parking thing -- Skip, come on.

21 MR. SWEENEY: Sorry.

22 CHAIRMAN VALENTIC: I am good with that one. I  
23 don't -- I guess I am not a hundred percent sure why we would  
24 let anyone go unlimited on the 25 percent if we have on  
25 ordinance that limits it to 25 percent outdoor seating but  
26 that's just my opinion on that one. It seems like I don't  
27 remember ever giving that or awarding to anybody else before.  
28 It seems --

29 MR. SWEENEY: Well, I don't think it's a threat of  
30 being exceeded because, from what I remember about your -- you

1 can't get any bigger, right? It can't get bigger unless you  
2 go into the parking lot.

3 MR. DYNES: Right.

4 CHAIRMAN VALENTIC: Yeah, okay. Maybe I am missing  
5 something. Any other points, discussion on that one?

6 MR. DYNES: You and I have had a rough night.

7 CHAIRMAN VALENTIC: Yeah, we have. It's not over  
8 yet.

9 MR. DYNES: I know.

10 CHAIRMAN VALENTIC: Okay. So, Heather, the question  
11 is on approval of Variance Number 2021-79. Please call the  
12 vote.

13 MS. FREEMAN: So are we voting -- You're voting on  
14 the 25 percent?

15 CHAIRMAN VALENTIC: Oh, yes, I am sorry. Thank you.  
16 Please call the vote on the variance from Section 13.33, to  
17 allow the outside dining capacity to exceed the permitted 25  
18 percent of the restaurant seating capacity indoors for the  
19 property located at 7531 Crile Road.

20 MS. FREEMAN: Mr. Sweeney?

21 MR. SWEENEY: Yes.

22 MS. FREEMAN: Mr. Dynes?

23 MR. DYNES: Yes.

24 MS. FREEMAN: Ms. Jarrell?

25 MS. JARRELL: Yes.

26 MS. FREEMAN: Mr. Hamilton?

27 MR. HAMILTON: Yes.

28 MS. FREEMAN: Mr. Valentic?

29 CHAIRMAN VALENTIC: Yes.

30 Okay. Then next would be, can I get a motion from

1 the board for a second variance for 2021-79? He's requesting  
2 a variance from Section 13.33(G) to eliminate the requirement  
3 for one parking space per 100 square feet of outdoor dining  
4 area.

5 MR. DYNES: So moved.

6 CHAIRMAN VALENTIC: Second?

7 MS. JARRELL: Second.

8 CHAIRMAN VALENTIC: All right. Any discussion?

9 None.

10 Heather, can you please call the vote.

11 MS. FREEMAN: Ms. Jarrell?

12 MS. JARRELL: Yes.

13 MS. FREEMAN: Mr. Dynes?

14 MR. DYNES: Yes.

15 MS. FREEMAN: Mr. Sweeney?

16 MR. SWEENEY: Yes.

17 MS. FREEMAN: Mr. Hamilton?

18 MR. HAMILTON: Yes.

19 MS. FREEMAN: Mr. Valentic?

20 CHAIRMAN VALENTIC: Yes.

21 All right. Your variance has been approved. Thank  
22 you.

23 MR. MILAM: Thank you.

24 CHAIRMAN VALENTIC: All right. Last but not least,  
25 Variance Number 2021-80, Scott Sill is requesting a variance  
26 from Section 15.03(A)(6), Table 15.03-1, to allow for  
27 construction of an accessory building to be 2,016 square feet  
28 in lieu of the maximum 1,024 square feet permitted for the  
29 property located at 6670 Ravenna Road, current parcel number  
30 08-A-015-B-00-005-0.

1           Please come up and present your case.

2           MS. CROSS: I put together these little pictures.

3           CHAIRMAN VALENTIC: All right. Thank you.

4           MR. SILL: My name is Scott Sill, 6670 Ravenna Road,  
5 and I have been sworn in.

6           MR. DYNES: Thank you.

7           MR. SILL: I think we need to give this young lady a  
8 break with her fingers for a minute.

9           MS. JARRELL: I know.

10          MR. SILL: So the reason I am here today is to apply  
11 for a variance for this large building, obviously, to house  
12 my -- This is actually my fiance, Maria. We're getting  
13 married the 28th of May.

14          CHAIRMAN VALENTIC: Congratulations.

15          MR. SWEENEY: Congratulations.

16          MR. SILL: Thank you. So our home and our house.  
17 But we would like to store an RV and trailer indoors for a  
18 couple of reasons. It's very expensive trying to keep it out  
19 of the weather, trying to keep it nice, make it last longer.

20                 A couple of other things. We have had a couple  
21 minor break-ins, one in my truck and one in the motor home.  
22 Nothing was majorly stolen, just come in and ransacked it a  
23 little bit and then they took a dash cam out of my truck,  
24 nothing big. The sheriff came and blah, blah, blah, we did  
25 all that.

26                 So we would like to store it inside, keep it locked  
27 up and keep it nice.

28                 The reason it being so big is it is long together,  
29 you know. I almost can't go any shorter. You know what I  
30 mean? That's why it is so long.



1           CHAIRMAN VALENTIC: Yeah, it's a big camper.

2           MR. SILL: Yeah, yeah, sorry about that. Hopefully,  
3 you got the -- We were, all the neighbors had agreed and we  
4 were waiting for the last neighbor. He's a firemen and he is  
5 in and out, so we were waiting for his signature and then  
6 that's why it's not in your original packet.

7           CHAIRMAN VALENTIC: Yeah. So I just want to enter  
8 -- Heather, if you didn't get a copy, I got one here.

9           MR. SILL: Oh, yeah, I am sorry. I didn't -- We did  
10 nine.

11          MS. FREEMAN: Yeah, I got one.

12          CHAIRMAN VALENTIC: You got one, okay. So they also  
13 provided signatures from the neighboring properties.

14          MR. SILL: Yes.

15          CHAIRMAN VALENTIC: And photos of the site.

16          MR. SILL: Correct. Yeah, just kind of giving you  
17 an idea how off the road the driveway is up a hill. You won't  
18 even see this thing. I mean, I know it's a big building. I  
19 get that. But like if you could picture behind the motor home  
20 in the driveway like, once it's in there, if you guys allow me  
21 to, you won't even see the building, you know, so not to be an  
22 eyesore, keep the property, you know, looking good and trying  
23 to keep that good for the neighbors as well.

24                 So they don't seem to mind it but I think it would  
25 be a big help to the community, too, to keep it closed up.

26          CHAIRMAN VALENTIC: Are you going to, like, how do  
27 you -- Are you just driving it over the lawn to get it back  
28 there? How do you get it back there?

29          MR. SILL: Well, through the driveway, right, right  
30 through the driveway. But then, you know, it's really weird

1 how the house is laid out. And I think that, in the past, I  
2 have heard stories that this house was, like, the original  
3 family's house and, as the family grew up, they built the  
4 houses around it and they had a whole bunch of acreage. Well,  
5 the way they split it up is just, you know, our house is  
6 sideways.

7 CHAIRMAN VALENTIC: Yeah.

8 MR. SILL: It's really, you know, so we're limited.  
9 Like if you consider the back yard would be the north side,  
10 there is all kinds of room there but I can't do anything. The  
11 septic field is there and it's behind the house even though it  
12 is sideways, you know. But, fortunately, I didn't build it  
13 that way but I am just trying to make good use of what I have.  
14 That's all.

15 (Honking from outside.)

16 CHAIRMAN VALENTIC: Someone is supporting you  
17 outside.

18 MR. SILL: Is that what that is? Yay.

19 CHAIRMAN VALENTIC: So do you drive up the driveway,  
20 you are thinking, and up the front of the house?

21 MR. SILL: Yeah, exactly, you're right. It is up  
22 the front of the house, yeah.

23 CHAIRMAN VALENTIC: Okay.

24 MR. SILL: Which our neighbors to the south are  
25 great. They don't -- I'm like, you know, we're always  
26 apologetic to them, like, "Is this in your way? Can we do  
27 something?"

28 And they're like, "It's fine." They're like, "What  
29 are you worried about?"

30 I'm like, "Well, I just want to be courteous to the

1 neighbors." So --

2 CHAIRMAN VALENTIC: And the width of it?

3 MR. SILL: Yeah. Well, I originally -- Marty had  
4 came by and I talked to him once about it. I actually wanted  
5 wider but I didn't realize. I am just thinking, come on, it's  
6 Concord. I'm out. There is all this land. The neighbors  
7 behind us have, you know, it's all open and everything back  
8 there but they have some buildings and stuff like that.

9 But he's like, "Yeah, I don't think so." So we  
10 tried to trim it down as much as we could to make everything  
11 fit and still look good.

12 And on the one drawing, I apologize for that. We're  
13 going to get another one made up. We're going to put that  
14 like Rosetta stone across the front of it to make it look  
15 really nice. You know, we're really trying to make the house  
16 appealing for neighbors and everything. So I think it was one  
17 of the buildings -- or the picture with the building on it.  
18 Excuse me.

19 MS. JARRELL: So why is it 72 feet long?

20 MR. SILL: Because the motor home is 37 feet, I  
21 think, and the trailer is 28, with a 3-foot tongue and a  
22 1-foot overhang on the back. So it's like 69, I think it's 69  
23 and a half feet or something. But the builder said that when  
24 you guys, when we apply for that 28 by 72, that would be  
25 outside dimensions. So he said you're going to lose a foot  
26 and a half. So that I could narrow it down but then I won't  
27 be able to fit it in. It will ruin the whole project and  
28 won't be worth it.

29 MS. JARRELL: It's bigger than your house.

30 MR. SILL: Almost, yeah, yeah.

1 MR. HAMILTON: So this building will be located  
2 where you are currently parking the RV now?

3 MR. SILL: Actually -- And I apologize.

4 MR. DYNES: It's sketched in the back, right?

5 MR. SILL: Yeah, it's in the back, yeah.

6 CHAIRMAN VALENTIC: It's hard to see back there.

7 MR. SILL: It didn't come out in print. I  
8 apologize.

9 MR. HAMILTON: I gotcha. I am sorry. I missed it.

10 MR. SILL: Yeah. So it's kind of back up against  
11 the woods kind of like there.

12 MS. JARRELL: So you are putting a driveway in or  
13 gravel?

14 MR. SILL: Probably just gravel, yeah, just to add,  
15 you know, to attach to that.

16 CHAIRMAN VALENTIC: It's massive.

17 MR. SILL: It is massive.

18 MS. JARRELL: It's massive, yeah.

19 MR. SILL: I do understand that. I didn't think  
20 really that big but, you know, I mean, there is a lot. I  
21 guess I didn't think it was any big deal at first until Marty  
22 told me, he's like, "This is pretty big." But there is a lot  
23 of buildings around it. I was like, okay. I didn't think it  
24 would be any big deal at all but, apparently, it is. So --  
25 I can't think of anything else, just to keep the yard free  
26 from clutter and all that stuff is the only notes that I  
27 really have on that.

28 CHAIRMAN VALENTIC: Did the neighbor kind of behind  
29 you on the bigger lot, did they sign off on it?

30 MR. SILL: Yes, they did. They are -- Yes, they

1 were like the third one, I think. He is, like, he thought I  
2 was going to build it myself. I'm like, no. But he says  
3 like, "Hey, I have a tractor if you want to use it." I'm  
4 super -- We are blessed with good neighbors. To be honest  
5 with you, we had actually thought about moving south just  
6 because of not having enough room but I was like, we love it.  
7 I'm close to work. You know, the neighbors are great. I  
8 mean, they're just -- I am not trying to talk them up. They  
9 are, they really are.

10 There was something about -- I thought that Marty  
11 had said that I already had a pole building on the property  
12 but I don't. He said it might be on there or something but I  
13 don't have -- There is no other building on there.

14 CHAIRMAN VALENTIC: This is your only building.

15 MR. SILL: Yes, yes, correct.

16 CHAIRMAN VALENTIC: Okay, good.

17 MR. SILL: Yeah. It's --

18 CHAIRMAN VALENTIC: All right. Blair, do you have  
19 any questions?

20 MR. HAMILTON: No, I am good.

21 CHAIRMAN VALENTIC: Anyone else?

22 MR. DYNES: I don't.

23 CHAIRMAN VALENTIC: Okay. All right. You can be  
24 seated.

25 MR. SILL: Thank you very much.

26 CHAIRMAN VALENTIC: You're good? Sorry.

27 MS. JARRELL: Yes.

28 CHAIRMAN VALENTIC: Okay. Is there anybody here?  
29 There is no one left. Is there anyone on the phone that could  
30 be, potentially, speaking for or against?

1 MS. FREEMAN: No, there is not.

2 CHAIRMAN VALENTIC: Okay. All right. If there's no  
3 further questions, the public hearing for Variance Number  
4 2021-80 is now closed to the public. Can I get a motion to  
5 approve Variance 2021-80?

6 MS. JARRELL: So moved.

7 MR. DYNES: Second.

8 CHAIRMAN VALENTIC: Second, all right. Open  
9 discussion? Anyone want to say anything? It's just big,  
10 that's all. It's a huge variance request.

11 MR. DYNES: I feel like we've been worn down.

12 CHAIRMAN VALENTIC: Not me. I am ready to go.

13 MR. DYNES: It's substantial but he makes a good  
14 point. I will say that I used to live in that vicinity and I  
15 am aware of multiple break-ins in the area from some other  
16 people on Ravenna Road who suffered some substantial and  
17 severe loss. And I think that, in and of itself, it's  
18 certainly a shame but it lends credence to his argument and  
19 certainly makes sense that he wants to protect his property.  
20 I find that to be somewhat persuasive.

21 The neighbors are all in approval, obviously. I am  
22 not hearing anything that would caution us to have an opinion  
23 otherwise other than the fact of the size is substantial.

24 CHAIRMAN VALENTIC: Yeah. But I feel like they've  
25 tried to mitigate it, pushing it to the back, dressing it up  
26 with the stone. I think getting the camper out from in front  
27 of the road and out in the back helps the character of the  
28 neighborhood.

29 MS. JARRELL: Agreed.

30 CHAIRMAN VALENTIC: Good, okay. Heather, the next,

1 we need approval for Variance Number 2021-80. Please call a  
2 vote.

3 MS. FREEMAN: Ms. Jarrell?

4 MS. JARRELL: Yes.

5 MS. FREEMAN: Mr. Hamilton?

6 MR. HAMILTON: Yes.

7 MS. FREEMAN: Mr. Dynes?

8 MR. DYNES: Yes.

9 MS. FREEMAN: Mr. Sweeney?

10 MR. SWEENEY: Yes.

11 MS. FREEMAN: And Mr. Valentic?

12 CHAIRMAN VALENTIC: Yes.

13 Your variance has been approved.

14 MR. SILL: Thank you very much. Thank you, guys.

15 MS. JARRELL: Thanks for hanging in there.

16 MR. DYNES: Thanks for waiting it out.

17 MR. SILL: You made us happy campers now, literally.

18 MS. JARRELL: No pun intended. Very good.

19 MR. DYNES: No pun intended, right?

20 MR. SILL: Somebody give her a break. Would you  
21 please stop talking?

22 CHAIRMAN VALENTIC: No, this is when it gets ugly,  
23 Number 8.

24 MR. DYNES: She is a seasoned professional.

25 CHAIRMAN VALENTIC: This is when you are going to  
26 see some fireworks. So we have to elect the chairperson and  
27 the vice chair of the board. So this is when I get to lose my  
28 position.

29 MR. SWEENEY: No.

30 MS. JARRELL: No, you're not.

1 MR. SWEENEY: Solidify your position.

2 MR. DYNES: Are you there yet, Mr. Chairman?

3 CHAIRMAN VALENTIC: Yeah, we are on Number 8. So I  
4 would like --

5 MR. DYNES: Mr. Chairman, I would like to make a  
6 motion.

7 MR. SILL: Do we have to stay?

8 CHAIRMAN VALENTIC: No.

9 MS. JARRELL: No, no, you don't.

10 CHAIRMAN VALENTIC: No, you can go.

11 MR. SILL: We'll vote.

12 CHAIRMAN VALENTIC: No. I'm just giving you a hard  
13 time.

14 MR. SILL: You guys do have a hard job.

15 MS. JARRELL: Take care. Congratulations.

16 MR. SILL: Thank you.

17 MS. CROSS: Thank you. Good night.

18 MR. DYNES: Mr. Chairman and fellow board members,  
19 I think as was evident tonight, Mr. Valentic, once again,  
20 possesses the requisite skill, demeanor and acumen to  
21 effectively lead this board --

22 MR. DYNES: Hear, hear.

23 MS. JARRELL: Amen.

24 MR. DYNES: -- in the same professional, efficient,  
25 and competent manner he has during his stellar tenure as our  
26 steward and our leader. I would recommend that he be  
27 reappointed as the chairman of this board.

28 MR. SWEENEY: Second.

29 MR. HAMILTON: Hear, hear.

30 MS. JARRELL: Third.



1 MR. HAMILTON: Fourth.

2 MS. JARRELL: Wholeheartedly concur.

3 CHAIRMAN VALENTIC: What about the vice chairperson?

4 MR. SWEENEY: Brandon.

5 MR. DYNES: I would move, again, that Mr. Sweeney  
6 has demonstrated the same stellar ability. I think his  
7 leadership in Mr. Valentic's absence --

8 MR. SWEENEY: I accept.

9 MR. DYNES: -- has been remarkable and I would ask  
10 that he be reappointed as the vice chair.

11 MR. HAMILTON: This sounds like a stump speech.

12 MR. DYNES: I am limiting it because of time.

13 CHAIRMAN VALENTIC: I am clearly worn out. I have  
14 nothing to say. So anyone else have anything?

15 MR. HAMILTON: No comments.

16 CHAIRMAN VALENTIC: No comments, okay. Can I get a  
17 motion to approve the recommendations by Brandon to have me  
18 continue as chairperson and Skip as the vice chairperson for  
19 the next year?

20 MS. JARRELL: So moved.

21 MR. HAMILTON: Second.

22 MR. DYNES: I was making that motion, Mr. Chairman.  
23 I think we were ready for a second.

24 CHAIRMAN VALENTIC: Second, she seconded. All in  
25 favor say aye.

26 (Five aye votes, no nay votes.)

27 CHAIRMAN VALENTIC: It is approved. All right.

28 Next is the approval of minutes. We have only two  
29 people here that weren't at that meeting, I believe. So we  
30 need, for the approval of the minutes for March 10, 2021, can

1 I get a motion to approve the minutes?

2 MR. SWEENEY: So moved.

3 MR. DYNES: Second.

4 CHAIRMAN VALENTIC: All right. Any changes? No  
5 changes.

6 MR. DYNES: Ms. Melton, again, does a wonderful job.  
7 I would like to acknowledge her skill and everything she does  
8 for this board. I think now is the appropriate time, as we're  
9 doing the chair, to thank her for her assistance, as always  
10 and certainly tonight. With everybody talking over each  
11 other, the job that she did was remarkable and commendable.

12 CHAIRMAN VALENTIC: Remarkable.

13 MS. JARRELL: Hear, hear.

14 MR. SWEENEY: What are you running for?

15 MS. JARRELL: I know, right?

16 MR. DYNES: I'm not running for anything.

17 CHAIRMAN VALENTIC: I don't know.

18 MR. DYNES: I think it's important to recognize  
19 those people who serve so well.

20 MS. JARRELL: You are so smooth.

21 MR. DYNES: This township is lucky to have leaders  
22 like the ones I have acknowledged just a short time ago.

23 CHAIRMAN VALENTIC: All right. All in favor of the  
24 minutes as written say aye.

25 MR. HAMILTON: Abstain.

26 MS. JARRELL: Abstain.

27 CHAIRMAN VALENTIC: Two abstentions.

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

29 CHAIRMAN VALENTIC: All right. Thank you.

30 The Concord Township Board of Zoning Appeals meeting

1 for April 14, 2021, is now closed.

2 (Whereupon, the meeting was adjourned at 9:23 p.m.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

STATE OF OHIO )  
 )  
COUNTY OF CUYAHOGA )

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 4th day of May 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

