

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

July 14, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chair
Francis Sweeney, Vice Chair
Blair Hamilton, Member
Todd Golling, Member

Also Present:

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

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

1 7:01 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals meeting for July 14th is now
4 in session. I would like introduce the Board. To my far left
5 is Skip Sweeney. I am Ivan Valentic. To my right is Todd
6 Golling and Blair Hamilton. To my far right is Heather
7 Freeman, our Zoning Inspector.

8 Under the advice of counsel, we ask that anyone
9 dbody speaking tonight must be sworn in. So if you plan on
10 speaking at all, even though you think you might not, just
11 please stand up and raise your right hand. All right.

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

13 CHAIRMAN VALENTIC: Thank you. Please be seated.

14 This evening when presenting your case or
15 commenting, come to the microphone, state your name and
16 address, and confirm for the record that you've been sworn in.
17 Okay?

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

20 MS. FREEMAN: Yes, they were.

21 CHAIRMAN VALENTIC: All right. We have two old,
22 items on Old Business and six new items this evening, appeals
23 and conditional use permits. A three-vote majority is
24 required to either approve or deny an appeal. As you can see,
25 tonight we have four members. We don't have five. But it's a
26 three-vote majority is still required, correct?

27 MS. FREEMAN: Yes.

28 CHAIRMAN VALENTIC: All right. With that being
29 said, the first is our Old Business, which is Appeal Number
30 2018-41, Randy Viviani, of 7757 Concord LLC. This is an

1 appeal that's been on the docket for a while and is continued
2 to be tabled for this evening.

3 Next is Variance Number 2021-82. John Nekic is
4 requesting a variance from Section 15.03(A)(2), which states
5 that accessory buildings shall be constructed on vacant
6 lots -- shall not be constructed on vacant lots and shall only
7 be located on lots with a principal building, for the property
8 located at 7030 Ravenna Road, current permanent parcel number
9 08-A-014-0-00-065-0.

10 A second variance is requested from Section
11 15.03(A)(6), Table 15.03-1, to allow the accessory building to
12 be 6,600 square feet in lieu of the maximum 1,532 square feet
13 permitted.

14 A third variance is requested from Section 15.04(B),
15 Table 15.04-1, to allow the accessory building to exceed the
16 maximum 20 feet height permitted.

17 Mr. Nekic, are you here to present?

18 MS. LEWIN: He is not here tonight. My name is
19 Gayle Lewin. My address, 4110 Mayfield Road, South Euclid,
20 Ohio 44121. I was sworn in. Is that what I need?

21 CHAIRMAN VALENTIC: Yeah.

22 MS. LEWIN: Okay.

23 CHAIRMAN VALENTIC: Thank you.

24 MR. SWEENEY: Excuse me. Should you give an
25 opportunity to --

26 CHAIRMAN VALENTIC: Yeah, yeah. So you have the
27 opportunity, so everyone is aware, as you come up, you have
28 the opportunity to proceed with the four members or wait till
29 the next meeting which will, hopefully, have five members
30 available. So --

1 MS. LEWIN: We would like to proceed.

2 CHAIRMAN VALENTIC: Okay.

3 MS. LEWIN: So I am an engineer on this project. I
4 submitted the application on behalf of Mr. Nekic, who is not
5 here this evening, so I'll be presenting the application. As
6 part of the application, you guys received a copy of the
7 plans. The project is structurally stabilizing an existing
8 barn. When Mr. Nekic bought the property in 2019, the primary
9 residence had already been torn down by the previous owner, so
10 when he purchased the property only the barn was still
11 standing. The other primary building was gone.

12 His goal at the moment is to stabilize the property
13 so it doesn't fall down, doesn't cause any harm to anyone that
14 might, you know, be sneaking onto the property.

15 The barn, I don't have how old it is but it is, it's
16 an historic barn. It's over 100 years old. He does intend to
17 do renovations and improve the property at some point.
18 However, we're not quite sure what that's going to look like
19 at this point. When we do know what that's going to look
20 like, we will come back, get further approval from the
21 architectural review board, as well as any other variances
22 that might be needed at that point.

23 But, so at this point, all that we're requesting is
24 the ability to basically repair and restore the existing
25 structure as it is on the property without making any
26 significant changes so, when he is ready to make the
27 improvements, the building is still there for him to be able
28 to do that.

29 CHAIRMAN VALENTIC: So there is three variances, and
30 we will go through all three. And if the Board has questions

1 on any of the variances, we will ask those questions now and
2 we will discuss all three variances but we will vote, we will
3 vote for them one at a time. Okay?

4 MS. LEWIN: Okay.

5 CHAIRMAN VALENTIC: So my first question before the
6 Board is, once this gets repaired and updated and stabilized,
7 I think, what is the intent? Then it just sits empty, you
8 know, or what's the intended use there?

9 MS. LEWIN: He is still kind of trying to decide
10 what his intended use is going to be, whether he is going to
11 convert it into a residence or keep it as a barn on a property
12 that, you know, his family and friends can hang out at. So
13 we're not, he's not quite sure yet what his final goal of the
14 project is.

15 CHAIRMAN VALENTIC: Okay. Because that's what I
16 struggle with is, we don't allow structures on vacant lots.
17 And I understand repairing the structure and getting it into a
18 condition and then figuring out what to do but what I would
19 really want to know is what's going to happen in the meantime.
20 Like, he's not going to store anything there? It's just going
21 to stay empty until he figures out what he is going to do?

22 MS. LEWIN: Right.

23 CHAIRMAN VALENTIC: Is he going to, you know -- So
24 he can help us decide if we should allow this to go forward.

25 MS. LEWIN: At the moment, it is going to stay empty
26 while it is in the process of being repaired. The repair
27 process is a very long process. So, you know, there is going
28 to be construction going on to continue to stabilize the
29 structure and make sure it's structurally sound. And during
30 that time, we are working on it, Mr. Nekic has an architect

1 that he's working with. We're the structural engineer on the
2 project. We are working on developing the eventual proposed
3 plans at the same time. We don't intend to let it sit vacant
4 for years or, you know, he wants to be able to use the
5 property.

6 He bought it with the intention of being able to do
7 something with it. He saw the barn, he's always loved the
8 barn, and so when it became available he bought it because he
9 wants to use it. He doesn't want it to just sit there vacant
10 and abandoned.

11 CHAIRMAN VALENTIC: Okay. So once it gets
12 stabilized, there will be a period where you're working on
13 what's going to happen, I guess, in the process. So it's not
14 like it's going to be completed and then nothing is going to
15 be happening for a while. He will be coming in soon after
16 that, I understand.

17 MS. LEWIN: That's the goal. The goal is that we
18 will be able to transition directly from restoring the
19 existing structure into the improvements without very much lag
20 time in the middle.

21 CHAIRMAN VALENTIC: Okay.

22 MR. HAMILTON: This was purchased when?

23 MS. LEWIN: 2019.

24 MR. HAMILTON: And what has occurred along these
25 plans in that time period between then and now?

26 MS. LEWIN: Since --

27 MR. HAMILTON: As far as stabilizing the structure?

28 MS. LEWIN: There have been beams that have been
29 replaced. The foundation has been replaced. Posts have been
30 replaced or, you know, they have reused a lot of the structure

1 that they could use. A lot of timber beams have been reused.
2 So what you see in the plans is a lot of what's been done.

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

4 MR. SWEENEY: Do we have any idea what his plans for
5 this property are? I know you said that he intends on doing
6 something but it's kind of vague.

7 MS. LEWIN: It is. So his original plans were to
8 basically create a space where he could host friends and
9 family. He is a car collector, so he wanted a space where he
10 could have his cars somewhere on his own property in his own
11 space. So he has plans. One of the things that he had
12 mentioned including was, you know, a garage for, within the
13 barn, a portion of that dedicated to car storage. Basically a
14 place where he can have parties for him and his friends and
15 his daughter. He has a teenaged daughter and, you know, a
16 space for her and her friends to hang out. That was, that's
17 kind of been the goal from the beginning is that kind of
18 space.

19 MR. SWEENEY: Okay.

20 CHAIRMAN VALENTIC: So I guess, you know, so now
21 it's just like an accessory building. So is the intent that,
22 after it gets stabilized, it will become like the principal
23 building on the property, like a liveable space or a separate
24 liveable residence will be built, you know, on the property?

25 MS. LEWIN: There will -- The goal is not to build a
26 separate liveable building on the property. Probably, this
27 will always remain the only building on the property. But as
28 far as converting it into a primary residence, including
29 everything that goes along with a residence, versus leaving it
30 as an accessory building, that's what we're not -- he hasn't

1 quite determined, you know, which way he wants to go with it
2 yet because, you know, coming with a, coming in with a primary
3 residence, you have a requirements for bedrooms and a two-car
4 garage and that kind of stuff that might not work with what he
5 intends to use the property for.

6 MR. GOLLING: I've been in it.

7 MR. SWEENEY: Yeah?

8 MR. GOLLING: And I did learn that there is apple
9 trees on the property and it was primarily owned by Pattersons
10 in Chesterland. This is about 1870'ish. So I know the beams
11 are, I don't know if the word is hand-hewn but they're black
12 walnut and it's, it would be a crime to take it down. It's
13 pretty amazing. But I recall there, when I first moved here
14 in 2005, I believe, the house was still here then. It was
15 falling in on itself. But you could barely see it in the fall
16 when all the leaves are down; but right now, I will be honest,
17 I totally forget it was even there. You can't see it.

18 MR. SWEENEY: No, you can't.

19 MR. GOLLING: But it's, it's an amazing structure to
20 think it was built all by hand and just trying to preserve it
21 is something I think that's important to the township, too.
22 It's from way back when, I mean, a long, long time ago, to
23 think that this thing has survived this long.

24 And I am a little confused about the wording about
25 "shall not be constructed on vacant lot." I mean, the lot
26 wasn't vacant. It's been there since before all of us were
27 here. So I am just kind of struggling with the verbiage here.

28 CHAIRMAN VALENTIC: Stephanie, can you or someone,
29 can you elaborate what would be defined as a vacant lot
30 because it's not --

1 MS. LANDGRAF: There is no residence on it.

2 CHAIRMAN VALENTIC: There's no residence.

3 MS. LANDGRAF: It's that there's not -- It's that
4 there is an accessory structure without a residence.

5 MR. GOLLING: So, obviously, it was farm at some
6 point because there is a silo there. So was it zoned as a --
7 as ag at one time?

8 MS. LANDGRAF: I wouldn't know that. I don't know
9 if Heather knows the history of it.

10 MS. FREEMAN: So if it was built in the late 1800s,
11 we didn't have zoning at that time.

12 MR. GOLLING: Right.

13 MS. FREEMAN: The township didn't adopt zoning until
14 1955 and, to my knowledge, we never had an agricultural use
15 zoning district.

16 MR. SWEENEY: So it would have been grandfathered in
17 at that point.

18 MR. GOLLING: Right.

19 CHAIRMAN VALENTIC: And that's kind of why I was
20 asking if it's ever intended to be considered a residential,
21 you know, building or if there are going to be bedrooms or
22 utilities or anything like that.

23 MR. GOLLING: You could, I suppose. I mean,
24 anything could be turned into a residence.

25 CHAIRMAN VALENTIC: Yeah.

26 MS. LANDGRAF: So tonight they're only here for the
27 fact that there is no residence and there is an accessory
28 structure.

29 MR. GOLLING: Right.

30 MS. LANDGRAF: If they did want to turn it into

1 living quarters in the future, which it sounds like you don't
2 right now --

3 MS. LEWIN: Right.

4 MS. LANDGRAF: -- they'd have to come back for a
5 separate variance, but that's a separate issue since today all
6 they're here for is the property as it is right now.

7 CHAIRMAN VALENTIC: Okay.

8 MS. LEWIN: Also, in terms of, you know, the wording
9 of you "shall not construct an accessory building," when
10 Mr. Nekic purchased the property, this is what he purchased.
11 He didn't build the barn. The barn was -- There was an
12 accessory building on the property because the previous owner
13 tore down the primary building before Mr. Nekic purchased the
14 property. It's not that he went and built a barn on a vacant
15 property.

16 CHAIRMAN VALENTIC: Yeah, I understand that, and
17 that makes sense on the other two variances and why you're
18 requesting them, because it is not a new structure.

19 MS. LEWIN: Right.

20 CHAIRMAN VALENTIC: Okay. Any other questions?

21 MS. LEWIN: I will add, when we get to the proposed
22 stuff, there will be utilities because there needs to be a
23 bathroom, there needs to be water. So we do plan on making
24 those improvements when it comes to that time if they're
25 necessary for what he intends to do.

26 MR. SWEENEY: Has Mr. Nekic looked into some sort of
27 historical designation or something like that?

28 MS. LEWIN: Not, not to my knowledge but it --

29 MR. SWEENEY: I'm just saying, it might be able to
30 -- it might help.

1 MS. LEWIN: Yeah.

2 CHAIRMAN VALENTIC: Any other questions?

3 MR. HAMILTON: No.

4 CHAIRMAN VALENTIC: No?

5 Okay, Gayle, you can be seated.

6 Is there anyone else here that's speaking for or
7 against this appeal that would like to come up?

8 (No response.)

9 If there is no further questions, the public hearing
10 for Variance 2021-82 is now closed to the public. Can I get a
11 motion to approve Variance 2021-82?

12 MR. SWEENEY: So moved.

13 CHAIRMAN VALENTIC: Second?

14 MR. HAMILTON: Second.

15 MS. LANDGRAF: There's actually three variances.
16 There is three separate variances that are requested.

17 CHAIRMAN VALENTIC: Yeah, yeah, sorry. So the first
18 variance will be -- We will go through. So can I get a motion
19 to approve Variance Number 2021-82, which is requesting a
20 variance from Section 15.03(A)(2), which states that accessory
21 buildings shall not be constructed on vacant lots and shall
22 only be constructed on lots with a principal building, for the
23 property located at 7030 Ravenna Road?

24 MR. GOLLING: So moved.

25 MR. SWEENEY: Second.

26 CHAIRMAN VALENTIC: All right. Thank you,
27 Stephanie.

28 Then for discussion on the Board about this
29 variance? I don't know. Allowing a building on a vacant
30 parcel --

1 MR. HAMILTON: It really wasn't constructed there
2 under the current zoning. So --

3 MR. GOLLING: The toothpaste can't be put back in
4 the tube. So, I mean, it's coming up on 160 years old and
5 it's, I mean, for me, it's the township history is part of
6 that. The easy solution, in my opinion, would have been
7 getcha some heavy equipment and take it down and build
8 something new there. But I think that the attempt to keep
9 this adds to my opinion that a lot of these is -- I just don't
10 understand how it would apply to something that, I don't know
11 if the word is "grandfathered in" but something that probably
12 should have been grandfathered in, for lack of a better term.

13 CHAIRMAN VALENTIC: What I'm getting, what I'm maybe
14 hung up on is what's going to happen after the fact, like,
15 what's the use? I get saving the building. I love the idea
16 that they are trying to salvage this barn and reuse it as
17 something but like -- and it sounds like from the discussions,
18 Stephanie, what she told us, is that if they do other
19 improvements they have to come back and get that stuff
20 approved, so if they add bedrooms or bathrooms and stuff like
21 that.

22 MR. GOLLING: Well, I guess a worst case -- It's a
23 barn. And worst case, he uses it as a barn, which that's what
24 it was built to use. So I don't think he is going to throw
25 cows in it but, cows or cars, I mean, it's there to store
26 something, I guess. And barns are there to do what barns are
27 there to do, put stuff in. So worst case scenario, it would
28 be a barn, right?

29 CHAIRMAN VALENTIC: I don't know. I have no idea.
30 Maybe.

1 MR. SWEENEY: Well --

2 MS. LANDGRAF: Well, a barn in a residential area,
3 right? So he can use it in the same extent that anybody else
4 that has a barn or a garage in a residential area can use it.
5 So --

6 CHAIRMAN VALENTIC: Yeah.

7 MR. SWEENEY: If we are going to go down -- First of
8 all, I think an argument can be won based upon just the
9 language of the Section 15.03(A)(2) alone. And I understand
10 your concerns, Ivan. But if we're going to go down that road
11 then, you know, where it's like what, you know, at what
12 point -- I mean, would you rather have a barn there that's
13 going to be refurbished or would you rather have it be vacant,
14 you know, along the lines of what Todd is saying?

15 CHAIRMAN VALENTIC: Okay. Blair, do you have
16 anything to add to the discussion?

17 MR. HAMILTON: No, just, again, the barn was not
18 constructed under the current zoning. It was there, has been
19 there. I don't see any reason not to leave it there.

20 CHAIRMAN VALENTIC: Yeah. And it's going to
21 function as a barn until they figure out what they are doing
22 and they come back to see us.

23 Okay. So if there is no changes or modifications,
24 then the question is the approval of the Variance Appeal
25 Number 2021-82 for the variance from Section 15.03(A)(2), for
26 an accessory building on a lot, on a vacant lot. So a yes
27 vote approves that variance, a no vote does not.

28 Heather, please call the vote.

29 MS. FREEMAN: Mr. Golling?

30 MR. GOLLING: Yes.

1 MS. FREEMAN: Mr. Sweeney?

2 MR. SWEENEY: Yes.

3 MS. FREEMAN: Mr. Hamilton?

4 MR. HAMILTON: Yes.

5 MS. FREEMAN: And Mr. Valentic?

6 CHAIRMAN VALENTIC: Yes.

7 That variance has been approved.

8 The second variance we have is for Variance Number
9 2021-82, the second variance is requested from Section
10 15.03(A)(6), Table 15.03-1, to allow an accessory building to
11 be 6,600 square feet in lieu of the maximum 1,532 square feet
12 permitted. Can I get a motion for this one?

13 MR. SWEENEY: So moved.

14 MR. GOLLING: Second.

15 CHAIRMAN VALENTIC: Any discussion from the Board?

16 No?

17 Okay. Heather, please, can you please call the vote
18 for the second variance?

19 MS. FREEMAN: Mr. Hamilton?

20 MR. HAMILTON: Yes.

21 MS. FREEMAN: Mr. Sweeney?

22 MR. SWEENEY: Yes.

23 MS. FREEMAN: Mr. Golling?

24 MR. GOLLING: Yes.

25 MS. FREEMAN: Mr. Valentic?

26 CHAIRMAN VALENTIC: Yes.

27 Okay. That has been approved.

28 The third variance is for Variance Number 2021-82,
29 the third variance is requested from Section 15.04(B), Table
30 15.04-1, to allow the accessory building to exceed the maximum

1 220 feet height permitted. Can I get a motion?

2 MR. GOLLING: So moved.

3 MR. SWEENEY: Second.

4 MR. HAMILTON: Second.

5 CHAIRMAN VALENTIC: Heather, you can sort that out.
6 Any discussion?

7 Heather, please call the vote.

8 MS. FREEMAN: Mr. Golling?

9 MR. GOLLING: 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 The third variance has been approved. Thank you.

17 Thank you for coming back in and cleaning up some of our Old
18 Business.

19 MS. LEWIN: Thank you very much.

20 CHAIRMAN VALENTIC: All right. Next is Variance
21 Number 2021-86. Accurate Landscaping, Inc., is requesting a
22 variance from Section 29.06(A)(7) to allow the off-street
23 parking to be located 1.5 feet from the side property line in
24 lieu of the minimum 10 feet required for the property located
25 at 7291 Ravenna Road.

26 A second variance is requested from Section
27 29.03(F)(1), to allow the parking to be constructed with
28 gravel in lieu of asphalt, concrete or concrete permeable
29 paver systems.

30 A third variance is requested from Section

1 29.04(B)(1) to allow five parking spaces in lieu of the
2 minimum 22 required.

3 And then a fourth variance is requested from
4 Section 22.04(D), Table 22.04, to allow storage bins to be
5 located 1.5 feet from the side property line in lieu of the
6 minimum 20 feet required.

7 A fifth variance is requested from Section 38.05(A)
8 to eliminate the interior parking lot landscaping
9 requirements.

10 Can somebody come up, please?

11 MR. JACKSON: Hi. My name is Timothy Jackson, the
12 property address is 7291 Ravenna Road, and I have been sworn
13 in.

14 CHAIRMAN VALENTIC: All right. Thank you. So,
15 again, as you heard, we're going to -- We can discuss all five
16 variances and we will vote on them separately.

17 MR. JACKSON: Okay.

18 CHAIRMAN VALENTIC: But are you okay with moving
19 forward with four members instead of five this evening?

20 MR. JACKSON: Yes.

21 CHAIRMAN VALENTIC: Okay. Go ahead, sir.

22 MR. JACKSON: So I guess a little background. In
23 1999, I established Accurate Landscaping at 7290 Ravenna Road
24 in Concord. In 2014, I purchased the property that we're
25 talking about now, which is 7291 Ravenna and 7295, which I
26 have currently combined into one parcel. We wanted to expand
27 from landscaping to a supplier, landscape supplier. We're
28 open Monday through Friday 8:00 to 5:00, Saturday 8:00 to
29 2:00, 8:00 to 3:00. We do landscaping, pools, athletic fields
30 and such. We're in the process of trying to move forward with

1 building a new building and that's how these variances have
2 come about.

3 So on Number 1, the first variance, which is the
4 setback, the access drive is on the north and side property --
5 north and south sides of the property. When I purchased the
6 property in 2014, that's where the driveways were located. I
7 haven't made any changes, improvements or -- to that. That's
8 currently the way it is. Narrowing them, narrowing them,
9 because we have bins out front, to get them -- I guess we were
10 unaware that that had to happen. But if we had to narrow
11 them, it would change our traffic pattern as far as trying to
12 get trucks in and out because of the U-shaped driveway. And
13 then combined with the landscape is established and nice and
14 I, hopefully, don't have to tear that up.

15 On the second variance, as far as in this new
16 building, we're going to be tearing down the existing house
17 that's there. We currently use it as an office and there is
18 some tenants there. So there is going to be -- The tenants
19 are not moving into the new building, so it's only going to be
20 us. There is, we only have five employees, two of which job
21 report. I am traditionally 80, 90 percent on the job. So
22 there is Jaime in the office and then my father is retired, he
23 comes in sometimes. So where am I going with this?

24 The second, actually, the second one -- I am
25 sorry -- is about --

26 CHAIRMAN VALENTIC: The asphalt.

27 MR. JACKSON: Yeah, doing it all in pavement. So
28 some of our machines are larger and probably 70 percent of
29 them are on steel tracks. Being on steel tracks on the
30 concrete, it's just going to, it's going to destroy it. That

1 and, also, when those machines travel on concrete, the noise
2 is pretty high pitch, you know, it squeals. So we probably
3 would turn our concrete parking lot into gravel pretty
4 quickly.

5 The third variance is the 22 required parking spaces
6 and that's where we just don't have that many people. I know
7 that the proposed building is going to be 11,700 square feet
8 and, based on zoning regulations and rules, we have to have 22
9 parking spaces but we just don't, we don't have that, we just
10 don't have that infrastructure or those people that come to
11 us. All of our jobs are sold through -- Most of our jobs are
12 sold through on site, you know. We will go to the customers'
13 homes or place of business and that's how we sell our jobs.
14 So it's not like we have customers coming in and we need
15 required parking to house the people coming to, you know, for
16 us to gain work.

17 CHAIRMAN VALENTIC: The fourth variance was the
18 storage bins.

19 MR. JACKSON: The storage bins. So currently -- In
20 2014 when I purchased the property, we got a permit to do the
21 bins across the front. There was a topsoil bin. We park a
22 truck, we have a topsoil bin, we have another mulch bin. On
23 this plan here, if I can show you guys this, this was not done
24 by civil but this was done by landscape architect. We are
25 going to move those bins to the back. I don't know if I hold
26 it up like this if you can see it. So the structure right
27 here, the home, is going to be torn down. We enter through
28 the south, we come through the north and that's where I was
29 talking about kind of on the sides here. There is a little
30 bit of green space on the north side but not so much on the

1 south side.

2 So right now, if we have a larger truck, sometimes
3 we're backing in off the road just because we, we just don't
4 have this room. So we come in the south and then now we will
5 be able to back up. We are going to have all of our truck and
6 storage parking behind this building so nothing is visible
7 from the road. Right now, we have everything lined up running
8 east to west but we are going to, you know, we are not going
9 to have that because the proposed building has doors up front.

10 CHAIRMAN VALENTIC: What about the bins?

11 MR. JACKSON: So the bins, the bins are right here
12 on this edge.

13 CHAIRMAN VALENTIC: Are those going away?

14 MR. JACKSON: I am hoping to keep these in place.
15 The bins that are on this side that aren't really in question
16 are going to be relocated to the back. The nice part about
17 these bins is it provides privacy from me to the neighbor and
18 then keeps our stuff tidy, you know. It is nice and neat and
19 separated on this side. If I was to move the bins out, there
20 is an overhead door here that I would block. You know, you
21 just wouldn't be able to, never be able to --

22 CHAIRMAN VALENTIC: Could you move those bins and
23 flip them up top next to those others bins so you just have --
24 where those four trees are shown right here?

25 MR. JACKSON: Oh, here?

26 CHAIRMAN VALENTIC: Because then you wouldn't have
27 -- because, right now, it seems like, you know, it's tight to
28 that property line because you have your bins and that wide,
29 that drive is really wide because the bins are there and the
30 trucks probably got to get around them. And those are the

1 ones that are up front. Those would be the ones that I would,
2 I think, everyone would appreciate if you can get those moved
3 out of the way, maybe less visible, instead of those other
4 ones.

5 MR. JACKSON: The only problem, I am running out of,
6 I am running out of -- and I don't know the correct
7 terminology for this -- but I am running out of green space as
8 far as -- I wish I knew what the term is -- because I have so
9 much gravel area with the roof, there is a required retention
10 basin and all that. I can't take, I am trying not to take
11 away -- I had a traffic study done to make sure that we could
12 get trucks, semi trucks and trailers in here and back into
13 here. It wouldn't, it wouldn't impose anything moving these
14 bins but I don't know that I have the, if I have the green
15 space to lose over here.

16 CHAIRMAN VALENTIC: Is there an open space
17 requirement, Heather, that you're aware of?

18 MS. FREEMAN: There's a maximum lot coverage, 70
19 percent.

20 MR. JACKSON: Yeah. And that's what I am struggling
21 with is I would like to put the building all the way in the
22 back. There is a setback requirement and we meet all those
23 for the structure. The goal of what we do is, because we're
24 going to park behind the existing building that's here, that
25 building is going to remain, we are going to park everything,
26 you know, running north and south. I want to be able to turn
27 around, you know, be able to turn around here so that we are
28 not doing that all the way up here and backing all the way in
29 every night. If we're moving a larger machine, you know, we
30 turn around here and we back in and that's done. But every

1 night, on a day in and day out basis, when we leave in the
2 morning and coming back at night, I am trying --

3 And the other goal, too, is, I guess it's not a
4 problem but it's just a preference, I would love to -- Right
5 now, these trees are starting to grow in. I would love to add
6 some trees so that this isn't super visible from the road.

7 CHAIRMAN VALENTIC: Yeah, no, I like that idea. I
8 just -- This seems like a good opportunity to maybe make those
9 bins that are up front less visible from the road, too. That
10 was one of my questions I was going to ask. But that's up to
11 you. Okay.

12 MR. JACKSON: And then --

13 CHAIRMAN VALENTIC: Can you leave this plan with
14 Heather so it's part of the record, Heather?

15 MR. JACKSON: Yeah.

16 CHAIRMAN VALENTIC: Is this the only copy?

17 MS. FREEMAN: If you are going to use it for the
18 hearing, it's all right here.

19 (Whereupon, discussion was held between Board
20 members off the record.)

21 MR. JACKSON: And then the final one, number 5,
22 would be, because the parking is greater than 6,000 square
23 feet, not having landscape islands in there like a traditional
24 Home Depot or something, you know. It just would impede, I
25 guess, it would impede our flow that was, you know, trying to
26 back in and out and work around landscape islands.

27 CHAIRMAN VALENTIC: Okay. Maybe does the Board, do
28 we have questions from the Board?

29 MR. HAMILTON: You show five parking spots?

30 MR. JACKSON: Correct.

1 MR. HAMILTON: Will that be paved?

2 MR. JACKSON: Yes, that will be paved in concrete.
3 And, actually, along the front of the building as well, it
4 doesn't show on your plan but on the front of this plan we are
5 going to, we're going to pave along the front of building as
6 well, not that they will be parking spaces but they will be,
7 this will be paved along the front. This will be larger
8 because there is an awning. There's a structure that comes
9 off the top, you know, like a -- It's going to look like this.

10 CHAIRMAN VALENTIC: And I get why you guys want to
11 use gravel, I mean, but the other issue maybe is that gravel
12 tends to move. So as trucks come in, equipment moves stuff
13 around, the gravel migrates, right? So maybe that's part of
14 the reason some of the areas have maybe gotten bigger because
15 those bins that are on the, along the property line that are
16 within that 10 feet, those were never -- You never came in for
17 a variance, right?

18 MR. JACKSON: So I -- There was a different Zoning
19 Inspector at the time and I did get an okay to do that because
20 we were constructing the ones out front. I did come in and
21 ask, since we're already doing this, they wouldn't let me go
22 more than two high. I believe they're 2 feet high, so it's 4
23 feet total. That was, you know, that was what he had said.
24 He said no more than 2 feet -- or two of them high. And,
25 actually, on that side I only did one high. I am only 3 -- or
26 2 feet high. And I did get approval to do that but I can't
27 find my paperwork for it. That was years ago and I just, I
28 have looked but I can't locate it. So I do have, I do have
29 the approval for the structure of these bins. There is bins
30 out front here that are blocked with landscape from the road.

1 CHAIRMAN VALENTIC: And those are going to stay,
2 right?

3 MR. JACKSON: Those will remain.

4 CHAIRMAN VALENTIC: Yeah.

5 MR. JACKSON: Those will remain but like the topsoil
6 bin here, there's another mulch bin and we park a truck,
7 that's no longer going to be there. That's going to go to the
8 back.

9 CHAIRMAN VALENTIC: So where do you -- So this plan
10 is different than this plan.

11 MR. JACKSON: Yeah. So since the civil had that
12 plan, we worked with a landscape architect. They did the
13 traffic study. And then I wanted to increase the green space
14 just a little bit because we were right on the cusp, you know,
15 we were right at like 70 percent or what have you, it was like
16 at 71 percent. So we increased it to, I think it's 77 percent
17 now.

18 CHAIRMAN VALENTIC: So if I am counting here, it
19 looks like there's the two bins up top, right, that are
20 existing, and then one, two, three four bins along the bottom.
21 Is that how many you had down there?

22 MR. JACKSON: Yeah, there is four walls but it makes
23 five.

24 CHAIRMAN VALENTIC: Five, okay, so there's five. So
25 how many bins are you putting back up there?

26 MR. JACKSON: We had to put one, two, three, four,
27 five, he has six in here. But the civil will clean that up
28 and, I should say, the civil will make it exact because the
29 topsoil booth, I believe, is 18 feet and the traditional bin
30 is 16 feet. So there's, it shows seven right now but it will

1 probably be six just from physical size.

2 MR. HAMILTON: It seems like that just about takes
3 care of what you have on this plan.

4 CHAIRMAN VALENTIC: Yeah, yeah. So it seems like,
5 just doing the math, if you put those in then you don't maybe
6 even need the ones down below on that edge, you know, the ones
7 along the southern property line if you are getting six up top
8 or seven even. If you make seven up top, could you get rid of
9 the ones on the bottom and just put like a strip of landscape
10 along that property line for the neighbor?

11 MR. JACKSON: Yeah, the other thing we do, we could
12 cut this out. And I guess where I am struggling right now is
13 we carry, we carry, we carry 11 types of gravel. I'd love to
14 step that up to like 15 or 16 because there is some really
15 cool stuff out of Pennsylvania. There's some pinks, some
16 purples and stuff that's not even around here. We have our
17 own trucks and trucking, so I would like to increase not size
18 or not girth, just availability or different colors. So that
19 was the whole focus of adding more back here was just being
20 able to offer more or we have more access or more things to
21 sell.

22 CHAIRMAN VALENTIC: Okay. Any other questions from
23 the Board, any thoughts? Skip?

24 MR. SWEENEY: No.

25 CHAIRMAN VALENTIC: You have five variances here. I
26 mean, we will go through them. You know, I struggle with the
27 bins, you obviously can hear, from down on that southern
28 property line. It seems like there is plenty of room on the
29 property to move those somewhere else right now and you could
30 still get adequate truck access. I think, I'm not an engineer

1 but it seems like that entry drive is really wide, wider than
2 the other one to the north, and it, part of it looks like it
3 doesn't even go -- it goes off of your property. So I think
4 you could still get trucks through there even if you add a
5 little landscaping and got rid of those bins.

6 Then, you know, your other variances, I understand
7 the gravel, you know, in lieu of the pavement. I think you
8 did a smart thing and paving those, you know, five parking
9 spaces that you guys are going to use often. I thought that
10 was a good idea.

11 You know, I am okay with, you know, five spaces
12 instead of two. We don't need to build more parking if we
13 don't need it. So, you know, I am okay with that.

14 I think the, even the landscape islands, you can
15 make an argument maybe you can add an island here or there but
16 you guys got big trucks coming through there, so it's probably
17 difficult to have landscape islands in there.

18 So that's just my two cents.

19 MR. SWEENEY: I just have one question. How does
20 the palm tree survive in the winter?

21 MR. GOLLING: That was my question.

22 MR. JACKSON: It doesn't. So I cheated and
23 I painted it last year. So --

24 CHAIRMAN VALENTIC: Don't put, don't put that on the
25 record.

26 MR. JACKSON: The structure of a palm tree is 80
27 percent moisture. That's why they don't live, they freeze.
28 But they're so strong that I was just, I painted it and it
29 looked great.

30 MR. SWEENEY: It looks cool.

1 MR. JACKSON: Until the second year.

2 CHAIRMAN VALENTIC: So for every palm tree, you get
3 a can of paint with it?

4 MR. JACKSON: No. So you got to do that on your
5 own, you know. That's up to you.

6 CHAIRMAN VALENTIC: Okay.

7 MR. JACKSON: But it was comical because people
8 would come in and say, "It's coming back." And I'm like, "I
9 know." And I bought three cans and didn't realize it was
10 going to take me six -- you know what I'm saying -- so it was
11 kind of half done for three or four days.

12 MR. SWEENEY: It's coming back.

13 MR. JACKSON: I know, it's wild. So I had to wait
14 for next Saturday to go out and get more paint.

15 CHAIRMAN VALENTIC: That's funny. All right. I
16 think we're all set with you for now. Thank you.

17 MR. JACKSON: Thank you, appreciate it.

18 CHAIRMAN VALENTIC: Is there anyone else this
19 evening who is speaking for or against this appeal that would
20 like to come up?

21 MS. DeFRATIS: Good evening. My name is Barbara
22 DeFratis. I live at 7264 Ravenna Road. I have a four-bedroom
23 ranch home there and --

24 CHAIRMAN VALENTIC: Where are you in relation to
25 him?

26 MS. DeFRATIS: I believe I am across the street, to
27 my understanding.

28 CHAIRMAN VALENTIC: Okay. And you've been sworn in?

29 MS. DeFRATIS: Correct, Tim? You're not doing
30 anything to the property next to my house?

1 MR. JACKSON: No.

2 MS. DeFRATIS: Okay.

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

4 MS. DeFRATIS: And I have been sworn in.

5 CHAIRMAN VALENTIC: Thank you.

6 MS. DeFRATIS: I just want to give you an idea of
7 what it's like there. I believe that it gets quite dusty and
8 my house gets quite dirty, so I really would like to see a lot
9 more landscaping to block some of that wind and blowing of the
10 dust when the trucks come in and out. I think that's all, the
11 biggest complaint I have at this time.

12 CHAIRMAN VALENTIC: Okay.

13 MS. DeFRATIS: And, like I said, I am pretty close,
14 you know, when he comes in the property that he has next to my
15 house and that's rough enough.

16 CHAIRMAN VALENTIC: Yeah.

17 MS. DeFRATIS: You know, listening to the trucks
18 roll in and out and the dust, you know, in the summertime.
19 So --

20 MR. SWEENEY: Do you have a horse?

21 MS. DeFRATIS: I did. We had, we had horses and the
22 whole family showed horses and barrel raced, yeah.

23 MR. SWEENEY: Yeah, that's cool.

24 MS. DeFRATIS: No longer any horses, you know, just
25 got to be too much, a lot of work, you know. Maybe some day
26 again. We'll see, you know. But I think that's all.

27 CHAIRMAN VALENTIC: Thank you.

28 MR. SWEENEY: Thank you.

29 CHAIRMAN VALENTIC: Heather, I just had a -- I just
30 thought of something. We don't require that aprons are

1 concrete, you know, for any access to any driveway?

2 MS. FREEMAN: They would be considered part of the
3 parking lot.

4 CHAIRMAN VALENTIC: Okay. So they're not separate,
5 okay.

6 MR. GOLLING: Well, to her point about the dust, I
7 grew up on a gravel road and every summer the township would
8 come by and just spray a little oil on top of the gravel and
9 keep the dust down. I mean, it's a relatively inexpensive
10 solution. It might keep the -- I can't say much for the noise
11 but to keep the dust down, at least.

12 Tim, this, the front part where the bins are, that's
13 going to stay gravel, right?

14 MR. JACKSON: Correct.

15 MR. GOLLING: So it's not going to be paved at all.
16 So, I mean --

17 CHAIRMAN VALENTIC: Tim, can you come back up just
18 to answer at the microphone.

19 MR. GOLLING: Yeah. So worse case scenario, I mean,
20 if it gets super dusty, have them, sort of, this past week, I
21 mean --

22 MR. JACKSON: I think it's fair. The only thing I
23 struggled with and I've never got a good -- is the EPA ruling
24 on this oil.

25 MR. GOLLING: Gotcha.

26 CHAIRMAN VALENTIC: So Ullman Oil does it. He does
27 it for a friend of mine on Auburn, works great. Does it,
28 lasts like eight months. They come out, they spray it.

29 MR. GOLLING: Right.

30 MR. JACKSON: My only fear is, because of the mulch,

1 EPA comes out, you've got oil on your parking lot. What do
2 you do then? And I've never gotten a straight shot but I
3 would love to do it. And in Barb's defense, I agree 110
4 percent. I'm a neat freak about my trucks.

5 MR. GOLLING: Well, I am not talking about the
6 property on her side. I am talking --

7 MR. JACKSON: Yeah, I'm just saying just in general,
8 whether it's on the east or the west side of the property.
9 I'd love to do it. I've just never gotten anyone to give me
10 their blessing and say, "This is okay, you know. You can do."

11 CHAIRMAN VALENTIC: Could you do like a chip and
12 seal?

13 MR. SWEENEY: Or molasses?

14 CHAIRMAN VALENTIC: I don't know.

15 MR. JACKSON: Generally, I don't know. I, truly, I
16 would be lying if I told you that. I know that Ullman Oil
17 does it and it says on the side of the truck "EPA friendly" or
18 what have you. And I am sure someone is out there checking on
19 them, I would think.

20 CHAIRMAN VALENTIC: So if it ever gets really dry or
21 really dusty after the gravel gets, you know, do you guys ever
22 water it down maybe?

23 MR. JACKSON: We do. It just doesn't work. I would
24 be lying to tell you it works.

25 MR. SWEENEY: You have to do it every 15 minutes.

26 MR. JACKSON: My, yeah, my son has a Kubota with a
27 watering tank on it and he made a spray bar. Fifteen minutes
28 later, it looks like he did nothing.

29 MR. GOLLING: Right.

30 MR. JACKSON: You know, but the past month has been

1 really not -- dust free.

2 MR. GOLLING: Well, would it be worth a call to
3 Ullman?

4 MR. JACKSON: Yeah, it would be. In fact, I will be
5 truthful that I made that call like three weeks ago. It got
6 really dusty like the end of May, beginning of June, and I was
7 just over it. You know, and to Barb's defense or even ours,
8 even the screens on the computer, you go in there in the
9 morning and it's just dust, you know, the keyboard is just
10 dust. And I get it, I do, I generally get it and I would love
11 to do something about it. I am so fearful that I did that and
12 then they say, uh-oh, you know as far as --

13 MR. SWEENEY: Yeah, the EPA.

14 MR. JACKSON: Yeah. Where do you go from there?

15 MR. GOLLING: Right.

16 MR. JACKSON: And that was my only thing. And I
17 never researched it any further because then it started
18 raining for a month and a half straight, so I never -- And I
19 am being genuine with you. I never --

20 MR. SWEENEY: Right.

21 MR. JACKSON: After that, I never, you know, we have
22 guys, that's all they do is wash trucks or one guy that does
23 that. And he'll wash something, 48 hours later it's like, you
24 know, I mean, it still looks clean but it's not what it should
25 be.

26 CHAIRMAN VALENTIC: Yeah. That's like chip and seal
27 is a little bit --

28 MR. JACKSON: Yeah, that's awesome.

29 CHAIRMAN VALENTIC: Yeah, but that's a whole nother
30 level.

1 Any other questions for Tim while we have him up
2 here?

3 MR. GOLLING: I am good. Thanks.

4 CHAIRMAN VALENTIC: Thank you.

5 Is there anyone else here this evening that's here
6 to speak for or against this appeal that would like to come
7 up?

8 (No response.)

9 If there's no further questions, the public hearing
10 for Variance Number -- let's see -- this is 2021-87 is now
11 closed to the public. Okay. So we're going to --

12 MS. LANDGRAF: This is 86.

13 CHAIRMAN VALENTIC: I am sorry. 2021-86. Thank
14 you.

15 So I am going to, I'm going to provide a motion.
16 We're going to talk about the first one, so a motion just for
17 the first variance and we're going to talk about that one and
18 then we'll vote on that one and we'll go through them all
19 again. Okay? So can I get a motion for Variance 2021-86,
20 Accurate Landscaping, Inc., is requesting the variance from
21 Section 29.06(A) (7) to allow off-street parking to be located
22 1.5 feet from the side property line in lieu of the minimum 10
23 feet required for the property located at 7291 Ravenna Road.

24 MR. GOLLING: So moved.

25 MR. SWEENEY: Second.

26 CHAIRMAN VALENTIC: Any discussion on this one?

27 MR. GOLLING: This is the south bins. That's what
28 this one is, right?

29 CHAIRMAN VALENTIC: Well, no.

30 MR. GOLLING: Parking area.

1 MR. SWEENEY: At the south end.

2 MR. GOLLING: Yeah, so this --

3 CHAIRMAN VALENTIC: The bins are, the bins are
4 actually fourth.

5 MR. GOLLING: Fourth?

6 CHAIRMAN VALENTIC: Fourth. This is parking and I
7 think the parking is in --

8 MS. LANDGRAF: It's his parking lot by the building.

9 MR. GOLLING: Gotcha.

10 MS. LANDGRAF: That it's 1 and a half feet from the
11 property line.

12 MR. GOLLING: Got it.

13 CHAIRMAN VALENTIC: So this is not the bins. So
14 this is to allow parking near the property line.

15 MR. SWEENEY: Okay.

16 CHAIRMAN VALENTIC: Blair, do you have anything?

17 MR. HAMILTON: I am not sure I am seeing that on the
18 drawing.

19 MS. LANDGRAF: It's that lot he was describing right
20 in front that's going to be concrete.

21 MR. HAMILTON: Yeah.

22 CHAIRMAN VALENTIC: But it's not 1.5 feet.

23 MR. HAMILTON: That's not 1.5 feet.

24 MR. GOLLING: Yeah, it looks like 10.

25 MS. LANDGRAF: Is that what you are talking about?

26 CHAIRMAN VALENTIC: No.

27 MS. LANDGRAF: Where is your parking? Where is your
28 off-street parking then?

29 MS. FREEMAN: I can clarify. So the way I wrote
30 that, actually, it deals with both the north and the south.

1 So on the north side, the existing parking lot, which includes
2 the access drive, is 6.5 feet away and 5.2 feet away. But
3 then also on the south side where the storage bins are
4 located, my interpretation of that is the storage bins were
5 part of the parking lot, which is 1.5 feet away from the south
6 property line.

7 MR. GOLLING: Yeah, okay, right. I am good.

8 MS. FREEMAN: So the --

9 MR. GOLLING: So this is the driveway, it's not --

10 MS. LANDGRAF: I think maybe --

11 CHAIRMAN VALENTIC: So it's not necessarily parking.

12 MR. GOLLING: It's the drive.

13 MS. LANDGRAF: It's the driveway access, it's not
14 parking.

15 MS. FREEMAN: Well, the packing lot, the parking lot
16 includes the access drives per our definition.

17 MS. LANDGRAF: Okay.

18 CHAIRMAN VALENTIC: Is that clear to everybody?

19 MR. GOLLING: We're clear.

20 MR. HAMILTON: I got it. That clarifies it, yeah.

21 CHAIRMAN VALENTIC: Okay. So we have -- Did we get
22 a motion?

23 MR. HAMILTON: We got a motion.

24 MR. GOLLING: Yes, we did.

25 MS. LANDGRAF: I just want to clarify. You're not
26 parking vehicles where those storage bins are.

27 MR. JACKSON: No, there would be no parking. That's
28 just, it would be, just be the access, how it's been forever.
29 I am not changing any of that.

30 MS. LANDGRAF: So your access is not changing.

1 MR. JACKSON: No.

2 MS. LANDGRAF: And your parking is not changing?

3 MR. JACKSON: Correct, other than --

4 MS. LANDGRAF: Except for the lot in the back.

5 MR. JACKSON: Yeah. That blue house and the red
6 truck that's always there and now --

7 MS. LANDGRAF: Yeah, okay. I'm just concerned that
8 the way this is phrased it sounds like you're allowing him to
9 park up where the storage bins are.

10 CHAIRMAN VALENTIC: Yeah.

11 MS. LANDGRAF: Which is not what the intention is.

12 MR. JACKSON: It would be a long walk.

13 MS. LANDGRAF: Yeah, for you it would but for,
14 yeah --

15 CHAIRMAN VALENTIC: So can we maybe add a
16 clarification, stipulation to this one that --

17 MS. LANDGRAF: I think just how it's phrased to
18 allow the --

19 CHAIRMAN VALENTIC: To allow access within 1.5 feet
20 but not parking of vehicles.

21 MS. LANDGRAF: Yeah.

22 CHAIRMAN VALENTIC: Okay. So I am going to just
23 say, so we are going to get a motion for the first variance
24 that allows for off-street parking to be 1.5 feet from the
25 side property line in lieu of the 10 feet required.

26 MS. LANDGRAF: For access purposes only.

27 CHAIRMAN VALENTIC: For access purposes only.

28 MS. LANDGRAF: Not for parking.

29 CHAIRMAN VALENTIC: Not for parking.

30 MR. GOLLING: Yep, that will work.

1 CHAIRMAN VALENTIC: Can I get a motion again?
2 MR. GOLLING: So moved.
3 MR. SWEENEY: Second.
4 MR. HAMILTON: Second.
5 CHAIRMAN VALENTIC: Okay. Heather, please call the
6 vote for the first variance after you are done writing.
7 MS. FREEMAN: I apologize to the Board and to legal
8 counsel for that.
9 Mr. Hamilton?
10 MR. HAMILTON: Yes.
11 MS. FREEMAN: Mr. Sweeney?
12 MR. SWEENEY: Yes.
13 MS. FREEMAN: Mr. Golling?
14 MR. GOLLING: Yes.
15 MS. FREEMAN: Mr. Valentic?
16 CHAIRMAN VALENTIC: Yes.
17 That variance has been approved. The next for
18 Variance Number 2021-86 is a second variance requested from
19 Section 29.03(F) to allow the parking area to be constructed
20 with gravel in lieu of asphalt, concrete or concrete permeable
21 paver systems. Can I get a motion for that one?
22 MR. SWEENEY: So moved.
23 MR. GOLLING: Second.
24 CHAIRMAN VALENTIC: Heather, please call the vote.
25 MS. FREEMAN: Mr. Sweeney?
26 MR. SWEENEY: Yes.
27 MS. FREEMAN: Mr. Golling?
28 MR. GOLLING: Yes.
29 MS. FREEMAN: Mr. Hamilton?
30 MR. HAMILTON: Yes.

1 MS. FREEMAN: And Mr. Valentic?

2 CHAIRMAN VALENTIC: Yes.

3 Okay. So for Variance 2021-86, a third variance is
4 requested from Section 29.04(B)(1) to allow five parking
5 spaces in lieu of the minimum 22 required. Can I get a
6 motion?

7 MR. SWEENEY: So moved.

8 MR. GOLLING: Second.

9 MR. HAMILTON: Second.

10 CHAIRMAN VALENTIC: Do we need to discuss this one
11 at all?

12 MR. GOLLING: No.

13 CHAIRMAN VALENTIC: Heather, please call the vote.

14 MS. FREEMAN: Mr. Hamilton?

15 MR. HAMILTON: Yes.

16 MS. FREEMAN: Mr. Sweeney?

17 MR. SWEENEY: Yes.

18 MS. FREEMAN: Mr. Golling?

19 MR. GOLLING: Yes.

20 MS. FREEMAN: Mr. Valentic?

21 CHAIRMAN VALENTIC: Yes.

22 Okay, so that was the third one. So now for
23 2021-86, a fourth variance is a requested from Section
24 22.04(D), Table 22.04, to allow storage bins to be located 1.5
25 feet from the side property line in lieu of the 20 feet
26 required. Can I get a motion on this one?

27 MR. GOLLING: So moved.

28 MR. SWEENEY: Second.

29 CHAIRMAN VALENTIC: Discussion? I will just say
30 that I am opposed to this one.

1 MR. HAMILTON: I think there are alternatives for
2 this.

3 CHAIRMAN VALENTIC: That's where I am at with this
4 one. So it's up to you guys if you want talk about it but I
5 think there is plenty of other opportunities to put them
6 somewhere else on the property. I don't know if you guys have
7 anything else you want to say.

8 MR. HAMILTON: No.

9 CHAIRMAN VALENTIC: No? All right. Heather, can
10 you please call the vote for the fourth variance?

11 MS. FREEMAN: Mr. Sweeney?

12 MR. SWEENEY: Yes.

13 MS. FREEMAN: Mr. Golling?

14 MR. GOLLING: Yes.

15 MS. FREEMAN: Mr. Hamilton?

16 MR. HAMILTON: No.

17 MS. FREEMAN: Mr. Valentic?

18 CHAIRMAN VALENTIC: No.

19 The fourth variance did not pass.

20 Next is Variance 2021-86, a fifth variance is
21 requested from Section 38.05(A) to eliminate the interior
22 parking lot landscape requirements. Can I get a motion to
23 approve this one?

24 MR. SWEENEY: So moved.

25 MR. HAMILTON: Second.

26 CHAIRMAN VALENTIC: Any discussion?

27 MR. GOLLING: Islands, right?

28 CHAIRMAN VALENTIC: Yeah.

29 MR. GOLLING: No.

30 CHAIRMAN VALENTIC: Everyone is good?

1 MR. GOLLING: Yeah.

2 CHAIRMAN VALENTIC: Okay. Heather, please call the
3 vote.

4 MS. FREEMAN: Mr. Golling?

5 MR. GOLLING: Yes.

6 MS. FREEMAN: Mr. Sweeney?

7 MR. SWEENEY: Yes.

8 MS. FREEMAN: Mr. Hamilton?

9 MR. HAMILTON: Yes.

10 MS. FREEMAN: Mr. Valentic?

11 CHAIRMAN VALENTIC: Yes.

12 Your variance has been approved. Thank you very
13 much.

14 Okay. Next on the docket is Variance Number
15 2021-87, American Construction Group Ltd, on behalf of the
16 property owner, David Zimmerman, is requesting a variance from
17 Section 17.04(B) and 17.07(A) to allow for the minimum --
18 sorry -- to allow for the construction of an in-ground pool
19 and pool terrace with a 39 feet, 9.7 inch riparian setback in
20 lieu of the minimum 75 feet required for the property located
21 at 11443 Viceroy Street.

22 MR. FOSTER: Good evening. I am William Foster,
23 I've been sworn in, representing Mr. Zimmerman, who is with me
24 here this evening.

25 CHAIRMAN VALENTIC: Could you state your address for
26 the record, please, sir?

27 MR. ZIMMERMAN: Yeah, good evening. David
28 Zimmerman, 11443 Viceroy Street, Concord, Ohio 44077. I have
29 been sworn in. Thank you.

30 CHAIRMAN VALENTIC: Thank you.

1 And would you state your address for the record?

2 MR. FOSTER: 6337 Chittenden Drive, Hudson, Ohio.

3 CHAIRMAN VALENTIC: Okay. Thank you.

4 MR. ZIMMERMAN: Would you like us both up here, sir,
5 or one?

6 CHAIRMAN VALENTIC: No, whoever is going to present
7 first and, Mr. Zimmerman, you can come up if you need to come
8 up.

9 MR. FOSTER: I'll set the table, then you can come
10 up.

11 Good evening. Basically, we presented a plan, went
12 through zoning. The back yard of this home had already been
13 significantly developed. We presented a plan that was within
14 the -- There is two boundaries. I think there was a wet -- I
15 am sorry, the terminology here.

16 MS. LANDGRAF: Riparian setback.

17 MR. FOSTER: Riparian setback, correct. So the
18 zoning came back with a 75 foot setback that actually
19 encompassed the existing deck, the existing shed, garage,
20 landscape development, patios, which would, actually, the
21 development we were doing is within that same footprint.

22 So basically the hardship for this was the, I
23 believe -- And Mr. Zimmerman will talk a little bit about the
24 change, I guess, that happened after they had occupied the
25 property. I don't want to speak out of line, so I will let
26 him talk about that. But, basically, that's what we're
27 seeking is a variance for that pool to be put within the
28 existing landscaping and walls that they have on the property.
29 We were going to embellish on the walls by adding a fireplace,
30 adding some privacy or -- I am sorry -- security fencing along

1 the top of the pool walls. So that is what we're seeking the
2 variance for is the pool set within the existing landscape.

3 CHAIRMAN VALENTIC: So thank you. And so my
4 question is, so the walls are there already and you're within
5 that whole area that's already developed?

6 MR. FOSTER: Correct.

7 CHAIRMAN VALENTIC: Okay, thank you.

8 MR. FOSTER: There is a little bit, there is a
9 little bit of an area. So to say we're adding, just in scope,
10 we're changing out some of the materials on the deck to a
11 composite material. We're adding a staircase so they can have
12 egress from the upper level to the lower level, which they
13 have a beautiful lower level developed already. And then
14 we're adding an area of, area of terrace to the, which would
15 be the south pool area with a fireplace. So that's all within
16 the environmental easement, like I said. We didn't know
17 anything about the easement that was a 75 foot --

18 CHAIRMAN VALENTIC: Yeah, it's all within --

19 MR. FOSTER: With the blueprint.

20 CHAIRMAN VALENTIC: It's within the riparian setback
21 but outside of the environmental easement?

22 MR. FOSTER: Correct. But that's the scope of what
23 we're doing and then also adding a fence in the green space.
24 They do have some dogs and try to give the dogs some green
25 space as well.

26 CHAIRMAN VALENTIC: So there's a fence around the
27 pool, then a fence around the yard?

28 MR. FOSTER: Correct.

29 CHAIRMAN VALENTIC: Okay, got it. Any questions
30 from the Board for this gentleman?

1 MR. HAMILTON: Was there a variance for the initial
2 work that was done to establish this area in the first place?

3 MR. FOSTER: I wasn't involved in that process and I
4 don't have that information. I am going to --

5 MR. ZIMMERMAN: When we built the -- When we
6 purchased the property and built the home there was nothing,
7 there was no variance required. There was nothing at all that
8 was required.

9 CHAIRMAN VALENTIC: There was no riparian setback.

10 MR. ZIMMERMAN: We bought the property in 2009, sir,
11 and at the time there was nothing. We had to get, we had to
12 get -- what do you call it -- the survey, we had to get it
13 resurveyed because the survey wasn't correct to begin with.
14 So it was actually -- I don't know -- 7, 8 thousand dollars to
15 have it done correctly and there was no variance or anything
16 given to us. I understand through the county engineer who
17 came out, Mr. Randy -- and I forget his last name -- that
18 something was done two or three years ago that -- What was it
19 called, not the variance?

20 CHAIRMAN VALENTIC: Riparian setbacks.

21 MR. FOSTER: Riparian setbacks.

22 MR. ZIMMERMAN: Yes, sir, correct. And what they
23 did, they never gave us a copy of that. Nobody had ever
24 forwarded us anything. So, basically, I guess we should be,
25 quote, unquote, grandfathered in because where we sit now we
26 shouldn't have had our deck, it wouldn't be legal and blah,
27 blah. What we have currently wouldn't be legal if we had
28 built the home because it's sitting in what we're requesting
29 the variance to put our pool in. So it wouldn't even be
30 legal.

1 So what we're asking for is, I guess, after the
2 fact, if you will, because we never gotten any of that
3 information or we would never have done it. So here we are.
4 We're begging, like, please, we're trying to do the right
5 thing here. We are very conscientious people. We want to
6 keep and maintain the beauty of the Nature Preserve behind us.
7 We built and bought that lot purposely for the creek running
8 behind it and all the Nature Preserve and so on and so forth.
9 So we want to keep that up and golden but we, really, if you
10 stand on our patio, that's where the pool is going to be,
11 literally, right there. So we're asking for this variance to
12 put it there and remove our patio, if you will, and put the
13 pool there.

14 CHAIRMAN VALENTIC: Okay.

15 MR. ZIMMERMAN: Had we known, obviously, we would
16 have done this way before and moved the house probably 150
17 feet forward and, I mean, seriously. Our neighbors had to do
18 the same thing. The people across the street, we have letters
19 from our neighbors giving us permission, if you will, or
20 saying it's okay to do this and what type of good neighbors we
21 are, so on and so forth. So, yeah, that's, I am pleading our
22 case for this because of that, yes, sir.

23 CHAIRMAN VALENTIC: Okay. Thank you. Thank you
24 very much.

25 MS. FREEMAN: Mr. Chairman.

26 CHAIRMAN VALENTIC: Any other questions for the
27 Board?

28 MS. FREEMAN: Mr. Chairman, if I could just clarify
29 something. Correct, when you built your house and your
30 existing patio and shed that are there, the township did not

1 have the riparian setbacks. So those existing structures are
2 grandfathered in. But the new --

3 MR. ZIMMERMAN: That's correct. But --

4 MS. FREEMAN: But the improvements that you are
5 doing is expanding and encroaching further into the riparian
6 setback. You are expanding some of that existing patio and
7 pushing the wall out and the pool into an area that's
8 currently used for lawn. So that expansion of that and the
9 new improvements that you are proposing is what triggered the
10 variance.

11 MR. FOSTER: That's correct.

12 MS. FREEMAN: That required the hearing.

13 MR. FOSTER: I think it was something ridiculous, I
14 want to say 23 feet, something was not that big of a deal
15 because we measured from the creek up and it was like only
16 this much, wow. I mean, that's why we're here today, because
17 we didn't want to do anything wrong. We want to do everything
18 right and get it all done. If it happens, great. If it
19 doesn't happen, so be it. But we are at your mercy to grant
20 us the variance so we can go ahead and proceed.

21 CHAIRMAN VALENTIC: Okay. But it is going out
22 further than the existing is now.

23 MS. FREEMAN: Yes, sir.

24 MR. ZIMMERMAN: Not, no --

25 MR. FOSTER: Not a lot. But there is also, a lot of
26 times there is some people govern the distance from a
27 structure to a pool anywhere from 10 to 15 feet but it's
28 pretty close to what the -- there is existing walls there and
29 landscaping. So when I -- I don't have the exact measurement
30 of where it is but it's within --

1 MR. ZIMMERMAN: If this would be, if this was my
2 patio wall here, I would say -- and I am guessing -- with the
3 installation and everything, you're probably talking about
4 this much. It's not going to encroach that much. And it's
5 all going to be insulated and a facade wall on the back and so
6 on. So it's not going to be like from me to you or whatever.
7 It's just going to be minimal, at best.

8 CHAIRMAN VALENTIC: It's just going into lawn, not
9 any --

10 MR. FOSTER: Correct. Yes, sir, correct.

11 MR. HAMILTON: Is this encroachment to the, to the
12 east of the existing structure or north and east, based on
13 your plan?

14 MR. FOSTER: The plan, let me see, north.

15 MR. HAMILTON: I am looking at this.

16 MR. ZIMMERMAN: Yeah. If I am on my patio, it's
17 going out to the north. So it is going to be south and to the
18 east, south and east. If I am on my patio, if I am looking at
19 you this way, the pool is going to be here, which is to the
20 south and to the east.

21 MR. GOLLING: Patio and the pool is going to be
22 right there and the grass over here. So that right there is
23 that wall right there.

24 MR. HAMILTON: That wall going across.

25 MR. GOLLING: That wall is going across. So what he
26 is doing is removing the grass and putting a pool instead.
27 All the natural vegetation is gone anyway.

28 MR. HAMILTON: Okay, thank you.

29 MR. ZIMMERMAN: Do you need me to sit down, sir?
30 You said "thank you." I don't know if I am standing or what.

1 MS. FREEMAN: Mr. Chairman, too, for clarification,
2 I think if you look at sheet A101, you can see the layout
3 plan. The lightly dashed lines underneath there shows the
4 existing wall location and where that's about centered in the
5 pool area. You can see where the existing wall location is
6 and now where the proposed improvements are in relationship to
7 what's existing. Do you see that?

8 CHAIRMAN VALENTIC: Yeah. It's just really faint,
9 yeah.

10 MS. FREEMAN: There's a call-out, existing walls and
11 steps to be removed. Wall block to be salvaged and reused.

12 CHAIRMAN VALENTIC: Okay. I see, yeah. It's really
13 faint from the copy.

14 MS. FREEMAN: Yeah. So it's like 10 feet, probably.

15 CHAIRMAN VALENTIC: Thank you, Heather.

16 MR. GOLLING: See the wall.

17 CHAIRMAN VALENTIC: Yeah, you can see it on this
18 copy. Okay.

19 MR. GOLLING: So what's there now is just grass?
20 It's lawn right there right now?

21 MR. ZIMMERMAN: Yes, sir. There's a paved, pavers
22 and then there is a wall with some landscaping and things,
23 yes, sir, that's correct.

24 MR. GOLLING: Got it.

25 MR. ZIMMERMAN: Some steps going down to the -- yes,
26 sir.

27 MR. FOSTER: It's basically a couple tiers,
28 landscape tiers.

29 CHAIRMAN VALENTIC: Okay, I understand.

30 Skip, do you have any questions for the gentlemen

1 before they sit down?

2 MR. SWEENEY: Sir, do you understand the purpose of
3 a riparian setback, especially as it applies to your property?
4 Do you understand why that's there?

5 MR. ZIMMERMAN: It's, what, the runoff of the water
6 so it doesn't go into the creek and damage the environment
7 that's there.

8 MR. SWEENEY: Right.

9 MR. ZIMMERMAN: Yes, sir, I do.

10 MR. SWEENEY: Right, okay.

11 CHAIRMAN VALENTIC: I assume you built back in 2009.

12 MR. FOSTER: Yes, sir, correct.

13 MR. SWEENEY: Okay, thank you.

14 MR. FOSTER: Thank you, sir.

15 CHAIRMAN VALENTIC: You guys good up here?

16 MR. GOLLING: Yeah. I was going through Chad's
17 letter, Chad from --

18 CHAIRMAN VALENTIC: Yeah, I was going to do that.

19 MR. GOLLING: Yeah. So three things that hit me,
20 one was that they're above the 100-year floodplain, so that's
21 good. The horizontal distance between the retaining wall we
22 were talking about and the stream is not likely to be
23 impacted, and it's already grass. He said here it's already
24 void of natural vegetation. So the riparian setback's water
25 quality function has already been comprised; therefore, the
26 impacts to the water quality are negligible. So I think what
27 he is saying here is, like, it's already grass. You can't
28 make it worse.

29 MR. FOSTER: Nice looking grass, yes, sir, it sure
30 is, correct. Spent a lot of money to keep that going, yes,

1 sir, correct.

2 CHAIRMAN VALENTIC: I was going to read that at the
3 end.

4 MR. GOLLING: Gotcha.

5 CHAIRMAN VALENTIC: It's a good point. Okay?

6 MR. HAMILTON: Okay.

7 CHAIRMAN VALENTIC: Thank you, gentlemen. Please be
8 seated.

9 MR. FOSTER: Yes, sir, thank you.

10 CHAIRMAN VALENTIC: Can I get a motion to approve
11 Variance 2021-87?

12 MR. HAMILTON: So moved.

13 MR. SWEENEY: So moved.

14 MR. GOLLING: Second.

15 MR. HAMILTON: You got it.

16 CHAIRMAN VALENTIC: Heather, please call the vote to
17 approve Variance --

18 MR. SWEENEY: I have a question for Heather.

19 CHAIRMAN VALENTIC: Okay. So we can discuss first.

20 MR. SWEENEY: Yeah.

21 CHAIRMAN VALENTIC: You can be seated, sir. It's --

22 MR. SWEENEY: This is for the discussion.

23 MS. FREEMAN: Yes.

24 MR. SWEENEY: This 75 foot riparian setback, that's
25 a fairly significant setback, right?

26 MS. FREEMAN: Right.

27 MR. SWEENEY: And what creek is that?

28 CHAIRMAN VALENTIC: Jordan.

29 MR. GOLLING: Jordan.

30 MR. SWEENEY: That's Jordan Creek, okay. If I

1 remember correctly -- And I just want to clarify this. I
2 don't think it has any bearing on it. But when Chad was here,
3 I asked him a question about the, what are the differences
4 between the 25, 50, 75 and 100 foot or 120 foot setbacks? And
5 I said, does it have anything to do with the volume of water,
6 potential for the volume of water that runs through these?
7 And he said no, it has something to do with the vegetation.
8 Is that true? Can anybody help me with that?

9 CHAIRMAN VALENTIC: I don't remember exactly. I
10 thought it was based on watershed size.

11 MS. FREEMAN: The setbacks that are in place in the
12 Zoning Resolution are based on the drainage area for that
13 portion of the stream.

14 MR. SWEENEY: The drainage area. And I asked Chad,
15 well, does it have to do with the volume of water running
16 through there or the potential of running through there? And
17 he said no, it has something to do -- or it has to do with the
18 amount of vegetation that will be affected, regardless of the
19 amount of water.

20 CHAIRMAN VALENTIC: I am not sure.

21 MR. SWEENEY: So I don't know. It doesn't really
22 have any bearing on this, and I am sorry about that but I just
23 wanted to clarify that.

24 MS. FREEMAN: It is based on the land area that's
25 within that drainage area.

26 MR. SWEENEY: Right.

27 MS. FREEMAN: Right.

28 MR. SWEENEY: Okay, all right.

29 CHAIRMAN VALENTIC: All right. So I kind of messed
30 that one up, too. So we do need to close that public hearing.

1 So is there anyone else here that's speaking for or against
2 that appeal that would like to come up?

3 (No response.)

4 So if there is no further questions, the public
5 hearing for Variance Number 2021-87 is now closed to the
6 public.

7 Now as the board, can we get a motion to approve
8 Variance 2021-87?

9 MR. HAMILTON: So moved.

10 MR. SWEENEY: Second.

11 CHAIRMAN VALENTIC: All right. Any discussion up
12 here, any further discussion?

13 MR. HAMILTON: I am clear.

14 CHAIRMAN VALENTIC: Okay. Heather, can you please
15 call the vote now?

16 MS. FREEMAN: Mr. Golling?

17 MR. GOLLING: Yes.

18 MS. FREEMAN: Mr. Hamilton?

19 MR. HAMILTON: Yes.

20 MS. FREEMAN: Mr. Sweeney?

21 MR. SWEENEY: Yes.

22 MS. FREEMAN: Mr. Valentic?

23 CHAIRMAN VALENTIC: Yes.

24 Your variance has been approved. Thank you.

25 MR. FOSTER: Thank you, gentlemen. Thank you for
26 your time this evening.

27 CHAIRMAN VALENTIC: Thank you.

28 So the next item on the agenda is Variance 2021-88,
29 Big Creek Veterinary Hospital Land Holdings LLC is requesting
30 a variance from Section 38.04(A) to allow a 3.5 feet planting

1 area between the proposed building addition and existing
2 sidewalk in lieu of the 5 feet required for the property
3 located at 11743 Girdled Road. Good evening.

4 MR. KLINE: Good evening. My name is Larry Kline.
5 I represent the Big Creek Veterinary Hospital Group. My
6 address is 10640 Wyntree Drive, Concord, Ohio 44077, and I
7 have been sworn in.

8 CHAIRMAN VALENTIC: Thank you, sir.

9 MR. KLINE: This variance request is asking to
10 reduce the 5 foot landscape mandate to 3 foot, 6 inches. We
11 are proposing to add four exam rooms onto the east side of the
12 animal hospital. All of the landscaping areas after work is
13 done will be returned to, you know, its landscape potential
14 and the zoning codes. This particular strip runs between the
15 existing building and the sidewalk right now, and when we add
16 10 feet to the building, there will only be 3 foot, 6 inches
17 left.

18 We would -- The hospital would like to mulch that
19 with plants and mulch rather than just lawn or anything like
20 that to help keep the clients' pets from using that area,
21 which sometimes gets to be a problem. It's pretty
22 straightforward.

23 CHAIRMAN VALENTIC: Okay, very good. Any further
24 questions?

25 MR. GOLLING: No.

26 CHAIRMAN VALENTIC: Is there anyone here this
27 evening that's either speaking for or against this appeal?

28 (No response.)

29 If there's no further questions, the public hearing
30 for Variance Number 2021-88 is now closed to the public. Can

1 I get a motion to approve Variance 2021-88?

2 MR. GOLLING: So moved.

3 MR. HAMILTON: So moved -- second.

4 CHAIRMAN VALENTIC: Any discussion from the Board?

5 (No response.)

6 Heather, can you please call the vote?

7 MS. FREEMAN: Mr. Sweeney?

8 MR. SWEENEY: Yes.

9 MS. FREEMAN: Mr. Hamilton?

10 MR. HAMILTON: Yes.

11 MS. FREEMAN: Mr. Golling?

12 MR. GOLLING: Yes.

13 MS. FREEMAN: Mr. Valentic?

14 CHAIRMAN VALENTIC: Yes.

15 Your variance has been approved.

16 Next is a conditional use permit, Number 2021-18,
17 Big Creek Veterinary Hospital Land Holdings LLC is requesting
18 to have an amended conditional use permit for veterinary
19 services in accordance with Section 13.22 for the property
20 located at 11743 Girdled Road.

21 MR. KLINE: Good evening. My name is Larry Kline.
22 I represent Big Creek Veterinary Hospital, 10640 Wyntree
23 Drive, Concord, Ohio. I have been sworn in.

24 This is just an extension of the existing
25 conditional use permit. We are not adding employees. We're
26 not changing the use of the building. It's still a veterinary
27 hospital, it was, it will be. Everything is basically
28 remaining the same but, because we're adding four exam rooms
29 to it, we felt that there should be a proper conditional use
30 permit that goes with it.

1 CHAIRMAN VALENTIC: And what's going, what's going
2 to happen in this case?

3 MR. KLINE: That's the exit. There was a -- We're
4 putting a new exit in. COVID showed that, when people were
5 coming in and out of the same door, and with animals, it's
6 hard to keep everybody separated. So since we were going to
7 go ahead and add the exam rooms, we -- the hospital decided
8 that it would be best if there was a proper exit. So now you
9 can enter from the east side and you will exit from the west
10 side.

11 CHAIRMAN VALENTIC: Okay.

12 MR. KLINE: Keeping the traffic flow going that way.

13 MR. SWEENEY: I just live right around the corner.

14 MR. KLINE: Where?

15 CHAIRMAN VALENTIC: I live in Noble Ridge.

16 MR. KLINE: Oh, okay.

17 MR. SWEENEY: And business is booming at your place.

18 MR. KLINE: It is.

19 MR. SWEENEY: Every time I drive past there, your
20 parking lot is overflowing.

21 MR. KLINE: It's busy.

22 MR. SWEENEY: That's good.

23 MR. KLINE: We did our first, our first option was
24 to try to figure out how we could put in underground water
25 storage in place of the detention basin and put a parking lot
26 on that side but that got shot down.

27 MR. SWEENEY: I guess that's good.

28 MR. KLINE: Yeah, no, they're --

29 MR. SWEENEY: It's a good problem to have.

30 MR. GOLLING: They might have to reopen the old

1 building across the street.

2 MR. KLINE: They may have to, they may have to.

3 MS. FREEMAN: It's for sale.

4 MR. GOLLING: Yeah.

5 CHAIRMAN VALENTIC: Any questions on that
6 conditional use permit from anyone?

7 MR. GOLLING: No.

8 MR. HAMILTON: No.

9 CHAIRMAN VALENTIC: Okay. You can be seated.

10 MR. KLINE: Thank you.

11 CHAIRMAN VALENTIC: Is there anyone speaking for or
12 against this conditional use permit this evening?

13 (No response.)

14 If there's no further questions, the public meeting
15 is closed for --

16 MS. LANDGRAF: Hearing.

17 CHAIRMAN VALENTIC: Oh, the public hearing is closed
18 for Conditional Use Permit 2021-18. All right. Can I get a
19 motion to approve the conditional use permit?

20 MS. LANDGRAF: Amended, just to note it's the
21 amended conditional use permit. His other permit, his other
22 conditions remain.

23 CHAIRMAN VALENTIC: Okay. So can I get a motion to
24 approve the amended conditional use permit for 2021-18?

25 MR. GOLLING: So moved.

26 MR. SWEENEY: Second.

27 CHAIRMAN VALENTIC: Any discussion? Heather, can
28 you please call the vote?

29 MS. FREEMAN: Mr. Hamilton?

30 MR. HAMILTON: Yes.

1 MS. FREEMAN: Mr. Sweeney?

2 MR. SWEENEY: Yes.

3 MS. FREEMAN: Mr. Golling?

4 MR. GOLLING: Yes.

5 MS. FREEMAN: Mr. Valentic?

6 CHAIRMAN VALENTIC: Yes.

7 So your conditional use permit has also been
8 approved.

9 MR. KLINE: Thank you.

10 CHAIRMAN VALENTIC: All right. Next is Variance
11 Number 2021-89, Apex Pinnacle Services LLC is requesting a
12 variance from Section 30.11(D) to allow for a roof sign, which
13 is prohibited sign, for the property located at 7596 Fredle
14 Drive.

15 Please come up and present your case.

16 MR. SALTZMAN: Hello. Good evening, everyone.
17 My name David Saltzman. I have been sworn in. I live at
18 28150 Cambridge Lane in Pepper Pike, but I am looking forward
19 to opening the store soon here at 7596 Fredle Drive in
20 Concord. And this is Bill Holsman, with Apex, and he's here
21 as our sign vender on the project.

22 CHAIRMAN VALENTIC: Okay. Do you want to walk us
23 through what you are proposing?

24 MR. SALTZMAN: Yes, sir, glad to. So, first off, I
25 just want to say that we're really looking forward to opening
26 Lucky's Market here very, very shortly, so a project that
27 we've been excited about for quite a while. My family owns
28 and operates Dave's Markets here in Ohio and also Lucky's.
29 And, sincerely, this is a project we've had on the radar for
30 about four years now and we're just about to the finish line.

1 Customer flow and traffic and volume are the life
2 blood of a supermarket. And in a market that's increasingly
3 competitive, the reason I am here to ask you for a variance
4 for the signage is because we really want to be able to
5 attract the eye of anyone driving by the store, specifically
6 going out to 44, and show them about what an awesome asset
7 we're going to have here in the community. We think that will
8 be, we think the store is going to be great for Concord and
9 for all the employees that are going to work here as well.

10 The signage that we've prepared, and we have images
11 we can show you that's on top of the roof, we also have at our
12 other location here in town on Clifton Boulevard and we get
13 comments often from customers that they see the sign from a
14 distance. When the store first opened, that's how they knew
15 it was there, and it's credibly impactful in the evening. And
16 we want to push consistency with that branding.

17 Candidly, I can tell you that we're investing
18 several million dollars in the space, we already have, and the
19 last thing we want to see happen for everyone's sake is us to
20 go out of business after doing so.

21 I can tell you that when we were debating, as a
22 family, if we could have a viable store in that box, one
23 significant concern was the entrance and exit into Grist Mill
24 just overall. Typically, not just us but grocers like to be
25 on the street, on the main corner where everyone can see and
26 really easily access the store because, again, it's, customer
27 count is everything. The margins are tight in our business
28 and the more people you can attract, the better chance you
29 have at making it in the long run. And like I said, I am a
30 fifth generation grocer and, frankly, I want to be able to

1 pass this store on to my kids some day.

2 You know, just another thing I want to point out is,
3 oftentimes, what you will see is, if a store changes
4 ownership, there -- often new owners do everything they can to
5 minimize the amount of time that the store is closed so
6 customers don't change shopping habits. Everyone, everyone --
7 How should I say this the right way? People develop habits in
8 how they shop and changing habits is difficult. And,
9 obviously, from the day we open this store in a few weeks here
10 we're aiming to change a lot of habits because, currently, no
11 one is shopping there. And we know that in the past people
12 have but, again, we just want to be able to tell our story and
13 say, "Hey, we're here and we're open."

14 So what questions can I answer for all of you?

15 CHAIRMAN VALENTIC: Well, I will say that, you know,
16 just the buzz around town, I think people are excited to get
17 Lucky's coming here.

18 MR. SALTZMAN: Thank you.

19 CHAIRMAN VALENTIC: So thank you very much.

20 And I think someone had come before the board last
21 month for the signage. So I want to say that what I am a
22 little disappointed with is that they were in last month for a
23 variance for a sign out front to increase visibility to the
24 plaza. And I wish this would have been coordinated a little
25 bit better because, I will be honest with you, I like a lot
26 what you guys are doing with the sign. I think it's kind of
27 neat. It's not in our code. But I am disappointed that it
28 wasn't coordinated better because maybe we could have reduced
29 that sign because I was personally not thrilled with the sign
30 that they are putting out front, with the size and the scale

1 and how it fits the fabric of the streetscape, but we went
2 ahead and approved it anyways because we agreed with what you
3 just said, that visibility and identification is important and
4 we all kind of talked about that last month.

5 So we wished that would have been coordinated a
6 little bit better because maybe we could have made that sign a
7 little bit smaller that they are putting out front, knowing
8 that this was coming in and this was really going to be the
9 marquee for Lucky's, you know, the signage here.

10 MR. SALTZMAN: Honestly, I am sorry for that.
11 Candidly, and I'll speak bluntly, I found out that that sign
12 was approved and had even come in front of you two days ago.
13 So I am just telling you honestly that we had -- I had not
14 seen a drawing for the monument sign or known that, where that
15 was in the process until two days ago when the landlord was at
16 the store and showed me a picture of it.

17 So does that help? Yes. But it, also, it does and
18 I think it's good for us and it's good for all of the other
19 tenants as well but it's also a slightly different approach in
20 terms of where that sign will be visible, visible from and to
21 whom and at what times of day. But I take your point and I
22 apologize for that.

23 CHAIRMAN VALENTIC: You don't need to apologize. I
24 wanted to make that point.

25 Does anyone else have any questions for David or for
26 the --

27 MR. SWEENEY: No.

28 CHAIRMAN VALENTIC: The only question I have is the
29 light, the sign, maybe get a sense of like how it's being lit.
30 Is that all, you know -- What's that material?

1 MR. HOLSMAN: They're --

2 CHAIRMAN VALENTIC: If you could come to the
3 microphone, those are our procedures. State your name and
4 address and that you've been --

5 MR. HOLSMAN: Bill Holsman, 313 Corning Drive,
6 Bratenahl. I've been sworn in.

7 CHAIRMAN VALENTIC: Thank you, sir.

8 MR. HOLSMAN: There is DM illumination behind the
9 plastic faces.

10 CHAIRMAN VALENTIC: Okay.

11 MR. SWEENEY: Can you explain that a little more?

12 MR. HOLSMAN: There is --

13 MR. SWEENEY: What does it look like when it's
14 illuminated?

15 MR. SALTZMAN: Show them a picture.

16 MR. HOLSMAN: Can I approach the --

17 MR. SWEENEY: Sure, yeah, absolutely. Is it neon?

18 MR. HOLSMAN: Yeah.

19 CHAIRMAN VALENTIC: So it is neon.

20 MR. HOLSMAN: You have red letters with plastic
21 faces on them.

22 MR. SWEENEY: Okay.

23 MR. HOLSMAN: And all the red has colors.

24 MR. SWEENEY: I just wanted to know if it was neon
25 or not. So what about this one?

26 MR. HOLSMAN: Same, same way.

27 MR. SWEENEY: Really? Great.

28 MR. HOLSMAN: It was all based on their, on their
29 branding, consistency.

30 MR. SWEENEY: Right, yeah. Okay, thank you.

1 CHAIRMAN VALENTIC: And so the red is lit up neon
2 and then the white is the background for it?

3 MR. HOLSMAN: Polyurethane coating.

4 CHAIRMAN VALENTIC: Okay.

5 MR. SWEENEY: Looks great.

6 CHAIRMAN VALENTIC: Okay. If there is no other
7 questions, you can be seated. Thank you.

8 MR. SALTZMAN: Thank you.

9 CHAIRMAN VALENTIC: Is there anyone else here this
10 evening that's speaking for or against this appeal?

11 (No response.)

12 If there is no further questions, the public hearing
13 for Variance Number 2021-89 is now closed to the public. Can
14 I get a motion to approve Variance Number 2021-89?

15 MR. SWEENEY: So moved.

16 MR. GOLLING: Second.

17 CHAIRMAN VALENTIC: Any discussion from the Board?

18 MR. GOLLING: I like it. I think it looks great. I
19 like the script L and the L under the Ohio. I think it's
20 going to, to his point, it's going to increase the visibility,
21 it's going to increase the branding. I just hope there's
22 going to be doughnuts there. The kids said they wanted to
23 make sure there is doughnuts.

24 CHAIRMAN VALENTIC: We will find out. Maybe that's
25 a separate --

26 MR. GOLLING: As long as there's a bakery.

27 MR. SWEENEY: Can we designate an item, specialty
28 item? I think it looks wonderful.

29 MR. GOLLING: It looks great, it really does.

30 MR. SWEENEY: I think everyone -- I think you guys

1 are taking a risk and that's much appreciated. However, with
2 the population density over the past five, six, seven, eight
3 years, I think that risk is going to be a lot minimized.

4 MR. SALTZMAN: Appreciate it. Thank you.

5 MR. SWEENEY: So good luck. It is going to be
6 great.

7 CHAIRMAN VALENTIC: Heather, could you please call
8 the vote?

9 MS. FREEMAN: Mr. Sweeney?

10 MR. SWEENEY: Yes.

11 MS. FREEMAN: Mr. Hamilton?

12 MR. HAMILTON: Yes.

13 MS. FREEMAN: Mr. Golling?

14 MR. GOLLING: Yes.

15 MS. FREEMAN: Mr. Valentic?

16 CHAIRMAN VALENTIC: Yes.

17 Your variance has been approved. Thank you.

18 MR. SALTZMAN: Thank you.

19 MR. SWEENEY: All right. Good luck.

20 MR. SALTZMAN: Thank you so much.

21 MR. HOLSMAN: Thanks.

22 CHAIRMAN VALENTIC: So next is Variance Number
23 2021-90, HSB Architects and Engineers is requesting a variance
24 from Section 13.10(C) to allow the building to be located
25 20.3 feet from the abutting property line in lieu of the
26 minimum 50 feet required for the property located at
27 8159 Auburn Road. A second variance is requested from
28 Section 13.10(E) to allow the access drive to be located 12
29 feet from the abutting property line in lieu of the minimum 20
30 feet required. A third variance is requested from Section

1 15.04(B), Table 15.04-1, to allow an accessory structure to be
2 35 feet height in lieu of the maximum 20 feet permitted.

3 MR. KHAWAM: Good evening.

4 CHAIRMAN VALENTIC: Good evening.

5 MR. KHAWAM: My name is Andre Khawam, with HSB
6 Architect, representing the Auburn Career Center, on their
7 behalf. I have not been sworn in.

8 CHAIRMAN VALENTIC: You have not been sworn in.
9 Okay. Can you please raise your right hand?

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

11 CHAIRMAN VALENTIC: Thank you, sir.

12 MR. KHAWAM: So as you're probably familiar by now
13 with this proposed first responder for the career center,
14 we're asking for three variances. The first one is really the
15 existing location of the house that's currently at somewhere
16 around 22.3 foot setback from the adjacent property line. So
17 we're requesting to maintain that setback and requesting a
18 variance on that one.

19 CHAIRMAN VALENTIC: That's an existing building.

20 MR. KHAWAM: That's an existing, existing house and
21 the garage attached to it. It --

22 CHAIRMAN VALENTIC: Doesn't meet the setback.

23 MR. KHAWAM: Doesn't meet the setback, correct.

24 CHAIRMAN VALENTIC: Okay.

25 MR. KHAWAM: It was originally there.

26 The second one is basically according with, you
27 know, corresponding with the garage, the driveway nearly on
28 the same lot line, which is about 12 feet setback from the
29 adjacent property line as well. So we're keeping that as well
30 as an option.

1 CHAIRMAN VALENTIC: So are you, are you repaving
2 that driveway, just in the same location, or are you just
3 keeping what's there?

4 MR. KHAWAM: No, we're going to repave it, but the
5 option was to move it away except we're trying to work with
6 the Lake County Building Department to see if they can accept
7 the move of the driveway off of Auburn Road. In the event
8 they did not approve the moving, that's why I am seeking the
9 variance to maintain the location of that driveway. But our
10 intention is to move the driveway.

11 CHAIRMAN VALENTIC: And if you move it, you don't
12 need the variance, correct?

13 MR. KHAWAM: If I move it, I don't need the
14 variance, correct.

15 CHAIRMAN VALENTIC: Okay. And is -- Do you have the
16 change in the drive, the option available here this evening?

17 MR. KHAWAM: I apologize if I have -- Can I see a
18 copy of that one, Heather?

19 MS. FREEMAN: Is this the one?

20 CHAIRMAN VALENTIC: Is that that last option where
21 it shows it in front? Is it that last page in here?

22 MR. HAMILTON: The last page.

23 CHAIRMAN VALENTIC: Where you take a drive in front
24 of there and it goes in and out? Do you want to come up here
25 and look at this real quick? It looks like there is a -- Is
26 this the coming into this with the vehicle and then this goes
27 away?

28 MR. KHAWAM: Yes. The ultimate option was to
29 maintain this but was able to -- this is narrow and it's a
30 difficulty with the fire truck, as we discussed maybe on the

1 last meeting, the maneuverability of the fire truck. And we
2 took that into consideration with the owner and the developer
3 and we, you know, we went on the drafting table trying to
4 resolve this. This was one of them, but there is another
5 option is to move this slightly in and have a second cut of
6 Auburn Road as a shoe horse turn-around. I present those two
7 options to Lake County, Tracy. And she is the chief engineer
8 there. And, quite frankly, I haven't heard from her for the
9 last two weeks. The first week she was busy and I think the
10 second week she went on vacation and I am still trying to
11 track her down with the comments, if the county can approve
12 whether we move the driveway or add onto the driveway as the
13 horseshoe turn-around and I haven't accomplished that.

14 So the purpose of tonight, just so we could be
15 clear, the existing, the current driveway which is in
16 violation of the code because it doesn't meet the setback.
17 Once we do that, then in case, again, in the event if the
18 county did not approve the horseshoe turn-around and moving
19 it, we are going to stick with what we have.

20 CHAIRMAN VALENTIC: You know, it probably doesn't
21 matter to anybody but I think I might like it better this way
22 than having a big driveway in front. I like the idea of maybe
23 having, keeping the landscaping in front of it.

24 MR. GOLLING: Well, according to this, the pine
25 trees are going to stay but it looks like this brown exercise
26 area shrinks.

27 CHAIRMAN VALENTIC: Oh, it shrinks. That's how
28 they're doing that.

29 MR. GOLLING: So this existing parking lot from the
30 vocational school --

1 MR. HAMILTON: It's a straight connection.

2 MR. GOLLING: -- is a straight connection all the
3 way through and then you've got that little horseshoe, so the
4 fire trucks will scooch out that way. So the landscape stays,
5 the brown exercise area gets a little smaller and they squish
6 it together. Is that my understanding?

7 MR. KHAWAM: Correct.

8 MR. GOLLING: So they lose a little exercise area
9 but they can park the fire trucks.

10 MR. SWEENEY: Well, more importantly, maneuver the
11 fire trucks.

12 MR. GOLLING: Yeah, to get them out.

13 MR. KHAWAM: That was the main, correct.

14 MR. HAMILTON: It's a much better plan.

15 MR. GOLLING: Yeah.

16 MR. KHAWAM: Because you can't turn, as you can see
17 on the black and white site plan, you cannot really turn right
18 off Auburn Road if you are leaving that way. You're forced to
19 turn left. So there is a little limitation if we do not move
20 that drive.

21 CHAIRMAN VALENTIC: Yeah.

22 MR. KHAWAM: We're having to move the drive and make
23 it comfortable for everybody.

24 MR. SWEENEY: Well, as this exists, can you even
25 turn around?

26 MR. GOLLING: No. It's a back in, back out
27 scenario.

28 MR. KHAWAM: No, you can't

29 MR. SWEENEY: Right. And that's not good.

30 MR. KHAWAM: That's not good. So we're counting, we

1 are crossing our fingers that the county is going to allow us
2 either, option A, to move it at least to the setback, quote,
3 unquote, what we need to do, and also if they would allow an
4 additional drive for this horseshoe.

5 MR. GOLLING: It does seem like a better plan, the
6 black and white plan with the one driveway in front. I don't
7 know how many fire trucks are going to be there at any given
8 time but you've got one in this driveway, maybe two. But you
9 can utilize the old parking lot, you've got the connector to
10 go through. It just seems like a much better idea, should the
11 county approve.

12 CHAIRMAN VALENTIC: Regardless, are you going to put
13 the landscape along the buffer if you, if you -- with either
14 version?

15 MR. KHAWAM: I am sorry. I didn't --

16 CHAIRMAN VALENTIC: The landscaping that's shown
17 here, will that get planted regardless of what happens with
18 the driveway?

19 MR. KHAWAM: On what side?

20 MR. SWEENEY: Right here.

21 CHAIRMAN VALENTIC: Along the fence line.

22 MR. SWEENEY: Oh, along the fence line. Well, this
23 will remain, right?

24 MR. KHAWAM: Yes, we're keeping that.

25 CHAIRMAN VALENTIC: That will get planted no matter
26 what?

27 MR. KHAWAM: That's going to get planted and also we
28 are planning on planting here. And also there is, the side,
29 there is also side plantings.

30 MR. SWEENEY: Okay. And while I have you up here,

1 your two proposals are a new section with the horseshoe here
2 or here; is that correct?

3 MR. KHAWAM: Correct.

4 MR. SWEENEY: Okay. One or the other?

5 MR. KHAWAM: One or the other.

6 MR. SWEENEY: All right.

7 CHAIRMAN VALENTIC: But in the meantime, they would
8 like for us to allow, in case that doesn't get approved, the
9 variance to keep the driveway as is.

10 MR. GOLLING: Got it.

11 MR. SWEENEY: Right, okay, got it.

12 MR. HAMILTON: So what you are saying, the second
13 proposal would then meet all of the required setbacks?

14 MR. KHAWAM: That is correct.

15 MR. HAMILTON: If you are able to do it.

16 CHAIRMAN VALENTIC: Okay. And then you have a third
17 variance.

18 MR. KHAWAM: The third variance is basically the
19 climbing, you know, climbing stair tower for their activities.
20 We're requesting 35 foot. Basically, it's a 30 foot platform
21 at the foot level. With a handrail, it adds it up to 35 feet
22 tall staircase in lieu of the 20.

23 CHAIRMAN VALENTIC: How much taller is that than the
24 existing home that's out there? How tall is that house that's
25 out there now that's in front of it?

26 MR. KHAWAM: I would think it's about maybe 16 feet,
27 17 feet.

28 MR. SWEENEY: There is no way around that.

29 CHAIRMAN VALENTIC: Yeah, just --

30 MR. GOLLING: You can see it from 44.

1 CHAIRMAN VALENTIC: You're going to see it.

2 MR. GOLLING: Yeah.

3 MR. KHAWAM: It will be a good observation tower in
4 case of any --

5 CHAIRMAN VALENTIC: It's going to have a gate,
6 right? No one is going to be able to get in there.

7 MR. KHAWAM: We're going to have a gate.

8 MR. GOLLING: Chris will be happy.

9 MR. KHAWAM: I appreciate the memory.

10 CHAIRMAN VALENTIC: She is not here to defend her
11 case, so don't bring that up right now.

12 MR. GOLLING: That was classic, that was classic.

13 CHAIRMAN VALENTIC: Okay. Any other questions?

14 MR. GOLLING: Nope, I don't.

15 MR. HAMILTON: No.

16 CHAIRMAN VALENTIC: Okay. You can be seated.

17 MR. KHAWAM: Thank you.

18 CHAIRMAN VALENTIC: Is there anyone else here that's
19 speaking for or against this appeal that would like to come
20 up?

21 MR. HERCZEG: I'm Steve Herczeg, 8139 Auburn Road,
22 and I've been sworn in. Okay. I just got this letter in the
23 mail, so that's why I am here, you know. One, I am an EMT and
24 a firefighter for Lubrizol Corporation. I've gone to school.
25 I've gone to Texas A&M for all their firefighting training.
26 Actually, I went to the EMT school at the Auburn Career
27 Center, so I am a big supporter of the career center.

28 I don't know exactly what's going on here. I see
29 the billboard out in the front yard, that's all I know. I was
30 contacted last year that they were going to clear that tree

1 lawn out between the two properties and put a fence up, you
2 know, in the spring. Well, the spring came and went, now
3 we're in the summer, still no fence. I haven't heard nothing
4 more what's going on with that. So I don't know if you guys
5 can enlighten me on that or, sir --

6 MR. GOLLING: Steve, where do you live?

7 MR. SWEENEY: Where do you live?

8 MR. HERCZEG: 8139.

9 MR. GOLLING: Like, I'm sorry, in relation to this.

10 MR. SWEENEY: In relation to this property.

11 MR. HERCZEG: Right next to it.

12 MR. SWEENEY: Okay. So you live next door?

13 MR. HERCZEG: Yeah. I talk to the fire guys over
14 there all the time because I am out there in the yard.

15 MR. SWEENEY: That's interesting.

16 MR. HERCZEG: They're in there, you know, they're
17 out there Saturdays, you know, while I'm out there yard
18 working and we just talk back and forth. I mean, I have no
19 problems with them over there.

20 MR. SWEENEY: Have you seen this?

21 MR. HERCZEG: No, I haven't.

22 MR. SWEENEY: Come here.

23 MR. HERCZEG: That's what I am saying, nobody sent
24 me anything.

25 MR. SWEENEY: Is it okay to have him come up and
26 look?

27 CHAIRMAN VALENTIC: Well, just so you know, this
28 came up last month, the site plan, right? This was for a
29 conditional use to put this in.

30 And then this has to go to zoning?

1 MR. SWEENEY: It's proposed.

2 MS. FREEMAN: This will be in front of the Zoning
3 Commission at their August 3rd meeting.

4 MR. SWEENEY: And you live right here?

5 MR. HERCZEG: Yep. That's my swimming pool right
6 there, yep, which is actually falling down now because of the
7 weather and everything.

8 MR. SWEENEY: Uh-oh, Heather. No.

9 MS. FREEMAN: Well, Mr. Chairman, as far as the
10 fence that you are referring to, we do have a zoning permit
11 application in our office right now for the construction of a
12 fence.

13 MR. HERCZEG: Okay.

14 MS. FREEMAN: I am sure Andre can tell you the
15 details of when that's going to be.

16 MR. SWEENEY: Are you okay with that?

17 MR. HERCZEG: Yeah. Like, the career center, they
18 contacted me about it and I am like, "Okay, that's fine,
19 that's great, you know. Whatever you guys do on your property
20 is your property. I mean, I'm not going to stop you, you
21 know." I mean, I put up with a lot of things, you know.
22 Like, you know, where is that sign? Where the heck is that
23 sign?

24 MR. SWEENEY: Right here.

25 MR. HERCZEG: All right. So there is a sign right
26 there that literally, at night, I have to have my blinds shut.
27 Then the entrance into the career center, they redid the
28 lighting, that thing shines right into the front of my house.
29 I've got to keep my blinds shut at night every night, you
30 know, but I don't complain. I support my school system. I've

1 gone to the school system. My kids have gone to the school
2 system.

3 MR. SWEENEY: How long have you lived here?

4 MR. HERCZEG: Total, probably around 30 years. My
5 mom and my dad bought that place years ago. I was raised
6 here. I went to the military, moved out for a while, and then
7 now I am back.

8 CHAIRMAN VALENTIC: So let's just fill you in a
9 little bit where we're at with the process. So they came in
10 for a conditional use permit last month, which we approved
11 conditional use of this property for Auburn Career Center.
12 They're here this evening to get the variances to keep this
13 driveway here, you know, this close to the property line; have
14 the, keep the building that's there now this close to the
15 property line; and also construct a tower.

16 Skip, if you could point to that in the back where
17 the tower is at.

18 MR. SWEENEY: Yeah, the tower will be --

19 CHAIRMAN VALENTIC: Right there, that square right
20 there.

21 MR. SWEENEY: Training tower.

22 CHAIRMAN VALENTIC: That's 30 plus feet tall.
23 That's what we're approving this evening.

24 MR. SWEENEY: That will be right there.

25 MR. HERCZEG: Got it.

26 CHAIRMAN VALENTIC: So if you want to continue to
27 stay involved in the zoning process, there is a meeting with
28 the Zoning Commission next month.

29 MS. FREEMAN: Yes.

30 CHAIRMAN VALENTIC: That this be presented for

1 approval at the Zoning Commission next month, this plan. So
2 this evening we're only approving the variances and then it
3 goes to the Planning Commission for the site plan approval.

4 MR. HERCZEG: All right.

5 MR. SWEENEY: Do you have any objections? I know
6 you just got a look at it.

7 CHAIRMAN VALENTIC: So if you want to go back to the
8 microphone so we can make sure we get it all on record.

9 So do you have any objections or concerns with the,
10 with the variances that we're approving and discussing
11 tonight, which is the driveway setback from the property line,
12 from the fence, which already exists; the building setback
13 from that property lines, which already exists; or the height
14 of the tower of 35 feet in lieu of the 25 feet that is
15 allowed.

16 MR. HERCZEG: The only issue I have is really with
17 that tower because, like I said, I've already -- I am already
18 putting up with a lot of things, you know, with lights
19 shining, you know, in the house. I mean, that, it really gets
20 bad, annoying, especially on summer nights, you know. It's
21 hot. I want to open the window but I can't because I've got
22 to put the blinds down. So that's already one thing that I'm
23 already kind of upset about. And like I said, I don't
24 complaint much. It's been like that for years. I try let
25 things be.

26 The issue I am going to have with this is it's
27 something I've got to look at every day because when I pull
28 in, I go back that way and it's going to be sitting over here
29 to my right, so I am going to see it. I back into my parking
30 spot. Well, I get into my vehicle every morning. I wonder

1 what I see, you know. I mean, it's a residence to me. I know
2 it's not zoned that right now. That's commercial and that's
3 why he's here, because he is trying to do things for the
4 school.

5 But how much industry do I want around my house? Do
6 I want to be the last standing soldier when, you know, I've
7 got a grocery store going up here or a gas station right next
8 to me? No, I don't, I don't want that. You know, so I object
9 on that aspect of the tower. Everything else, I am cool with.

10 CHAIRMAN VALENTIC: Okay.

11 MR. HERCZEG: So I approve, you know, the other two.

12 CHAIRMAN VALENTIC: Yeah, no objections, okay.

13 MR. HERCZEG: So that's me.

14 MR. SWEENEY: All right. Thank you very much.

15 CHAIRMAN VALENTIC: Any further questions for him
16 before he sits down? No?

17 Thank you, sir.

18 MR. SWEENEY: Thank you.

19 MR. KHAWAM: May I ask him, is the objection about
20 the height?

21 CHAIRMAN VALENTIC: Can you come up to the
22 microphone just so we --

23 MR. KHAWAM: I am wondering, what's the objection,
24 the existence of it? The height or --

25 MR. HERCZEG: Well, it's pretty much, like I was
26 stating is, I am in a residence, you know, in a residential
27 area. I've been there for years. I have watched Concord just
28 expand, you know, tremendously. You know, the year I left the
29 Auburn Career Center after I graduated was the first year they
30 did the expansion in the back. So that gives you an

1 indication how long I've lived in Concord or I've been in
2 Concord. You know, I was young at that time, you know. I
3 graduated when I was 17. Two days after my 18th birthday, I
4 was on an airplane going to Great Lakes, Illinois, you know.
5 I was gone for five years in the military.

6 But, so I have seen -- I mean, I hate to use this as
7 a, you know, I feel like an old guy because I sit here, it's
8 like, yeah, back in the day, you know. I remember, I
9 remember, you know, all my neighbors growing up. But now it's
10 just the look of it, you know. If it was -- I could deal more
11 with a barn than just a skeleton of a tower. You know what I
12 am saying? Because, I mean, that's all it is, is a skeleton.

13 MR. KHAWAM: You mean, you prefer to see it out of
14 wood or, you mean, barn --

15 MR. SWEENEY: Do you understand that he can
16 rightfully, without any variances at all, build that tower 25
17 feet, so just 10 feet less?

18 MR. HERCZEG: I understand.

19 MR. SWEENEY: I just want --

20 MR. HERCZEG: If it's going to be in the back but at
21 25 foot, I have less chance of seeing it. I mean, like I
22 said, I support the firefighters because I am one, you know,
23 and I want them to get to the training and I would love to
24 see, you know, work with some of these guys some of these days
25 because they're great kids at the time, you know, the ones
26 that are coming through and some of the older ones, you know.
27 I would like to pass my knowledge on to them and also even,
28 you know, invite them to go down to Texas with us when we go
29 down to Texas to do all our training down there, you know, in
30 the middle of July in 110 degree weather but, you know, I

1 enjoy it. I love it. You know, I did it in the military. I
2 am doing it out here.

3 I support it but I just don't want, I don't want the
4 resident portion to get lost in a skeleton-style structure,
5 you know. I mean, hide it behind a couple trees. Make it
6 kind of flow into the -- blend it into what's there already.

7 CHAIRMAN VALENTIC: That's what I was going to ask.
8 There is existing trees back here. Are any of these, do you
9 think, will stay on the Auburn property?

10 MR. KHAWAM: Yes.

11 CHAIRMAN VALENTIC: You know, there is trees on the
12 residential property but, you know, do you think any of these
13 trees could remain once this pad gets constructed?

14 MR. KHAWAM: I mean, that's a good point. The
15 tower, you know, we tucked it in back. So there is quite a
16 bit of treeline surrounding the tower that has some blockage
17 really from visibility. I am not sure really if you're
18 standing in the house whether you can see it but I'm sure if
19 you step out of the house you're going to see this thing
20 sticking up in the air, obviously. We can consider some more
21 landscaping but I am not sure --

22 CHAIRMAN VALENTIC: Yeah, new landscaping isn't
23 going to help, right? They're not going to screen a 30-foot
24 tower. But I'm just wondering --

25 MR. KHAWAM: There is currently, there is currently
26 a treeline that it's even much higher than the tower.

27 CHAIRMAN VALENTIC: Right, that's what I -- Agreed.
28 So I think there is a treeline that's much higher than the
29 tower.

30 MR. KHAWAM: That's correct.

1 CHAIRMAN VALENTIC: My question, do you think we
2 could try to maintain, instead of clearing all this stuff
3 outside of the pad, you know, if you said you cleared -- I
4 don't know what this dimension is from the property line to
5 the pad. Maybe it's -- I don't know -- 20 feet or so. Can we
6 keep 10 foot line along the property line so we try to save
7 some trees?

8 MR. KHAWAM: Absolutely. I can take a look at that
9 one more time and see what tree, you know, is intruding into
10 the training pad at that point and maintain some of that so we
11 could have the blockage.

12 CHAIRMAN VALENTIC: When you guys go into the
13 Planning Commission, the zoning next week -- or next month, if
14 you have an idea, you know, better idea maybe on the grading,
15 how far you guys are grading and if there is trees that maybe
16 you could maintain.

17 MR. KHAWAM: Sure.

18 CHAIRMAN VALENTIC: I think that would be beneficial
19 to the township and to the residents if they could see that.

20 MR. HERCZEG: You are more than welcome to stop over
21 and, you know, we can walk the property line.

22 MR. KHAWAM: Yeah.

23 MR. HERCZEG: And we can maybe come to a little bit
24 of an agreement on this, also.

25 MR. KHAWAM: Sure.

26 MR. HERCZEG: Like I said, I am trying to be easy.

27 MR. SWEENEY: What's the acreage on your property?

28 MR. HERCZEG: It's 2.58, something like that, almost
29 3 acres, or 68.

30 MR. SWEENEY: Now, your parents lived there 30 years

1 ago?

2 MR. HERCZEG: No, they bought that thing over 30
3 years ago.

4 MR. SWEENEY: Was Auburn there? Was the career
5 center there or any part of it?

6 MR. HERCZEG: It was but it was literally just that
7 part that's across the street. This stuff behind it -- It
8 literally was just the auto repair, weld, electronics, I mean,
9 it was just that small little thing.

10 MR. SWEENEY: Right.

11 MR. HERCZEG: And then they built the one, the day
12 care center in the back and then they built the, it actually
13 was the one across the street and then they did the HVAC over
14 there.

15 MR. SWEENEY: Yeah.

16 MR. HERCZEG: Even the horticulture building was
17 actually in the part that's on this side or where the main
18 campus is and then they built the bridge across the ravine
19 back there and built back there.

20 MR. SWEENEY: Wow, 30 years, a long time.

21 CHAIRMAN VALENTIC: Okay. Thank you, sir.

22 Does anyone else have any further questions?

23 MR. HAMILTON: I don't think so, no.

24 CHAIRMAN VALENTIC: All right. And then if there is
25 no one else, then the public hearing for Variance Number
26 2021-90 is now closed to the public. Can I get a -- Oh, so
27 we're going to do, again, all these variances. So, first, can
28 I get a -- The first one will be Variance Number 2021-90, HSB
29 Architects and Engineers is requesting a variance from Section
30 13.10(C) to allow the building to be located 20.3 feet from

1 the abutting property line in lieu of the 50 feet required at
2 8159 Auburn Road. Can I get a motion for that one?

3 MR. SWEENEY: So moved.

4 MR. GOLLING: Second.

5 CHAIRMAN VALENTIC: Any discussion?

6 MR. HAMILTON: It's an existing building. It's been
7 there.

8 CHAIRMAN VALENTIC: Heather, please call the vote.

9 MS. FREEMAN: Mr. Hamilton?

10 MR. HAMILTON: Yes.

11 MS. FREEMAN: Mr. Sweeney?

12 MR. SWEENEY: Yes.

13 MS. FREEMAN: Mr. Golling?

14 MR. GOLLING: Yes.

15 MS. FREEMAN: Mr. Valentic?

16 CHAIRMAN VALENTIC: Yes.

17 Next is the same variance, 2021-90, HSB Architects,
18 for the same property. And the second variance is requested
19 from Section 13.10(E) to allow the access drive to be located
20 12 feet from the abutting property line in lieu of the minimum
21 20 feet required. Can I get a motion for this one?

22 MR. GOLLING: So moved.

23 MR. HAMILTON: Second.

24 CHAIRMAN VALENTIC: Any discussion on this? I get
25 why they're here, get them all at once if they need to have
26 it. It sounds like they're uncertain.

27 MR. HAMILTON: Again, it's existing. It's been
28 there. It's been 12 feet from the property line all along.
29 Hopefully, they can get their second choice done.

30 CHAIRMAN VALENTIC: Okay, all right. Heather,

1 please call the vote for the second variance.

2 MS. FREEMAN: Mr. Sweeney?

3 MR. SWEENEY: Yes.

4 MS. FREEMAN: Mr. Golling?

5 MR. GOLLING: Yes.

6 MS. FREEMAN: Mr. Hamilton?

7 MR. HAMILTON: Yes.

8 MS. FREEMAN: Mr. Valentic?

9 CHAIRMAN VALENTIC: Yes.

10 Okay. Next is Variance 2021-90, HSB Architects for
11 the same property. A third variance is requested from
12 Section 15.04(B), Table 15.04-1, to allow an accessory
13 structure to be 35 feet in height in lieu of the maximum 20
14 feet required. Can I get a motion for this one?

15 MR. GOLLING: So moved.

16 MR. SWEENEY: Second.

17 CHAIRMAN VALENTIC: Discussion on this one?

18 MR. HAMILTON: No, I don't have any comments.

19 CHAIRMAN VALENTIC: No?

20 MR. HAMILTON: No.

21 CHAIRMAN VALENTIC: Okay. All right. If there is
22 no discussion, Heather, could you please call the vote.

23 MS. FREEMAN: Mr. Hamilton?

24 MR. HAMILTON: Yes.

25 MS. FREEMAN: Mr. Sweeney?

26 MR. SWEENEY: Yes.

27 MS. FREEMAN: Mr. Golling?

28 MR. GOLLING: Yes.

29 MS. FREEMAN: Mr. Valentic?

30 CHAIRMAN VALENTIC: Yes. Your third variance has

1 also been approved. All right, thank you. Thank you, both.

2 MR. SWEENEY: Thank you, both.

3 CHAIRMAN VALENTIC: Good luck next month. Please
4 come to the zoning meeting next month as well.

5 MR. HERCZEG: Is there a letter that goes out or
6 something or is it written down?

7 MR. GOLLING: It's on the website.

8 MR. SWEENEY: Yeah, check the website.

9 MR. HERCZEG: Okay.

10 MS. FREEMAN: I can give you a copy, too, as well if
11 you'd like. I am Heather Freeman. I am the Zoning Inspector.
12 I signed the letter. Reach out to me and I can discuss it
13 with you.

14 MR. HERCZEG: Okay, thank you.

15 CHAIRMAN VALENTIC: All right. Next is the approval
16 of minutes. Do we have enough people here that can approve
17 the minutes?

18 MR. GOLLING: Yes -- no.

19 CHAIRMAN VALENTIC: Todd, Francis --

20 MS. LANDGRAF: Anybody can approve, whether you're
21 here or not.

22 CHAIRMAN VALENTIC: Okay.

23 MR. SWEENEY: Any one person?

24 MS. LANDGRAF: Any one person? You still need three
25 of you, but it doesn't matter if you were at the meeting. You
26 can still approve them as long as you read them.

27 MR. SWEENEY: Oh, okay.

28 CHAIRMAN VALENTIC: All right. Well, can I get a
29 motion to approve the minutes from June 9, 2021?

30 MR. SWEENEY: So moved.

1 MR. GOLLING: So moved -- second.

2 CHAIRMAN VALENTIC: All right. Is there any
3 discussion regarding the minutes? Perfect as usual?

4 MR. GOLLING: Perfect as usual. I mean, the
5 transcription a flawless.

6 MR. SWEENEY: I mean, yeah, is there any question?

7 CHAIRMAN VALENTIC: All right. Can I get a vote to
8 approve the minutes from June 9, 2021, as written? All in
9 favor say aye. All right. Anyone want to abstain? No.

10 (Four aye votes, no nay votes.)

11 CHAIRMAN VALENTIC: Okay. So the minutes have been
12 approved.

13 Our meeting, our next meeting is August 11, 2021.
14 The Concord Township Board of Zoning Appeals meeting for July
15 is now closed.

16 (Whereupon, the meeting was adjourned at 8:55 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 25th day of August 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

