

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

May 12, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chair
Francis Sweeney, Member
Todd Golling, Alternate Member
Jim Rowe, Alternate Member

Also Present:

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

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

1 7:08 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals meeting for May 12, 2021, is
4 now in session. I would like to introduce my board. To my,
5 to my far left is Skip Sweeney and Todd Golling. I am Ivan
6 Valentic. To my right is Jim Rowe. To our far right is
7 Heather Freeman, our Zoning Inspector.

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

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

12 CHAIRMAN VALENTIC: Thank you. Please be seated.

13 When presenting your case or commenting, come to the
14 microphone and state your name and address and confirm that
15 you've been sworn in.

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

18 MS. FREEMAN: Yes, they were.

19 CHAIRMAN VALENTIC: Okay, great.

20 First is Old Business. We have Appeal Number
21 2018-41, Randy Viviani, of 7757 Concord LLC. This has been on
22 the docket for some time and is going to continued to be
23 tabled, per their request.

24 On to New Business. We have two variances this
25 evening. A three-vote majority is required to either approve
26 or deny an appeal. If your request is denied, you have the
27 right to file an appeal. And if this is the case, Heather can
28 help.

29 We are missing a member of the board this evening.
30 We have four people present this evening. So a three-vote

1 majority is still required. And the applicant has the right
2 to either continue with the appeal tonight or table it for our
3 next session when we have five members available, and that can
4 happen at any time during the appeal.

5 So first on the agenda is Appeal Number 2021-81,
6 William T. Sheehy is requesting a variance from Section
7 15.04(A)(2)(d) and 15.04(B), Table 15.04-1, to allow an
8 accessory building to be set back 35 feet from the road right-
9 of-way in lieu of the 50 feet required, for the property
10 located at 7515 Brenel Drive, current permanent parcel number
11 10-A-028-E-00-043-0.

12 Mr. Sheehy, can you please come up? Again, state
13 your name and that you've been sworn in and your address.

14 MR. SHEEHY: Thank you. My name is William Sheehy,
15 I have been sworn in, and my address is 7515 Brenel Drive.

16 CHAIRMAN VALENTIC: Thank you, sir. If you want to
17 go ahead and present your appeal, we will listen and we'll
18 have some questions for you.

19 MR. SHEEHY: Yes. I would like to build a workshop
20 in my back yard. And because our property is on a corner lot,
21 there is a 50 foot setback requirement from both Brenel Drive
22 and from Heidi Court, and that makes a large section of my lot
23 unavailable for construction. And because of the relatively
24 small area that's available, any building that I would build
25 would end up being very close to the house and would be
26 crowded in a small section of the yard.

27 I have a riparian setback on two corners of the lot
28 because the creek that runs through my property meanders
29 through one corner and then runs along the east boundary line.
30 So I have to also keep the proposed structure away from the

1 creek on two sides. And that's a 50 foot setback, riparian
2 setback requirement. So that really limits where I can put
3 it.

4 If I were to move it back to the, to the west -- or
5 not to the west but to the south, it would also probably
6 require me to cut down a black walnut tree that I would really
7 like to keep in the yard.

8 The structure, the proposed structure would be,
9 would end up being, the side facing Heidi, even with the 15
10 foot variance, the door, the front or the, I guess, it would
11 be the north facing wall facing Heidi would still be 55 feet
12 set back from the edge of pavement.

13 There are two other corner lots by our house that
14 have accessory buildings and both of those are less than 45
15 feet from the edge of pavement. So it's not going to
16 substantially change the appearance, aesthetically, of the
17 neighborhood since there are already accessory buildings on
18 corner lots that are closer than the one that I want to build.

19 That's all I have.

20 CHAIRMAN VALENTIC: Question, the first question I
21 have is, along Heidi Court there are some existing trees. Are
22 all those existing trees going to stay or do you need to clear
23 a tree there along the roadway for access or for constructing
24 the shed or anything?

25 MR. SHEEHY: I am not planning to remove any of
26 those trees there --

27 CHAIRMAN VALENTIC: Okay.

28 MR. SHEEHY: -- to build it, no.

29 CHAIRMAN VALENTIC: Okay.

30 MR. SHEEHY: I do have two other trees along Heidi

1 that are damaged and are going, I am hoping, but they're
2 closer to Brenel.

3 CHAIRMAN VALENTIC: Okay.

4 MR. GOLLING: So there is going to be no driveway
5 there then.

6 MR. SHEEHY: There is going to be no driveway, not
7 now anyway.

8 MR. GOLLING: Okay.

9 CHAIRMAN VALENTIC: Now, I think we, as a board, we
10 appreciate the attempt to stay out of the riparian setback and
11 protecting that black walnut tree, which helps protect the
12 watershed in the riparian corridor as well.

13 So does anyone else have any other questions?

14 MR. GOLLING: No.

15 MR. ROWE: Mr. Sheehy, you say there could be maybe
16 down the way -- You have a garage door that will face Heidi
17 Court.

18 MR. SHEEHY: Correct.

19 MR. ROWE: Do you feel that that would prevent -- I
20 was wondering about turning the building. So --

21 MR. SHEEHY: Turning.

22 MR. ROWE: Well, it's a 24 by 32. The 32 is what's
23 causing, you know, pushing into --

24 MR. SHEEHY: Well, if I were to put it the other
25 way, it would just push the building closer to the house.

26 MR. ROWE: Well, no, because the 24 width is facing
27 Heidi.

28 MR. SHEEHY: Yes.

29 MR. ROWE: So we've got 32 feet going toward the
30 house, correct?

1 MR. SHEEHY: No. The 32 feet is running parallel
2 with the property line.

3 CHAIRMAN VALENTIC: So you have the garage door
4 facing Heidi and it's kind of running the same way that the
5 house is, parallel to the house, like long ways.

6 MR. SHEEHY: Yes.

7 MR. ROWE: Facing Heidi, to me, is the 24 dimension.

8 MR. SHEEHY: Yes, that --

9 MR. ROWE: If am I standing --

10 MR. SHEEHY: So if I turned the structure 90
11 degrees --

12 MR. ROWE: Yeah.

13 MR. SHEEHY: -- that would put the structure closer
14 to the house because I still have to be 25 feet from the
15 curb -- I mean from the creek. So if I move the, if I turn
16 the structure by 90 degrees instead, it's going to be 8 feet
17 closer to the house.

18 MR. ROWE: Gotcha.

19 MR. SHEEHY: And the deck.

20 MR. ROWE: Okay.

21 CHAIRMAN VALENTIC: He's kind of pinched because
22 he's got the riparian, he's got the existing house, and he has
23 that right-of-way.

24 MR. ROWE: Gotcha, okay. Thank you.

25 MR. SHEEHY: Sure.

26 MR. SWEENEY: I --

27 CHAIRMAN VALENTIC: Go ahead.

28 MR. SWEENEY: I actually have a question.

29 CHAIRMAN VALENTIC: Go for it, Skip.

30 MR. SWEENEY: Thank you.

1 Good evening.

2 MR. SHEEHY: Hi.

3 MR. SWEENEY: Did you run this past your neighbor?

4 MR. SHEEHY: Which neighbor?

5 MR. SWEENEY: The one that the shed will be facing
6 closest to, so that would be the neighbor on Heidi.

7 MR. SHEEHY: No.

8 MR. SWEENEY: Are they even aware of this? Did they
9 get notice?

10 CHAIRMAN VALENTIC: They were all notified, yes.

11 MR. SWEENEY: Okay.

12 MS. FREEMAN: All the adjacent property owners and
13 across the street received notification.

14 MR. SWEENEY: All right, okay. I just wanted to
15 know if you had talked to them yourself at any point.

16 MR. SHEEHY: No, not -- I didn't.

17 MR. SWEENEY: Okay.

18 CHAIRMAN VALENTIC: So as you know, we have four
19 members instead of five this evening. A three-vote majority
20 is required. Would you like to have us move forward with the
21 case this evening and vote on it?

22 MR. SHEEHY: Sure.

23 CHAIRMAN VALENTIC: Okay. Any further questions,
24 Jim, on your end?

25 MR. ROWE: No.

26 CHAIRMAN VALENTIC: You can be seated, sir.

27 MR. SHEEHY: Thank you.

28 CHAIRMAN VALENTIC: Is there anyone else here
29 speaking for or against this appeal? Is there anyone on the
30 phone besides legal?

1 MS. FREEMAN: No, there is no one else on the phone.

2 CHAIRMAN VALENTIC: Okay. Thank you.

3 With that, since there's no further questions, the
4 public hearing for Variance Number 2021-81 is now closed to
5 the public. Can I get a motion to approve Variance 2021-81?

6 MR. GOLLING: So moved.

7 MR. SWEENEY: So moved -- second.

8 CHAIRMAN VALENTIC: Second, thank you. Discussion
9 for the board.

10 MR. GOLLING: Yeah. I mean, it's 35 feet from the
11 property line, making a 15 foot easement. The garage door
12 faces -- I did a Google scene canvass today. It faces the
13 other garage door on the neighbor across the street on Heidi.
14 It will fit right in. It's smashed back in there. They're
15 making a really good attempt to avoid riparian. I favor black
16 walnut trees myself, so keeping it up, good choice, in my
17 opinion. Yeah, I don't see an impact here.

18 CHAIRMAN VALENTIC: Skip, you okay?

19 Jim, any concerns?

20 MR. ROWE: No, all set.

21 CHAIRMAN VALENTIC: All right. The question is on
22 the approval of the Variance Appeal Number 2021-81. A yes
23 vote approves the variance, a no vote does not.

24 Heather, please call the vote.

25 MS. FREEMAN: Mr. Golling?

26 MR. GOLLING: Yes.

27 MS. FREEMAN: Mr. Rowe?

28 MR. ROWE: Yes.

29 MS. FREEMAN: Mr. Sweeney?

30 MR. SWEENEY: Yes.

1 MS. FREEMAN: Mr. Valentic?

2 CHAIRMAN VALENTIC: Yes.

3 Your variance has been approved.

4 MR. SHEEHY: Thank you.

5 CHAIRMAN VALENTIC: Congratulations.

6 MR. SWEENEY: Good luck.

7 MR. SHEEHY: Thanks. Appreciate your time.

8 CHAIRMAN VALENTIC: Okay. Next on the agenda is
9 Variance 2021-82. John Nekic is requesting a variance from
10 Section 15.03(A)(2), which states that accessory buildings
11 shall not be constructed on vacant lots and shall only be
12 located on lots with a principal building for the property
13 located at 7030 Ravenna Road, current permanent parcel number
14 08-A-014-0-00-065-0.

15 There is also a second variance that is requested
16 from Section 15.03(A)(6), Table 15.03-1, to allow the
17 accessory building to be 6,600 square feet in lieu of the
18 maximum 1,532 square feet permitted.

19 A third variance is requested from Section 15.04(B),
20 Table 15.04-1, to allow the accessory building to exceed the
21 maximum 20 foot height permitted.

22 We received an email from Mr. Nekic. He has
23 requested that we table this appeal for the evening. So I
24 would need a motion to table this for our next meeting.

25 MR. GOLLING: I motion to table this for the next
26 meeting.

27 CHAIRMAN VALENTIC: Can I get a second?

28 MR. ROWE: Second.

29 CHAIRMAN VALENTIC: Heather, can I just call the
30 vote or do you need to do a --

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MS. FREEMAN: No, you can do.

CHAIRMAN VALENTIC: Can I just do it?

MS. FREEMAN: Yeah.

CHAIRMAN VALENTIC: Okay. All in favor say aye.

(Four aye votes, no nay votes.)

CHAIRMAN VALENTIC: The motion has been passed.

It's been tabled for our next meanings.

Next on our agenda typically would be the meeting minutes but we don't have enough people present to vote for the meeting, I believe. So I think we'll have to hold off until the next meeting, correct? All right. So we will postpone the approval of minutes.

Our next meeting is on June 9, 2021, and our meeting for May 12, 2021, is now adjourned.

(Whereupon, the meeting was adjourned at 7:22 p.m.)

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STATE OF OHIO)
COUNTY OF CUYAHOGA)

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 19th 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

