

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

September 14, 2022
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Skip Sweeney, Vice Chairman
Todd Golling, Member
Davey Rowan, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Michael Lucas, 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 September 14,
4 2022, is now in session. I would like to introduce my board:
5 To my far left is Skip Sweeney and Davey Rowan; I am Ivan
6 Valentic; to my right is Todd Golling; and Heather Freeman is
7 to my far right, our Zoning Inspector. Excuse me.

8 Under the advice of our legal counsel, we ask that
9 anyone speaking tonight must be sworn in. So if you plan on
10 speaking, please stand and raise your right hand. I would
11 encourage you, if there is maybe a chance you're going to
12 speak, just we will get you sworn in now.

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

14 CHAIRMAN VALENTIC: Thank you. Please be seated.

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

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

21 MS. FREEMAN: Yes, they were.

22 CHAIRMAN VALENTIC: Perfect, okay. Tonight we have
23 a pretty full agenda. We have a conditional use permit and we
24 have various variance applications. So a three-vote majority
25 is required to either approve or deny your appeal. If a
26 request is denied, you can see Heather later.

27 As you notice, we're usually a five-person board.
28 We only have four tonight. So when you come up to present, I
29 will confirm with whoever is presenting their variance or
30 conditional use permit if they're okay moving forward with a

1 four-person board instead of five. But you still need a
2 three-vote majority to be approved.

3 All right. So first is Variance Application
4 2022-11, Richard Sommers is requesting a variance from
5 Section 30.11(H) to allow for the construction of a gateway
6 sign in the public right-of-way of Chandler Court for the
7 Eagle Pointe Subdivision, located at the intersection of the
8 Chandler Court and Colburn Road.

9 Mr. Sommers, please come up.

10 MR. SOMMERS: Richard Sommers, 10585 Summerset
11 Drive, Chardon, and I have been sworn.

12 We're asking for a variance tonight to erect, I
13 think everybody had in their packets a picture of a
14 subdivision monument sign that is, consists of wood, molded
15 wood and a masonry column. This subdivision is a little bit
16 unique, in that, the normal subdivision has a 60 foot right-
17 of-way. This particular subdivision back to a creek,
18 approximately 600 feet, has a 74 foot right-of-way in lieu
19 of the 60. So what we're asking tonight is to place the
20 monument sign as you come into the subdivision off Colburn
21 Road.

22 The right-of-way goes from the neighboring property
23 line to, obviously, the center of the road and then beyond.
24 We're asking to place this sign in the right-of-way. It would
25 meet the setback requirements of 10 feet from the west
26 property line. We'd be approximately 22 feet, and a half feet
27 back from the curb. And it is far enough back that it will
28 not interfere with the sight distance of anybody leaving the
29 subdivision so that they wouldn't be able to see.

30 CHAIRMAN VALENTIC: You guys confirmed that? You

1 had somebody check that?

2 MR. SOMMERS: Yes, we did.

3 CHAIRMAN VALENTIC: Okay.

4 MR. SOMMERS: I believe the Zoning Department might
5 have gone out and checked it. If you've been there, it will
6 be basically where the Ryan Homes sign is right now.

7 CHAIRMAN VALENTIC: What about any utilities in that
8 area?

9 MR. SOMMERS: Obviously, we will do OUPS but there
10 aren't any right there. We're well beyond the utility
11 easement area. And the sewer and water go across the front of
12 the property and we're substantially behind that.

13 CHAIRMAN VALENTIC: My biggest, my largest concern
14 was the sight distance. I assume it looked okay but as long
15 as you guys have checked it and you can confirm that there
16 isn't a sight distance issue.

17 MR. SOMMERS: Typically, what you do is come back 30
18 feet from the right-of-way that goes along the road and then
19 30 feet to the west and you draw a triangle and it has to be
20 back there, and that's the sight distance rules. We're well
21 beyond that.

22 CHAIRMAN VALENTIC: Okay. Any other questions from
23 the board?

24 MR. ROWAN: Just if it had been a -- You said it was
25 60 feet normally, correct?

26 MR. SOMMERS: Correct.

27 MR. ROWAN: For the right-of-way. If it had been 60
28 feet, would this be out of that right-of-way then?

29 MR. SOMMERS: Yes, it would.

30 MR. ROWAN: Okay. So because of the 77, we're in

1 the right-of-way?

2 MR. SOMMERS: It's actually 74, I believe. The
3 right-of-way is 74, not 60, so we have 14 extra feet. So we
4 would have had that 14 foot buffer. The base of the sign is
5 28 by 28 and we're 10 feet off the property line, so we would
6 have been within that buffer.

7 MR. ROWAN: Gotcha.

8 CHAIRMAN VALENTIC: Todd, any questions?

9 MR. GOLLING: No questions.

10 CHAIRMAN VALENTIC: All right, thank you. You can
11 be seated.

12 MR. SOMMERS: Thank you.

13 CHAIRMAN VALENTIC: Is there anyone else speaking
14 for this appeal that would like to come up?

15 (No response.)

16 Is there anyone else here speaking against the
17 appeal that would like to come up?

18 (No response.)

19 If there's no further questions, the public hearing
20 for Variance Number 2022-11 is now closed to the public. Can
21 I get a motion to approve the Variance 2022-111?

22 MR. SWEENEY: So moved.

23 MR. GOLLING: Second.

24 CHAIRMAN VALENTIC: Discussion?

25 MR. SWEENEY: It looks good.

26 CHAIRMAN VALENTIC: Yeah, I think it's good.

27 MR. ROWAN: Yeah, I think for me the fact that, if
28 it had been a 60 foot, it would be okay. I think that, to me,
29 I think we should approve it. I drove by it earlier today. I
30 didn't have any problems driving by, seeing, anything like

1 that. So I think it's good.

2 CHAIRMAN VALENTIC: Okay. All right. If there is
3 no other questions or changes, can we get a vote on the
4 approval for Variance Number 2022-111? A yes vote will
5 approve the variance, a no vote denies it.

6 Heather, please call the vote.

7 MS. FREEMAN: Mr. Golling?

8 MR. GOLLING: Yes.

9 MS. FREEMAN: Mr. Sweeney?

10 MR. SWEENEY: Yes.

11 MS. FREEMAN: Mr. Rowan?

12 MR. ROWAN: Yes.

13 MS. FREEMAN: And Mr. Valentic?

14 CHAIRMAN VALENTIC: Yes.

15 Your variance has been approved. Thank you.

16 All right. Next on the agenda is Conditional Use
17 Permit Application 2022-24, Jay Bernard, on behalf of the
18 property owner Concord Plaza Limited Liability Company, is
19 requesting a conditional use permit in accordance with
20 Section 13.17 to allow for an ATM drive-thru facility for the
21 property located at 9853 Johnnycake Ridge Road, current parcel
22 number 10-A-028-D-00-001-0.

23 MR. BIGGERS: I am Chris Biggers, representing Jay
24 Bernard, 131 East Commerce Street, Milford, Michigan. I have
25 been sworn in.

26 CHAIRMAN VALENTIC: Thank you.

27 MR. BIGGERS: We are proposing to install an ATM
28 onto an existing parking lot. There was formerly an ATM on
29 there at some point that has been removed, so there is already
30 electrical data lines in that area. The difference is, we are

1 pulling our ATM back a little bit from the road to be out of
2 the setback area, and we've also decided to move the ATM --
3 The previous ATM was in the drive lane, car lane, so we are
4 offsetting ours to get cars that are using the ATM off of the
5 drive. And it will be, it will be well litted, well lit. It
6 has its own camera. And it's an ATM machine.

7 CHAIRMAN VALENTIC: And there is, with the
8 conditional use permit, there is a lot of conditions in 13.05
9 and 13.17. Are you familiar with all of them?

10 MR. BIGGERS: Yes.

11 CHAIRMAN VALENTIC: Okay. So I guess maybe I have
12 one question. And I don't know if you, if maybe Heather can
13 help me on this one if need be. But there is a setback but it
14 looks like the ATM is out of the setback but there is a
15 portion of the structure, you know, that's still within the
16 setback. So it's easy when we look at a house, you know. The
17 house has got to be set back. It's a house. This is an ATM
18 with, you know, curb and island and it looks like, you know, a
19 little post that's in the, within the setback area.

20 MR. BIGGERS: I guess our intent was the ATM machine
21 and the canopy would be located out of the setback line. We
22 do have a concrete curb, we do have a light pole that would be
23 in the setback, which should be, I believe it would be
24 permitted, but we could move the whole curb back if that was
25 the case. We just felt only the structure had to be past the
26 setback.

27 CHAIRMAN VALENTIC: Yeah, I wasn't sure either, so
28 that's why I thought I would bring that up.

29 Anybody else? I guess I have another one but does
30 anybody else have any questions?

1 So they have to, you're losing parking, right?
2 We're striping off some area but you're only providing three
3 lanes or stacking for three cars and then, but they've got to
4 pull back out while other cars are coming in.

5 MR. BIGGERS: No, they would all come in and then
6 they would, the person using the machine would continue to
7 pull out of the ATM and then into the road. Is that what you
8 mean or --

9 CHAIRMAN VALENTIC: I mean the drive, that aisle
10 there, that drive aisle is, they're pulling into the in aisle
11 and the out, the exit aisle is on the other side.

12 MR. BIGGERS: Oh, I see. You mean cars will be
13 turning left.

14 CHAIRMAN VALENTIC: Coming in and they're trying to
15 get out of there and you're only providing two stacking areas.
16 I mean, have you guys done this anywhere else? It just seems
17 like, it seems like not the best solution, and I don't know if
18 this is the best spot for an ATM. I know there was one there
19 before. I actually used it and it wasn't, you know, well done
20 before. I think this is better. I still don't know if it's
21 perfect.

22 MR. BIGGERS: We have explored that if we, if we
23 mirrored the machine and put it on the edge of the aisle and
24 we would, could have cars come turn left after the signage --
25 there is a sign, monument sign there -- we could have cars
26 turn left off of the road and go stack if we just mirrored the
27 layout so that the ATM would be on the edge of the drive aisle
28 and cars would be opposite.

29 MS. SETTIMO: We could go in and change the flow.

30 MR. BIGGERS: Yeah, we also thought of, could we

1 make this way only out and then this way -- because this area
2 is very congested. It's got an in and out, in and out real
3 close together.

4 CHAIRMAN VALENTIC: It's a busy parking lot.

5 MR. BIGGERS: Yes.

6 CHAIRMAN VALENTIC: They've have done well with that
7 parking lot in that development there. I think it's pretty, I
8 think it's full, if not -- Right?

9 MR. BIGGERS: Yeah.

10 CHAIRMAN VALENTIC: Is it full?

11 MR. BIGGERS: I think so. I mean, we've discussed
12 the possibility of making the second drive where everyone
13 always go out to the street and then, you know, no one would
14 ever turn, be able to turn left and we'd put like a "No Right
15 Turn" sign or "No Entrance" sign at the second drive.
16 Because, yeah, there is this drive, the next drive and then
17 there is the gas station and the corner right there and it's a
18 varied lot. Like, you can just drive in and out of the
19 parking lot. There is no curbs or anything like that.

20 MR. GOLLING: That old ATM is gone, right?

21 MR. BIGGERS: Hum?

22 MR. GOLLING: The old ATM island is gone?

23 MR. BIGGERS: Yes. There is electrical meters
24 there, the power pole is there, and then the stubs are just
25 buried underneath. Otherwise, we've got to trench all the way
26 to, I think, the other side of that north building. But there
27 is already service over there that we could tap into.

28 CHAIRMAN VALENTIC: Anyone else have any questions?

29 MR. SWEENEY: I am having a difficult time figuring
30 out exactly where you want to place this. I mean, I know what

1 you propose but it -- I am trying to reconcile the live photos
2 with the drawings and it's very confusing. It's probably my
3 fault. So there is a freestanding building near it. What is
4 that?

5 MR. GOLLING: The hearing aide place.

6 CHAIRMAN VALENTIC: The hearing aid place.

7 MR. SWEENEY: The hearing aid place, right.

8 MR. GOLLING: It used to be a bank.

9 MR. SWEENEY: Okay, it used to be a bank.

10 MR. GOLLING: Yes.

11 MR. SWEENEY: Right. And so --

12 MR. BIGGERS: Then there is a monument sign.

13 MR. SWEENEY: I am looking at this photo right here,
14 all right, and as I am referencing that, I see that
15 freestanding building.

16 MR. BIGGERS: Can you point to that?

17 MR. SWEENEY: Yeah. I see the freestanding
18 building. I see the monument sign.

19 MS. SETTIMO: It would be right here.

20 MR. SWEENEY: In this shaded, this lightly shaded
21 area?

22 MS. SETTIMO: Yes, yeah, it would be right there.

23 MR. SWEENEY: All right, okay, gotcha. And you want
24 to eliminate some of those parking spots and then install
25 others in another area?

26 MS. SETTIMO: Yes, yes.

27 MR. BIGGERS: We were going to install --

28 MR. SWEENEY: So then that loss is, what, four spots
29 or something?

30 MR. BIGGERS: Well, we weren't losing them because

1 we were putting them up by this, on the right here. There is
2 a drive aisle that's not really being used.

3 MR. SWEENEY: I see.

4 MR. BIGGERS: So we're going to restripe that area.
5 It's like three lanes of travel, so we're going to stripe that
6 off so --

7 MR. SWEENEY: Yeah.

8 MR. BIGGERS: But what we are taking out is being
9 replaced up here and then it also narrows this aisle to help
10 reduce --

11 MR. SWEENEY: And to further confuse issues, that
12 entire plaza is almost, you can leave from any spot you're in.

13 MR. BIGGERS: Yeah.

14 MR. SWEENEY: You can just pull out onto the street.

15 MR. GOLLING: There is like five driveways.

16 MR. SWEENEY: Yeah.

17 MR. BIGGERS: So we're kind of eliminating one of
18 those driveways by striping that area.

19 MR. SWEENEY: Okay. That helps. That helps a lot.

20 CHAIRMAN VALENTIC: My concern is, we're taking an
21 ATM machine and throwing it in the middle of all this stuff.

22 MR. SWEENEY: All that, right.

23 MR. GOLLING: Is the bank, is First -- Is a bank
24 building going in or is it just an ATM?

25 MR. BIGGERS: This is going to be just an ATM, so
26 its operates as its own entity.

27 MR. SWEENEY: And it doesn't look that large.

28 MR. BIGGERS: It will have its own power service,
29 its own address and own data lines.

30 MR. GOLLING: Got it, okay.

1 CHAIRMAN VALENTIC: I know there is also a variance
2 piece to this, so how many parking spaces are we losing in
3 total? It was four, I think.

4 MR. SWEENEY: They're eliminating nine and replacing
5 five.

6 MR. BIGGERS: Yep.

7 MS. SETTIMO: Yes.

8 CHAIRMAN VALENTIC: Has anyone talked to the person
9 that leases that building about adding parking? Has there
10 been a conversation with that individual?

11 MR. BIGGERS: We discussed adding but I don't know
12 that anywhere in the site we can add it because you can see
13 the overall site. There is already a lot of spaces. There is
14 a lot of -- I don't know if we have an overhead but there is a
15 lot of spaces all throughout the site on all sides of the
16 building.

17 CHAIRMAN VALENTIC: Yeah.

18 MR. BIGGERS: So I don't know where we can add more
19 spaces unless we restripe maybe some zones, try to rework the
20 whole striping layout.

21 CHAIRMAN VALENTIC: But the person that leases this
22 property, do they know that you guys are adding parking on
23 that side of the building?

24 MR. BIGGERS: Yes.

25 MR. ROWAN: So I guess my question related to the
26 parking would be, by removing those five spaces, does that
27 affect the requirements for spaces? Obviously, there is a lot
28 of parking there. Are we taking away to where we're under
29 what we need to have for that area?

30 CHAIRMAN VALENTIC: Maybe that's a question,

1 Heather, do you know? Do they have parking less than what's
2 required per code?

3 MR. BIGGERS: Oh, existing spaces --

4 MS. FREEMAN: On Sheet A-01 -- I'm Heather Freeman.
5 I was sworn in. On Sheet A-01, under the property
6 description, it looks like you have included the parking
7 numbers here.

8 MR. BIGGERS: It was required, we believe it's
9 required 244 but there is only 228 on the site already. So
10 it's already nonconforming.

11 MR. SWEENEY: That's what I said before.

12 MS. FREEMAN: So it's already nonconforming.

13 CHAIRMAN VALENTIC: It's a busy lot.

14 MR. SWEENEY: Very. And you're fully leased?

15 MR. BIGGERS: I believe so. We --

16 MR. SWEENEY: Yeah.

17 CHAIRMAN VALENTIC: Yeah.

18 MS. FREEMAN: Well, actually, the Mexican restaurant
19 that was on the other side by the tire place is vacant right
20 now, so it is missing at least one restaurant user right now.
21 It is not currently --

22 MR. SWEENEY: That would be filled up quick.

23 CHAIRMAN VALENTIC: Yeah.

24 MR. BIGGERS: I mean, looking today, too, nobody
25 parks in this, it seemed like no one was parking in this area
26 that we're in either. They're all going to push off towards
27 the other side of the building.

28 MR. SWEENEY: Yeah, no one does park in that area.

29 MR. GOLLING: It's kind of next to Ridgewood.

30 MR. SWEENEY: Yeah.

1 MR. GOLLING: I mean, yeah, people will line up
2 along that brick wall facing the gas station. But we are just
3 talking about here, like you said, an ATM, too. I didn't
4 realize it was gone. That's how attentive I am. But, yeah,
5 it looks like we're just, we're scooching it over, pushing it
6 back and taking four spaces up. And I just can't remember
7 where the old one was.

8 MR. BIGGERS: It was, the old one --

9 MS. SETTIMO: We have a picture.

10 MR. BIGGERS: Yeah, I have a picture.

11 CHAIRMAN VALENTIC: But the old one, remember, it
12 was --

13 MR. BIGGERS: It was a big box.

14 CHAIRMAN VALENTIC: Yeah.

15 MR. GOLLING: Yeah.

16 MR. BIGGERS: It was a big, giant box.

17 MR. GOLLING: Right.

18 MR. BIGGERS: This is going to be just an ATM with a
19 nice canopy.

20 MR. GOLLING: Was it right by the monument?

21 MR. BIGGERS: Yes, it was closer to the monument.

22 MR. GOLLING: It was on -- okay.

23 MR. BIGGERS: Yep.

24 CHAIRMAN VALENTIC: I think the parking lot's been
25 redone since that old one was there, so it's reconfigured a
26 little bit differently.

27 MR. GOLLING: Right, okay. I don't have any other
28 questions.

29 MR. SWEENEY: I assume the entry will be facing the
30 street, right, so you will just exit onto the street?

1 MR. BIGGERS: Yes.

2 CHAIRMAN VALENTIC: But you've got to cross --
3 That's my point though. Traffic is coming in and you're
4 coming out. You have to come out. This traffic is coming in
5 and this is coming out. You got cars coming in.

6 MR. GOLLING: But there is no dedicated in or out
7 there, so you can go in --

8 MR. SWEENEY: Yeah, that's --

9 MR. GOLLING: So you can go in either before Jenny's
10 hearing aid, after Jenny's hearing aid or where the ATM was.

11 CHAIRMAN VALENTIC: Yeah.

12 MR. SWEENEY: Yeah.

13 MR. GOLLING: Or there is that third one where you
14 go down to Ridgewood.

15 MR. SWEENEY: There's so many places.

16 MR. GOLLING: Or you can go around the corner by the
17 Subway, go in by the Subway or you can go around back. So, I
18 mean, there is no dedicated in or out there.

19 MR. BIGGERS: This is like the third entry down. So
20 by the time any traffic gets to this and they're going to that
21 plaza, they're rarely going to turn left into that third one
22 because you're always going to go to the first two.

23 MR. SWEENEY: Yeah.

24 MR. BIGGERS: It's like an extra entry.

25 MR. ROWAN: So I think we were talking earlier
26 about, you had considered going all the way to the road and
27 having a right turn only?

28 MR. BIGGERS: What we were just thinking of, could
29 we just make this, this aisle only out, go out.

30 MR. ROWAN: How would you do that because it's so

1 wide?

2 MR. BIGGERS: Just put the stripes. We were going
3 to put striping in. We could put a sign in. We could paint
4 arrows.

5 MR. ROWAN: That is not going to stop people. I
6 guess what I was saying is if you had a curb here that went
7 out to the road, so you came into the ATM but then you had to
8 exit and kind of turn right.

9 MR. BIGGERS: Oh, I see, make actually a barrier.

10 MR. ROWAN: Yeah, but make it a forced right because
11 then people aren't really supposed to turn. That way, you
12 prevent people from turning left into there.

13 MR. BIGGERS: That might be, that's probably a
14 solution we can use.

15 MR. ROWAN: Just a forced right out. But, again, I
16 don't know if that, how that plays into any code as an option.

17 CHAIRMAN VALENTIC: Well, we're also not approving
18 the site.

19 MR. ROWAN: Right.

20 CHAIRMAN VALENTIC: We are approving the conditional
21 use.

22 MR. ROWAN: The conditional use, so it's probably
23 the next part.

24 MR. BIGGERS: The next level we could provide you --
25 But that's a great idea. That way, we don't -- It forces
26 everyone to stay in their, stay in the lane.

27 CHAIRMAN VALENTIC: Then it's just another curb cut
28 there, so it's three lanes wide.

29 MR. SWEENEY: Yeah.

30 CHAIRMAN VALENTIC: I don't know. Any other

1 questions?

2 MR. ROWAN: No.

3 CHAIRMAN VALENTIC: Okay. You can be seated.

4 Is there anyone else that's speaking for this appeal
5 that would like to come up or is there anyone else --

6 MR. LUCAS: Mr. Chairman, it's not an appeal, it's a
7 conditional use permit.

8 CHAIRMAN VALENTIC: I am sorry. Thank you.

9 Is there anyone speaking for this conditional use
10 permit that would like to come up or is there anyone speaking
11 against the conditional use permit that would like to come up?

12 (No response.)

13 If there is no further questions, the public hearing
14 for Conditional Use Permit Application Number 2022-24 is now
15 closed to the public. Can I get a motion to approve the
16 conditional use permit application?

17 MR. GOLLING: So moved.

18 MR. SWEENEY: Second.

19 CHAIRMAN VALENTIC: Discussion?

20 MR. GOLLING: I think it's fine as designed.

21 CHAIRMAN VALENTIC: I think it's a bad idea.

22 MR. ROWAN: What's that?

23 CHAIRMAN VALENTIC: I think it's a bad idea.

24 MR. SWEENEY: Do you?

25 CHAIRMAN VALENTIC: I think it's going to be a mess.

26 MR. GOLLING: Tell me why.

27 CHAIRMAN VALENTIC: I just think there is too many
28 people coming in and out on both sides of this thing. There
29 is no room for the cars to stack. And you are going to have
30 people -- Someone is going to pull in at some point and

1 someone is going to try to leave that ATM and there could be
2 someone behind the person trying to pull out. It doesn't seem
3 like a great spot, in my opinion.

4 MR. GOLLING: Yeah. I am just stuck on, there was
5 one before there.

6 CHAIRMAN VALENTIC: It wasn't great before.

7 MR. GOLLING: Yeah.

8 CHAIRMAN VALENTIC: I don't know. That's just me.

9 MR. SWEENEY: Yeah.

10 CHAIRMAN VALENTIC: It's not terrible but it's --
11 Davey?

12 MR. SWEENEY: I think maybe the owner could use this
13 as an opportunity to reconfigure the travel patterns and exits
14 and entrances.

15 CHAIRMAN VALENTIC: Yeah, because we're approving
16 the conditional use permit. We have to look at the two
17 variances.

18 MR. SWEENEY: Right.

19 CHAIRMAN VALENTIC: Correct me if I am wrong but
20 they still have to go to Zoning for site plan approval.

21 MS. FREEMAN: Correct.

22 MR. SWEENEY: All right. So then that's
23 inappropriate for this.

24 CHAIRMAN VALENTIC: No. I am just saying --

25 MR. SWEENEY: Right, okay.

26 CHAIRMAN VALENTIC: Whatever the configuration,
27 we're just allowing them to put an ATM in that general
28 vicinity.

29 MR. SWEENEY: Right, so it's a yes or no.

30 CHAIRMAN VALENTIC: Yeah.

1 MR. SWEENEY: I'm getting ahead of myself.

2 CHAIRMAN VALENTIC: And then if we approve the
3 variances, then they go to, with their plan to Zoning.

4 MR. SWEENEY: That's the next one, right.

5 CHAIRMAN VALENTIC: Yeah.

6 MR. ROWAN: I guess, for me, I was considering, if
7 there had been one before, I do have the traffic concerns. I
8 don't know. I don't think we can see if they want to table
9 this at this point.

10 CHAIRMAN VALENTIC: No, I don't think that makes
11 sense. We're just here to decide if we want to allow, give
12 them the conditional use.

13 MR. ROWAN: Yeah, okay. I have nothing else.

14 CHAIRMAN VALENTIC: Okay.

15 All right. Heather, so we're going to have a vote
16 on Conditional Use Permit Application 2022-24. A yes vote
17 approves the conditional use permit, a no vote denies it.
18 Heather, please call that vote.

19 MS. FREEMAN: Mr. Sweeney?

20 MR. SWEENEY: Yes.

21 MS. FREEMAN: Mr. Golling?

22 MR. GOLLING: Yes.

23 MS. FREEMAN: Mr. Rowan?

24 MR. ROWAN: I will go no.

25 MS. FREEMAN: Mr. Valentic?

26 CHAIRMAN VALENTIC: No.

27 Okay.

28 MR. BIGGERS: Thank you.

29 CHAIRMAN VALENTIC: Thank you. Hold on.

30 Heather, what do we do -- We have the variance

1 request.

2 MS. FREEMAN: Mr. Lucas, they have the subsequent
3 application.

4 MR. LUCAS: I didn't hear you.

5 CHAIRMAN VALENTIC: There is, this was the
6 conditional use permit, it was denied, and they have, they are
7 next on the agenda for the variance request. How do we handle
8 that?

9 MR. LUCAS: Well, the variance request is going to
10 be moot because the use itself that's the underpinning for the
11 variance request has been denied.

12 CHAIRMAN VALENTIC: Okay.

13 MR. BIGGERS: Yeah.

14 MS. SETTIMO: Thank you.

15 CHAIRMAN VALENTIC: Thank you.

16 MR. LUCAS: So, Mr. Chairman, in taking action on
17 the agenda item, you want to permanently table that based on
18 the denial of the conditional use permit.

19 MR. SWEENEY: What?

20 CHAIRMAN VALENTIC: It's hard to hear you over here.

21 MR. LUCAS: Sorry. Based on the denial of the
22 conditional use permit -- this is the third item on the
23 agenda -- you want to vote, make a motion to permanently table
24 the variance application because the underpinning for the
25 conditional use permit itself was denied.

26 CHAIRMAN VALENTIC: Okay.

27 MR. LUCAS: Just to clear it off the agenda.

28 CHAIRMAN VALENTIC: Okay. So can we get a motion to
29 table, to permanently table Variance Application 2022-112?

30 MR. ROWAN: So moved.

1 MR. SWEENEY: Second.

2 CHAIRMAN VALENTIC: Then can we get an approval on
3 Variance Appeal 2022-112 to table it? A yes vote will table
4 it permanently, a no vote, I guess, does not. I guess we have
5 to do a vote, correct?

6 MS. FREEMAN: Mr. Golling?

7 MR. GOLLING: Yes to table.

8 MS. FREEMAN: Mr. Sweeney?

9 MR. SWEENEY: Yes.

10 MS. FREEMAN: Mr. Rowan?

11 MR. ROWAN: Yes.

12 MS. FREEMAN: And Mr. Valentic?

13 CHAIRMAN VALENTIC: Yes.

14 That is tabled.

15 All right. Next on the agenda is Variance
16 Application 2022-113, McCaskey Landscape & Design, on behalf
17 of the property owners Jeffrey and Maria Johnson, is
18 requesting a variance from Section 17.04(D)(4)(b) and Section
19 17.07(A) to allow for the construction of an in-ground pool to
20 encroach the required 30 foot riparian setback from a Category
21 2 wetland for the property located at 11191 Caraway Cove,
22 current parcel number 08-A-021-C-00-021-0.

23 MR. McCASKEY: A mouthful. Good evening. Tim
24 McCaskey, 12377 Taylor Wells Road, Chardon, and I was sworn
25 in.

26 I've got some packets for you to add to the, what
27 you got there. They're mostly just pictures to give you some
28 clarification of what we're seeing.

29 Do you want one?

30 MR. LUCAS: Oh, yeah, thanks.

1 MR. McCASKEY: You looked bored over there.

2 MR. LUCAS: Ah, how can you be bored with this
3 material?

4 MR. VITAZ: That's the way he always looks.

5 MR. McCASKEY: You are getting picked on over here.

6 We have a really tight back yard with a creek in the
7 very, very far back that is -- I don't know. The creek is not
8 that close to the yard but the 30 foot --

9 Is it called an easement, Heather?

10 MS. FREEMAN: Setback.

11 MR. McCASKEY: It's called a setback. The 30 foot
12 setback from the wetlands puts it in the middle of the back
13 yard. So you can see in those pictures it's a manicured lawn
14 in most of the back yard. So it's, pretty much, just a yard,
15 not a wetlands. But in the one print with a map, you will see
16 a red line and a blue line. That red line is the actual
17 wetlands. The blue line is the 30 foot setback from the red
18 line.

19 The dilemma is, when the development was built, it
20 was not a law to have the 30 foot setback from the wetlands.
21 Now it is. So it cuts their back yard in more than half,
22 eliminating the chance of putting a pool in. So the argument
23 is, can we encroach into the 30 foot setback, not encroach the
24 wetlands, stay out of the wetlands?

25 We did have Chad -- No. What's his name?

26 MS. FREEMAN: Chad Edgar.

27 MR. McCASKEY: We did have Chad come out and meet us
28 and show us where he marked it all off and we were well
29 without -- well within what he felt was well outside the
30 wetlands. We are inside the 30 foot. We could have a study

1 done to see if it's a number, a Category 1, 2 or 3. He said
2 it is not worth it. Don't waste your time. You'll never get
3 it to be a 1. It's probably a 2. It will never be a 3. Play
4 the game, well, if it's a 3, then assume, try and get it
5 inside that 30 foot that never existed before. That's the big
6 argument of, it wasn't there when they plotted the
7 development, I don't know many years ago, 20-some years ago.

8 But you can see in the pictures, it's a manicured
9 back yard. I did put some 3-D renderings in there just so you
10 guys understand what it's going to look like. It's flat off
11 the back patio. We'll pick it up in the air a little bit. So
12 we will use some of that leftover soil to roll the last little
13 bit before the wetlands, staying on the side of the wetlands,
14 not going into it, just to help with grade.

15 CHAIRMAN VALENTIC: Anyone from the board have
16 questions?

17 MR. GOLLING: Yeah. How big is the pool?

18 MR. McCASKEY: It's 36 by 16. It's a fiberglass
19 shell. So it will come in, come in one piece, put it in the
20 ground, dig it in one day. There's a couple in the
21 development, actually.

22 CHAIRMAN VALENTIC: There's enough room for you to
23 get the pool in there and stay out of the wetlands?

24 MR. McCASKEY: Oh, yeah. If you look in that print,
25 you can see that 30 foot on the --

26 MR. ROWAN: That's the original setback. This is
27 the 2016 setback with the line.

28 MR. McCASKEY: So we've got plenty of room to work.

29 MR. SWEENEY: This is the original setback?

30 MR. ROWAN: This is the original. This is what was

1 added in 2016.

2 MR. McCASKEY: Yeah, pre that 2016 code, this
3 wouldn't, we wouldn't be having this conversation.

4 CHAIRMAN VALENTIC: Yeah, there wasn't a setback.

5 MR. McCASKEY: And if it was a marsh, I would be
6 arguing this a little differently, but it's literally a
7 manicured back yard. He's got grass growing. The guy before
8 this owner really did some work back there to make it look
9 nice. But it's growing grass. You walk back there. Heather
10 actually met us out there, took a walk. It's fairly
11 straightforward.

12 CHAIRMAN VALENTIC: Okay.

13 MR. SWEENEY: When did the owner buy the property?

14 MR. McCASKEY: A year and a half ago, yeah, a year
15 and a half ago.

16 CHAIRMAN VALENTIC: Any other questions? Everyone
17 have a chance to read the letter from Chad?

18 MR. GOLLING: Yeah.

19 MR. McCASKEY: Oh, he did send one?

20 CHAIRMAN VALENTIC: Yeah, he sent us a letter, too.
21 Just want to make sure the board got it.

22 Okay. I think you can be seated.

23 Is there anyone else here this evening that's
24 speaking for this appeal that would like to come up, or
25 against this appeal?

26 (No response.)

27 If there's no further questions, the public hearing
28 for Variance Number 2022-113 is now closed to the public. Can
29 I get a motion to approve the Variance Application 2022-113?

30 MR. ROWAN: So moved.

1 MR. GOLLING: Second.

2 CHAIRMAN VALENTIC: Discussion from the board?

3 MR. GOLLING: I think the intent of the spirit of
4 riparian is like, if this were a completely wooded back yard
5 and they're knocking down 50, 60 feet of trees, soil
6 disturbing, which the language is, the soil has already been
7 disturbed. There is a lawn there. So I think that putting a
8 pool in there would affect this, per Chad's letter, zero. I
9 don't think it's going to do anything.

10 CHAIRMAN VALENTIC: Yeah, there is no impact really
11 to anything substantial.

12 MR. SWEENEY: If it's okay with Chad, it's okay with
13 me.

14 MR. GOLLING: Chad is the king.

15 CHAIRMAN VALENTIC: All right. We've got that on
16 record.

17 MR. GOLLING: Don't tell him that.

18 CHAIRMAN VALENTIC: The question is on approval of
19 Variance Application 2022-113. A yes vote approves it, a no
20 vote denies it.

21 Heather, please call the vote.

22 MS. FREEMAN: Mr. Sweeney?

23 MR. SWEENEY: Yes.

24 MS. FREEMAN: Mr. Golling?

25 MR. GOLLING: Yes.

26 MS. FREEMAN: Mr. Rowan?

27 MR. ROWAN: Yes.

28 MS. FREEMAN: Mr. Valentic?

29 CHAIRMAN VALENTIC: Yes.

30 All right. Your variance has been approved. Thank

1 you.

2 All right. Next is Variance Application 2022-114,
3 Quail Developers, Inc., is requesting a variance from the
4 minimum 25 foot requirement for natural vegetation to be left
5 undisturbed pursuant to the perimeter treatment narrative
6 included as part of the master development plan for the Quail
7 Hollow property, for Quail Hollow property for Quail Hollow
8 Development, Inc., and approved by Concord Township Board of
9 Trustees with the effective date of October 8, 1986, as part
10 of the rezoning of 540 acres surrounding Quail Hollow Inn from
11 R-1 Residential to R-2 Planned Unit Development for the
12 property known as current parcel number 08-A-013-0-00-001-0.

13 MR. NOVAK: Are we ready?

14 CHAIRMAN VALENTIC: I think so.

15 MR. NOVAK: Good evening. My name is David Novak,
16 from Barrington Consulting Group. I am the president. The
17 address is 9114 Tyler Boulevard, Mentor, Ohio.

18 CHAIRMAN VALENTIC: You've been sworn in?

19 MR. NOVAK: And I have been sworn in, yes.

20 And, again, I think you asked this in the beginning
21 but proper notice was given in the newspaper or whatever for
22 this meeting this evening?

23 CHAIRMAN VALENTIC: Yes.

24 MS. FREEMAN: Yes, proper notice was given.

25 MR. NOVAK: All right. I just wanted to verify
26 that.

27 MS. FREEMAN: Mr. Chairman, do you want to make sure
28 he is good moving forward with the four members?

29 CHAIRMAN VALENTIC: Oh, thank you.

30 Are you good moving forward with four members

1 instead of the five?

2 MR. NOVAK: We are, thank you.

3 CHAIRMAN VALENTIC: Okay.

4 MS. FREEMAN: Thanks.

5 MR. NOVAK: In preparing for this hearing this
6 evening, I took a little bit of -- I thought the best way to
7 approach this was to provide a short history of what's gone on
8 here on this starting back in 1986 all the way to today. And
9 I will make it a short story. We won't go day by day.

10 But just so everybody, you know, can see, this is,
11 this is the variance that we're asking for. As part of the,
12 as part of the PUD that was approved in 1986, there was a
13 blurb that said that, it talks about -- which is the second
14 page in your -- I am sorry -- it's going to be the fourth
15 page, the perimeter treatment narrative. Much of Quail Hollow
16 is very heavily forested. In order to preserve the natural
17 beauty of the development and to eliminate the clearing and
18 grading in these areas, a minimum 25 feet of natural
19 vegetation will be left undisturbed. The maintaining of these
20 natural wooded areas will enhance the beauty of the
21 development. And, I think, that's why it's highlighted here.
22 Okay? In the areas where the site and adjoining lands are
23 void of trees or other acceptable vegetation, the developer
24 may elect to provide mounding, landscaping or both, depending
25 on the particular use within the Quail Hollow development and
26 the land use/aesthetics of the adjacent properties and
27 structures. Much of the perimeter of the development has
28 common open space adjacent to it which will generate the
29 potential maintenance of the perimeter and eliminate the
30 potential of the perimeter being violated by adjoining

1 property owners.

2 And why I've highlighted "the development," okay,
3 it's our opinion that the purpose of this narrative was to
4 protect Quail Hollow so that -- And, again, if you read the
5 105 pages that were developed as part of this when Quail
6 Hollow was originally developed, it, again, it talks about
7 preserving the character and the nature and so forth of the
8 Quail Hollow development. And so that's why it's important
9 that we understand and realize that, again, this, the purpose
10 of this buffer was to protect Quail Hollow. That's, that's
11 what it says. Okay? So if you go back --

12 CHAIRMAN VALENTIC: Mr. Novak, was this, what you
13 have up and what you gave us, this was part of the -- Which
14 document was that? That was in the --

15 MR. NOVAK: That was in the original development
16 agreement that happened in 1986 or was approved in 1986.

17 MR. LUCAS: Well, it's actually, more importantly
18 and germane for this, it was part of the documentation that
19 was presented to the Board of Trustees for consideration of
20 the rezoning to the PUD classification.

21 MR. NOVAK: Back in 1986.

22 MR. LUCAS: In '86, correct. It wasn't per se a
23 development plan that preceded the rezoning. That's why we're
24 here on the rezoning component of it. And that was presented
25 as part of that and then approved by the trustees back in
26 1986, as you said.

27 MR. NOVAK: Right. So if you go back to, if you go
28 back to page 2, again, I am not familiar how familiar you are
29 with the site. Again, this is just a map off of the Lake
30 County GIS. The property is outlined in red. As you can see,

1 it's, you know, the golf course to the north. Hunting Lake
2 Drive is to the northwest. You have some of those commercial
3 properties that are on Crile Road. It does front on Girdled
4 Road. There is an entrance to the eastern portion of the
5 property and there is also frontage on Orchard Road.

6 So this is, this is the site. This is what we're
7 looking at. This is, I believe, is one of the last, if not
8 the last parcel to be developed. And it's kind of interesting
9 that on all the other portions of Quail Hollow that have been
10 developed, this perimeter treatment was never enforced on any
11 of those. Okay?

12 So if you look to the next page, this, this is a
13 representation. This was part of the original map, I guess
14 you'd call it, when Quail Hollow development was first
15 presented or part of the documents. And there were two
16 pieces, these two multi-family pieces, and the next page is
17 another portion of that. Okay? So Multi Family-1, which was
18 13.84 acres, and Multi Family-2, which was 21 acres, back in
19 1986, it was perceived that this piece of property would be
20 built with 250 units on it. Okay? So, but that's, that's not
21 what we're proposing at this moment if the variance is
22 granted.

23 So if you go to the -- You can skip to the next page
24 because that's just the perimeter narrative.

25 The other thing, again, there was just that one case
26 that came up about, you know, the riparian setbacks and things
27 like that, wetlands. And, again, this property, again, was
28 developed before a lot of those rules and things that have
29 changed since 1986. So this map here shows the wetland
30 delineation. It also shows the, it shows the riparian

1 setbacks that were adopted in, I believe, 2016 by Concord
2 Township. And as part of what our plan for this property is,
3 we are protecting those riparian setbacks. We are working
4 around those riparian setbacks and the wetlands that are
5 currently on the property.

6 So we jump forward to the next page and --

7 CHAIRMAN VALENTIC: A quick question, Mr. Novak.

8 MR. NOVAK: Yes.

9 CHAIRMAN VALENTIC: Has the Army Corps come out?

10 MR. NOVAK: Yes, we have, we have all of our permits
11 from the Army Corps and the Ohio EPA.

12 CHAIRMAN VALENTIC: Okay.

13 MR. NOVAK: So I believe it was in July of 2021, if
14 I am not mistaken, we came before Concord Township Trustees
15 and we presented this development plan.

16 CHAIRMAN VALENTIC: Is this page 2 in ours or is
17 this, is this --

18 MR. NOVAK: It would be the first, yes, that's --

19 CHAIRMAN VALENTIC: I want to make sure they're
20 seeing what we're seeing.

21 MR. NOVAK: Yes. So, again, this was, this is the
22 plan that was approved, that we received preliminary approval
23 on from the Concord Township Trustees, it was in July of '20,
24 which contained 86 detached single-family units and it also
25 had 45 townhome style units. So if you look on the next page,
26 you will see, on page 3 there, where the units that are in
27 gray, those are the, those are the townhouse units that were
28 proposed.

29 MR. LUCAS: Dave, you said July of '20. July of
30 2021.

1 MR. NOVAK: Yes. I'm sorry. July of '21.

2 So that's what this plan represents. This is the
3 preliminary plan that was approved by the Concord Township
4 Trustees.

5 CHAIRMAN VALENTIC: Can the people in the audience
6 see both plans?

7 MR. NOVAK: Yeah.

8 CHAIRMAN VALENTIC: I just want to -- okay.

9 MR. NOVAK: I have the other one down here at the
10 bottom.

11 CHAIRMAN VALENTIC: Okay, thank you.

12 MR. NOVAK: And as part of that plan, because this,
13 you know, this was, we were made aware of this 25 foot buffer
14 and so we worked diligently. And you can see in some areas
15 along the eastern property line, which would be at the top
16 here of page number 2, where you can see that kind of brown
17 squiggly thing up there at the top. We were, we had worked
18 diligently with some of those property owners to the east and
19 with the Trustees and so forth to provide some screening, some
20 additional trees, landscaping and so forth along there.

21 MR. GOLLING: Are you talking about this, this
22 property that backed up to Viceroy?

23 MR. NOVAK: Yes, that's actually the next page.

24 MR. GOLLING: Gotcha, okay.

25 MR. NOVAK: Yes. But you can see it maybe a little
26 bit more clearly here but, at the top of page 4, again, it
27 shows some of the, what we were proposing at that time to help
28 screen some of those residents to the east. And then the next
29 portion down, I believe that's over on the next street there
30 behind units 68 through 74, again, we were proposing some

1 landscaping down through there. And then the, we were also
2 proposing some down where the townhouses are along the south
3 line where our main road comes into Orchard to, again, add
4 some fencing and so forth along that area to help protect some
5 of the adjacent residents.

6 I am trying to remember when we came before the -- I
7 think it was in May of this year we came back before the
8 Trustees because we had preliminary approval. And this, the
9 final plan -- Let me see. The final plan that we did provide
10 to the Trustees had even fewer units but, in the interim, as
11 part of our process of trying to get approval, we did have
12 conversations with the Trustees and so forth and so we did, we
13 prepared a plan that closer mimics what would have been
14 allowed in 1986, the 250 units. So this layout, again,
15 protects this buffer that we're talking about.

16 MR. SWEENEY: What page is this?

17 MR. ROWAN: Are we looking at this?

18 MR. NOVAK: This is going to be --

19 CHAIRMAN VALENTIC: Yeah.

20 MR. SWEENEY: What page does it say?

21 MR. NOVAK: It says "1" on the bottom but, again, I
22 apologize.

23 MR. SWEENEY: But it's at the end?

24 MR. ROWAN: No, no. It's like right after here.

25 CHAIRMAN VALENTIC: It's right after the --

26 MR. ROWAN: It's after that.

27 MR. SWEENEY: Got it.

28 CHAIRMAN VALENTIC: So this plan that we have here
29 has more units but it has 25 foot buffers everywhere.

30 MR. NOVAK: It has the 25 foot buffer. It has 221

1 units. It doesn't have the entire 250 that was originally
2 conceived in 1986. My client believes we could get to the 250
3 but I think that might be difficult because, again, the
4 wetland regulations have changed, Concord instituted the
5 riparian setbacks, so a lot of things have changed. So some
6 of the property that we could have used back in 1986, we can't
7 use today.

8 MR. GOLLING: So these are, the Plan A from '86,
9 which is the black and white one, Number 1. -- I think you
10 have it up there now.

11 MR. NOVAK: Yes.

12 MR. GOLLING: So the original plan was just like a
13 bunch of townhomes in there, 250, none of the single-family
14 detached that are in the current plan.

15 MR. NOVAK: Yes.

16 MR. GOLLING: So this one has, it's just basically
17 just all townhomes.

18 MR. NOVAK: Yes.

19 MR. GOLLING: The old plan. I am calling it old
20 plan, from '86.

21 MR. NOVAK: Yes, but it was a plan that we developed
22 as part of our discussions with the Trustees to demonstrate --

23 MR. GOLLING: Right.

24 MR. NOVAK: That if we have to preserve that 25 foot
25 buffer --

26 MR. GOLLING: Then this is what you get.

27 MR. NOVAK: -- then this is what we would have to
28 build.

29 MR. GOLLING: Right.

30 MR. NOVAK: Or could build.

1 CHAIRMAN VALENTIC: Could build. So this plan gives
2 us how many units?

3 MR. NOVAK: Two hundred and twenty-one.

4 CHAIRMAN VALENTIC: Two hundred and twenty-one units
5 and no variances.

6 MR. GOLLING: Right.

7 MR. NOVAK: Correct.

8 CHAIRMAN VALENTIC: Okay.

9 MR. SWEENEY: As opposed to how many units with the
10 variance?

11 MR. NOVAK: We are, the final, so we have the plan
12 that was developed for, that we got approved for the
13 preliminary approval. Then we, because we had final
14 approval -- or I take that back.

15 MR. LUCAS: Preliminary.

16 MR. NOVAK: Since we had preliminary approval, we
17 came back to the Trustees for final approval. And the final
18 approval or the plan that we came up with the final was 84
19 detached versus we had 86, so we lost two units.

20 MR. GOLLING: Okay.

21 MR. NOVAK: And we still had 45 attached units. So,
22 again, refining everything, I am going to say dealing with
23 Heather on the riparian setbacks.

24 CHAIRMAN VALENTIC: I like those riparian setbacks.

25 MR. NOVAK: She watched, she watched very closely
26 every inch to make sure that we were, we were in compliance.
27 So we came, we presented this plan, this one here.

28 MR. GOLLING: That's this one, right?

29 MR. NOVAK: No. This is the final plan, so keep
30 going.

1 CHAIRMAN VALENTIC: Keep going.

2 MR. GOLLING: Past the multi plan, okay, got it. I
3 am there.

4 MR. NOVAK: So this is, this is the plan that we
5 came back in May of 2022 to seek approval.

6 CHAIRMAN VALENTIC: To seek final approval.

7 MR. NOVAK: Final approval. And with a lot of
8 discussion, we were denied. But, again, I think that this
9 plan, this plan mimics very closely to what was the
10 preliminary plan that was approved.

11 MR. GOLLING: Gotcha.

12 MR. NOVAK: And if you look, I think, in the next
13 page in your packet, this is kind of a blowup of some of --
14 because, again, I know Concord is very concerned when it comes
15 to preserving wetlands and riparian setbacks and all that
16 other stuff. And so, again, in working with, you know, the
17 staff here at Concord, we made sure that we complied so that
18 we did meet the requirements of the riparian setbacks.

19 MR. GOLLING: So, Mike, I got a question for you.
20 So it seems like the plan with all the single-families and the
21 townhomes that the Trustees initially approved in '21, they
22 did some squishing, lost a couple, they came back with the
23 final plan. The Trustees said, "We can't approve that." Is
24 that because they can't approve the variance because that's a
25 component, a procedural component of what we do?

26 MR. LUCAS: The Trustees -- I am sorry to interrupt
27 you there.

28 MR. GOLLING: No, it's okay.

29 MR. LUCAS: The Trustees don't have any authority to
30 grant a variance, number one.

1 MR. GOLLING: Which is the BZA, gotcha.

2 MR. LUCAS: Right, right. You know, without, we
3 didn't do findings of fact and conclusions of law, but based
4 on the attendance at the meeting and the discussions, if you
5 look at the minutes, the 25 foot buffer was a significant
6 discussion point.

7 MR. GOLLING: Right.

8 MR. LUCAS: Which, as Mr. Novak indicated, under the
9 final development plan being sought for approval by the
10 Trustees intruded that into that.

11 MR. GOLLING: So the denial at that time was
12 procedural because it had to come to us, not to the Trustees.

13 MR. LUCAS: Well, the denial was the denial. The
14 applicant always has the right to, and I think Mr. Novak, who
15 is certainly experienced in presentations at the countless
16 night meetings that he and I have attended over decades, was
17 aware of the fact that the main focus of concern by the
18 Trustees was, in fact, the 25 foot buffer and that.

19 It came up in discussion with the Building and
20 Zoning Department, Heather Freeman, and also had the
21 conversations with Mr. Novak. And the way to address the
22 restriction of the 25 foot buffer would only be through the
23 vehicle, other than going to court and having a declaration
24 and declaratory judgement action filed as an interpretation of
25 it, would be to come before the Board of Zoning Appeals and
26 seek a variance from the absolute prophylactic of the 25 foot
27 buffer, which is why they're here tonight.

28 MR. SWEENEY: So that denial by the Trustees, for
29 lack of a better explanation, is it wasn't the Trustees
30 saying, "Hey, you've got a buffer here. We don't like. We're

1 denying this." That's not why they denied it, correct? They
2 denied it because there was a vehicle within there that they
3 couldn't adjudicate, right?

4 MR. LUCAS: No, that's incorrect. The vehicle of a
5 variance wasn't discussed at all. They came in with a final
6 development plan which Mr. Novak showed. The final
7 development plan, in part, encroached within the 25 foot
8 buffer areas. It was a major topic or subject matter for the
9 review process for the final development plan. At the end of
10 that -- and, again, no discussion whatsoever about
11 variances -- the end vote was to deny the final development
12 plan. There was no findings, specific findings of fact and
13 conclusions of law as to the basis why it was denied. I would
14 surmise, with some agree of accuracy, that one of the points,
15 because of the extent of the discussion on this particular
16 topic, of the 25 foot buffer was within the consideration by
17 the Trustees that ultimately led to the denial.

18 MR. SWEENEY: Correct. So they didn't like it and
19 that's why. So they did rule, they did deny it because they
20 didn't like the buffer. It's what it sounds like to me.

21 MR. LUCAS: Okay. Well, you think that way. That's
22 fine.

23 MR. SWEENEY: All right.

24 MRS. SIRCA: It was the traffic study.

25 MR. LUCAS: We're not here to talk about the
26 discovery of the traffic study, number one. I don't want
27 anybody to interrupt the meeting. You talk through the board
28 Chairman, please. Don't yell out from the audience.

29 CHAIRMAN VALENTIC: Yes, the audience has to be
30 quiet and everyone will get their chance to come up and speak

1 here.

2 MRS. SIRCA: Sorry. I apologize.

3 MR. LUCAS: That's all right.

4 CHAIRMAN VALENTIC: Skip, do you have any other
5 questions for --

6 MR. SWEENEY: No, I get it. I get it.

7 MR. GOLLING: So you had mentioned that the original
8 part of the Quail, and I realize that, I think, 1966 is when
9 all this --

10 MR. NOVAK: 1986.

11 MR. GOLLING: No, like for the original part of
12 Quail way back.

13 MR. NOVAK: Well, it was approved in 1986. I don't
14 know when --

15 MR. LUCAS: 1986 was when the entire area, the PUD
16 zoning classification --

17 MR. GOLLING: Okay. Why did I hear '66? All right.

18 MR. LUCAS: I don't know. It's '86.

19 MR. GOLLING: 1986, you mentioned that the 25 foot
20 buffer was largely was -- it was ignored for the other parts
21 of Quail. That's what you said?

22 MR. NOVAK: Well, just so we're on the same page,
23 okay, in the original development agreement -- I am not sure
24 that's the right word to use -- but the original development
25 that was approved had this perimeter treatment, this 25 foot
26 buffer. Okay? And that buffer is supposed to be applied
27 where any of the property abuts property that's not part of
28 the Quail Hollow development.

29 MR. GOLLING: Right, gotcha.

30 MR. NOVAK: So this, in this particular case, is on

1 the one side we butt up against, on the north side of the
2 property, we butt up against the golf course. Well, the golf
3 course is part of Quail.

4 MR. GOLLING: Right.

5 CHAIRMAN VALENTIC: Right.

6 MR. NOVAK: So this 25 foot buffer requirement does
7 not apply along the golf course.

8 MR. GOLLING: So it's just the east part along
9 Viceroy?

10 MR. NOVAK: Well, it's the east part, it's --

11 CHAIRMAN VALENTIC: South.

12 MR. GOLLING: Oh, I see south, okay.

13 MR. NOVAK: Again, if you look at this plan here, it
14 would be starting here. This is the golf course.

15 MR. GOLLING: Gotcha, okay.

16 MR. NOVAK: So it would be starting here, going
17 here. It went out around this, okay, comes down, goes down.
18 And then when you get to -- Just so they can see, it would be
19 here, here, around here to here, back down to here. And then
20 on the other half, again, this is where I stopped, so along
21 hear, here, and here.

22 MR. GOLLING: Okay, okay, now I see.

23 MR. NOVAK: So that's where that 25 foot buffer
24 would be required.

25 MR. GOLLING: And the buffer that you're proposing
26 is this squiggly brown line thing?

27 MR. NOVAK: Well, that's to try -- Again, we're
28 asking for, in our final plan, so we are impacting the buffer
29 here.

30 MR. GOLLING: Right, right.

1 MR. NOVAK: We're not here. We are -- So anywhere
2 where we were impacting that buffer in these areas, we were
3 proposing to put some additional landscaping as part of our
4 final plan.

5 MR. GOLLING: Okay. --

6 MR. NOVAK: Or fencing or whatever.

7 MR. LUCAS: And just so we're clear on this as a
8 matter of record, if the variance is granted, it's not going
9 to be an absolute grant of encroachment in the entire
10 development for the 25 foot buffer. It's going to be limited
11 to what Mr. Novak has submitted on the development plan in
12 terms of the specific areas and it doesn't include the entire
13 boundary, the specific areas of the final preliminary -- or
14 excuse me -- the development plan where the encroachments are
15 shown.

16 Is that a fair statement?

17 MR. NOVAK: Yes. It would be based on our final
18 plan that we have.

19 MR. LUCAS: Right.

20 MR. NOVAK: Assuming that's the plan that moves
21 forward.

22 MR. LUCAS: Right, agreed.

23 CHAIRMAN VALENTIC: So if we have, say, in this area
24 by lot 64 through 61, you show some tree preservation -- I
25 mean, I don't know what that dimension is. It varies in
26 width. You're going to preserve those trees if the variance
27 is granted?

28 MR. NOVAK: Yes.

29 MR. ROWAN: So I was going to say, do you have more
30 to your presentation before I start, like, before we start

1 asking questions?

2 MR. NOVAK: I do.

3 MR. ROWAN: I don't know if we should --

4 CHAIRMAN VALENTIC: Do you have questions about
5 these plans? You can ask.

6 MR. ROWAN: I think mine can wait until the end. I
7 wasn't sure if you are going to let him finish his
8 presentation.

9 MR. GOLLING: I think like --

10 MR. ROWAN: I am open to whatever. I just --

11 MR. GOLLING: If you will beg my pardon, I like to
12 think out loud. I like to talk it through. And if it
13 benefits y'all, I am glad it happens that way.

14 So my understanding is this, that the original plan
15 that was from back in '86, that one was 200 some odd
16 townhouses, no single family, none of that stuff. Then in
17 2021, we have to worry about the riparian setbacks, we have
18 the 25 foot deal. You guys came up with the single-family
19 ones in here. Then towards the west part, that's just the
20 townhomes over there.

21 So if the variance is approved then, potentially,
22 y'all are okay with doing the single-family ones; but if it's
23 not, you have to be reverted back to the six pounds of dirt in
24 a five-pound bag, all the townhomes.

25 MR. NOVAK: I would say more like ten pounds in a
26 five-pound bag.

27 MR. GOLLING: So that's what I am seeing here, is
28 that, one, that this -- It was changed from R-1 to R-2 in '86.
29 So that's something that's not on the table here. So multi-
30 family was approved way back yonder for this area right here.

1 MR. NOVAK: Yes.

2 MR. GOLLING: So this developer can build townhomes
3 in here or he can build twin homes or in this case --

4 MR. NOVAK: Apartments.

5 MR. GOLLING: Apartments, good. In this case here,
6 he's got single-family detached, which are single-family homes
7 but because they're in a condo they're called single-family
8 detached. Is my understanding right?

9 MR. NOVAK: Yeah, they are condos but they're
10 detached.

11 MR. GOLLING: So it's just like a regular one-person
12 single family.

13 MR. NOVAK: If you are familiar with Hygrove.

14 MR. GOLLING: Okay.

15 MR. NOVAK: Okay, right on Hunting Lake Drive just
16 before Crile, it's similar to that as far as those are single-
17 family homes.

18 MR. GOLLING: So option 1 is single family from,
19 basically, the east two-thirds. The west part of it, just to
20 dumb it down, would be the, looks like there are four or six
21 townhomes on there because you can squeeze that much in with
22 the variance of the 25 foot buffer that you need to fit that
23 much in there.

24 But if the buffer is not granted and you have to
25 stick with that 25 feet -- And forgive me. How many total are
26 in the plan with the single-family homes?

27 MR. NOVAK: I think it's 84 single and 45 --

28 MR. LUCAS: Townhomes.

29 MR. NOVAK: -- townhomes.

30 MR. GOLLING: We will call it 120 residences. So it

1 goes from 120 to 220.

2 CHAIRMAN VALENTIC: Two twenty, yes.

3 MR. NOVAK: Two twenty, yes.

4 MR. GOLLING: For the 25 foot buffer thing.

5 MR. NOVAK: Yes.

6 MR. GOLLING: I think I got it.

7 CHAIRMAN VALENTIC: Okay. And so the final plan
8 with the single-family homes, has, like, has the Fire Chief
9 looked at this? Like, does it all work?

10 MR. NOVAK: Yes.

11 CHAIRMAN VALENTIC: It all works?

12 MR. NOVAK: Yes.

13 CHAIRMAN VALENTIC: So you are confident this is
14 going to be, if that plan --

15 MR. NOVAK: Assuming -- Again, I would have to defer
16 to Mike. Assuming the variance was granted tonight, I am not
17 sure what the next step is. I am assuming that we would have
18 to go back to the Trustees. I don't know if we have to give
19 them a preliminary plan again and then go back and get a final
20 plan but we'd have to go back through that process, back to
21 the Trustees at some point to get some approval.

22 MR. LUCAS: That is correct.

23 CHAIRMAN VALENTIC: Okay. And so, Mr. Novak, your
24 squares that are shown here, those aren't the actual houses.
25 These are what is the building footprint?

26 MR. NOVAK: Yes, that's the area with which a
27 building could be constructed.

28 CHAIRMAN VALENTIC: Within that area.

29 MR. NOVAK: Yes.

30 CHAIRMAN VALENTIC: So the -- okay.

1 MR. GOLLING: And right now, I am just saying, like,
2 I am looking at the page 3, which is those 6, 7, 8, all the
3 buildings back towards Viceroy where you had the brown
4 squiggly buffer thing up there.

5 MR. NOVAK: Yes.

6 MR. GOLLING: I think you might have it up. What's
7 there now?

8 MR. NOVAK: Well, again, in anticipation of getting
9 approved by the Trustees, we had actually started to clear,
10 but what we did do is we did not clear the last 25 feet.

11 MR. GOLLING: Okay.

12 MR. NOVAK: Again, especially along the back side of
13 Viceroy, the vegetation there is sparse to begin with. Okay?
14 So it's not like we're really preserving anything.

15 MR. GOLLING: Right.

16 MR. NOVAK: Also, down, let's see here, if you look
17 at the GIS map there, right here where we were proposing to
18 put some trees, this area has already been cleared, we
19 believe, by this homeowner here, has actually encroached onto
20 our property and cleared trees.

21 MR. GOLLING: Okay.

22 MR. NOVAK: So that buffer is not preserved.

23 MR. GOLLING: Accidental or otherwise, it happened.
24 Okay. So it's not, so I am looking, you're talking about
25 the -- It's so little.

26 MR. NOVAK: Vitaz.

27 MR. GOLLING: So the Vitaz property, the northern
28 part of the Vitaz property where all these little current
29 buffer things are, those are already gone anyway?

30 MR. NOVAK: Right. And if you look at, if you look

1 at page -- back to the beginning, you can see that area on the
2 GIS map where that area has already been cleared almost all
3 the way up to the, maybe even up all the way to the golf
4 course.

5 CHAIRMAN VALENTIC: Well, yeah, a small section of
6 it.

7 So, okay, so your plan has less units. Both plans
8 protect the wetlands. Both plans protect the streams. Right?

9 MR. NOVAK: Yes.

10 CHAIRMAN VALENTIC: One has a buffer over around
11 everything. This one has a buffer over, you know, small areas
12 we're maintaining the buffer, I guess, to the south, for the
13 most part, in a small area. You showed some trees as maybe
14 something you would put back to kind of create a buffer. But
15 those trees -- I guess I am asking the question -- don't
16 extend all the way down and around and maybe kind of all the
17 areas where you are showing grading. Is there a reason why
18 they don't? Kind of like, so I am looking at, they stop at
19 unit 13, you know, near unit, between units 12 and 13 and then
20 there is a base, you know. Is there a reason why we wouldn't
21 continue them all the way down?

22 MR. NOVAK: The main reason there was, again, we're
23 very limited on space and where that pond is and so forth.
24 And when we had our conversation with some of the residents
25 and the Trustees and so forth, the area that's shown on the
26 plan is what we had agreed to.

27 CHAIRMAN VALENTIC: And is it just landscape you're
28 putting back or is there fencing? You said fencing earlier
29 but it's unclear on the plan.

30 MR. NOVAK: We went back and forth. Originally,

1 before we had any conversation with any of the adjacent
2 residents, especially along Viceroy, it was our thought to
3 actually plant a double row of trees, one row would be on our
4 property, one row would be on the Viceroy people's property.
5 In conversations with some of those residents, they indicated
6 that they would prefer to have a fence down that property line
7 and we would then put trees on our side.

8 MR. GOLLING: Okay.

9 MR. NOVAK: And that's what's depicted on the final
10 plan that we were denied in May.

11 CHAIRMAN VALENTIC: There is a fence included in
12 there then?

13 MR. NOVAK: Yes.

14 MR. GOLLING: On the Viceroy, just on the Viceroy
15 side?

16 MR. NOVAK: And also, I believe, down along the
17 south, along Lazuka.

18 MR. GOLLING: So the property owners would have -- I
19 am just spitballing here -- they would have an option if,
20 like, you could do the double tree brown line thing or they
21 could say trees on your side, fence me up all the way down?

22 MR. NOVAK: And, again, there is some people who
23 expressed they didn't want anything. So, again, I can't, we
24 can't force anybody to --

25 MR. GOLLING: But would you honor that request if
26 someone says, "I don't care, just do whatever," or is there
27 going to be some sort of uniformity that has to happen there?

28 MR. NOVAK: I don't think it has to be uniform. If
29 it was me, I would rather have it uniform. I think it's going
30 to be more pleasing. But, again, what I like doesn't

1 necessarily mean what somebody else likes.

2 MR. GOLLING: True.

3 MR. NOVAK: But we're amenable to work with the
4 residents to try to come up, come to an understanding. And,
5 again, this is the plan that we worked with some of the
6 residents and came up with a plan and discussions with some of
7 the Trustees to make it amenable to both parties.

8 CHAIRMAN VALENTIC: So when was the last time you
9 talked to the residents? I am sorry. I don't --

10 MR. NOVAK: I am going to guess it was probably back
11 in May.

12 CHAIRMAN VALENTIC: Of this year?

13 MR. NOVAK: Yes.

14 CHAIRMAN VALENTIC: Okay.

15 MR. NOVAK: It may have been earlier than that.
16 This has dragged on for a little while.

17 CHAIRMAN VALENTIC: So that would be the reason,
18 like, when I look at the townhomes off of Orchard and this
19 property owner, there is nothing there?

20 MR. NOVAK: No, I thought that, if I remember
21 correctly --

22 MR. GOLLING: What page are you on?

23 CHAIRMAN VALENTIC: Four.

24 MR. GOLLING: Okay.

25 CHAIRMAN VALENTIC: Is there a fence? It's hard to
26 tell if you were calling for a fence there.

27 MR. NOVAK: I believe there was a fence called out
28 along that property line but I am going to -- I don't
29 remember.

30 CHAIRMAN VALENTIC: That's not the final plan.

1 MR. ROWAN: Gotcha.

2 MR. NOVAK: I know it was on, originally, on the
3 preliminary plan, the colored renderings. There was a fence
4 along that south property line.

5 MR. ROWAN: It was an 8 foot tall gray vinyl privacy
6 fence on the preliminary.

7 MR. GOLLING: That was for Chris's property?

8 MR. NOVAK: Yes, I believe so.

9 MR. GOLLING: Okay.

10 CHAIRMAN VALENTIC: Okay. Do you want to continue?

11 MR. NOVAK: I have just a little bit more, again,
12 because I know it should be important, and I believe it is to
13 this board, that, you know, there is certain requirements that
14 I should meet in order to prove my case, if you want to call
15 it.

16 So, again, one of the -- is whether the property in
17 question will yield a reasonable return and whether there can
18 be any beneficial use of the property without the variance.
19 Well, I would have to say yes, you know, the property could be
20 developed without the variance but, however, the number of
21 units increases from 129 to a hundred -- or to 221. That's a
22 171 percent increase. The increase would have a negative
23 impact on the surrounding roads, the infrastructure, the
24 neighbors. The proposed development with the variance is
25 anticipated to increase peak a.m. trips between 7:15 a.m. and
26 8:15 by 93. If you increase, but if you do it with the, you
27 know, the 221, that increase is up to 159 during those peak
28 hours.

29 Whether the variance is substantial, again, I would
30 say no because what we're providing is, it's less units, less

1 traffic. So all of those things are, in my opinion, a
2 positive to Concord because we're, by allowing the buffer to
3 be disturbed in some areas, we're reducing the density,
4 reducing the infrastructure, we're reducing the number of
5 trips that service this property.

6 Whether the essential character of the neighborhood
7 will be substantially altered or whether the adjoining
8 properties will suffer interference with their property future
9 development and all rights as a result of variance, here
10 again, all the property other than this is already developed.
11 Okay? But, however, this plan, in our opinion, is keeping
12 with the character of the neighborhoods today. You drive down
13 Viceroy, it's single-family homes. And if we didn't, if we
14 don't get the variance and we have to go with the townhouses
15 and 221, it's not going to look like the surrounding, the
16 surrounding neighborhoods. It's going to be very different.
17 It's going to be more congested.

18 Whether the variance will adversely affect the
19 delivery of the governmental services, again, I would say no
20 because we're reducing the number of units. That's the key
21 here is that we're reducing the number of units by allowing us
22 to grade and work within that 25 foot buffer.

23 Whether the property owner purchased the property
24 with the knowledge of the zoning restriction, the owner was
25 not aware of the 25 foot buffer. Hygrove Villas was one of
26 the developments by this same, same owner. No one was aware
27 of this requirement. I am not sure Concord was aware of the
28 buffer requirement. We also reviewed previous sites developed
29 within the Quail PUD and none of those sites applied the 25
30 foot buffer, which I think is important.

1 Whether the properties owner's predicament can be
2 alleviated through some method other than the variance, again,
3 I would say no. Since Parcel 30 was created as part of the
4 Quail Hollow PUD in 1986, a lot has changed, the wetland
5 requirements have changed, Concord has added the requirements
6 for riparian setbacks. Within the Girdled Road corridor there
7 has been a lot of growth. This parcel of land has a very odd
8 shape, lots of topography, wetlands and streams. The only
9 solution is not approve to build 221 townhomes.

10 Whether the spirit and intent of the Zoning
11 Resolution will be observed and substantial justice done by
12 granting the variance, I would say yes. The variance would
13 make Ivy Ridge blend into the surrounding communities. The
14 variance would lessen the traffic impact. The buffer
15 requirement was not applied to other sites within Quail
16 Hollow.

17 Whether the property in question has unique or
18 exceptional circumstances or conditions that do not apply to
19 other properties in the vicinity and within the same district,
20 again, this parcel is a very, if you look at that GIS map,
21 it's a very odd shape. There is a lot of topography.

22 And the only thing that I would say in closing, and
23 it's the last page in your -- As Mike can attest, I've been
24 doing this for quite a while and this variance request is
25 very, very unique because, usually, when I go and stand in
26 front of a board like you to ask for a variance, I am asking
27 for higher density, more units, all this other stuff. And I
28 am here before you to ask for, if we get relief for this
29 buffer, we are going to build less units, we're going to have
30 less traffic, we're going to have less impact on the

1 surrounding neighborhoods and I think that's a good thing for
2 Concord. I am not sure 221 townhomes or apartments is a good
3 thing.

4 So, again, I think you have to look and say, What's
5 good for Concord? And I think the original development plan,
6 the preliminary plan that was approved in July of 2021 and was
7 presented to the Trustees in May or June of this year is the
8 best plan for the township of Concord.

9 That's all I have, if you guys have any further
10 questions. I am sure there is a few people that want to
11 speak.

12 CHAIRMAN VALENTIC: Yeah. I think, for the record,
13 I think it would be good if you could just walk us through
14 each plan again just to show us where you're planning on
15 putting landscape, fencing and maintaining buffers so we just
16 all understand. If we decide to approve the variance, you
17 know, it's based on this plan. So I just want the board,
18 everybody up here, it's clear to them.

19 MS. FREEMAN: Do you want to turn anything around or
20 are you okay?

21 MR. NOVAK: No, I am okay.

22 MR. SWEENEY: Mr. Chairman, can we take a two-minute
23 break?

24 MR. GOLLING: Two-minute break.

25 MR. SWEENEY: Or if you want to just continue --

26 CHAIRMAN VALENTIC: Do you want to take a, what, a
27 two-minute break?

28 MR. LUCAS: It's up to the chairman. I won't
29 object.

30 CHAIRMAN VALENTIC: Yeah, we can --

1 MR. GOLLING: I second.

2 CHAIRMAN VALENTIC: -- take a two-minute break.

3 (Whereupon, there was a recess from 8:18 p.m. until
4 8:22 p.m.)

5 CHAIRMAN VALENTIC: All right. Thank you for that
6 little break there, everyone.

7 MR. SWEENEY: Thank you.

8 CHAIRMAN VALENTIC: Got to stretch your legs.

9 So, Mr. Novak, back to you, finish your --

10 MR. NOVAK: Yeah, there were just two things and
11 then what I thought we could do is, I can take this board and
12 we can -- I stole a highlighter. I shouldn't say that on
13 camera -- from in there and I can highlight those areas so
14 that you guys can clearly see those areas that we're proposing
15 to put some landscaping.

16 But I believe you may have received this letter.
17 It's a letter from Quail Hollow Development, Inc., and they're
18 actually from Texas and they're the original declarant or the
19 developer of Quail Hollow. And, in essence, what this letter
20 says -- I won't read it verbatim -- but as part of the process
21 of this being part of Quail Hollow development, any variance
22 or any deviation has to be approved by Quail Hollow
23 Development, Inc., and this letter states that they do support
24 this variance. And, again, they also talk about that it's
25 helpful in keeping with the character of the neighborhood, the
26 neighborhoods within and outside of the Quail Hollow PUD. So
27 I think that's important.

28 The other thing that I think is important, that if
29 this variance is granted and allowing us to do work within
30 that 25 foot buffer, there will be no structures, no houses

1 built within that 25 foot area. It's just, again,
2 landscaping, grading, things like that. So I think that's an
3 important point that everybody should be aware of.

4 CHAIRMAN VALENTIC: What about, can sheds be built
5 in that 25 foot?

6 MR. NOVAK: No.

7 CHAIRMAN VALENTIC: Okay.

8 MR. GOLLING: So because this is a, I don't want to
9 say condominium complex, for lack of a better term, because
10 it's managed by -- There is not going to be anyone building
11 pools, no one building, putting sheds out. What's there is
12 what's there. It's not going to grow.

13 MR. NOVAK: It's got -- Sheds, no, there will be no
14 sheds. But if they could build a small enough house and put a
15 a little itty-bitty bathtub pool in, I suppose you could do
16 that as long as it's within that building envelope.

17 CHAIRMAN VALENTIC: Yeah, it has to be within the
18 envelope.

19 MR. GOLLING: And the, if the plan as it sits now,
20 talking about the single-family things, these are owner
21 occupied; but the townhouses, are those rentals or are they --
22 Can you buy them? I don't know how that works.

23 MR. NOVAK: I can't stand up here and say that the
24 detached homes could not be rented. I don't think that would
25 be the market that we're looking for. I think that they would
26 be, just like Hygrove, again, those are detached condos.
27 Those are all individually owned. Is somebody renting one in
28 there? I don't know.

29 The townhouses, again, most probably, if we go to
30 the 221 units, I can see a majority of those either being

1 considered apartments and/or rentals, which, again, I don't
2 think is the most desirable. The 45 units that we're
3 proposing on our development plan, that, again, some of those,
4 I can't say that some of those would not be rented.

5 MR. GOLLING: So these single-family deals, just
6 spitballing, if you were to sell those, like what would they
7 sell for, each one?

8 MR. NOVAK: In today's market, that's a difficult
9 question to answer. But I know, again, in Hygrove, and these
10 are a little bigger units, there are some that are selling for
11 550, 600 hundred thousand dollars. So I had the same look
12 when I seen some of the sales. Okay? I will tell you that
13 that's what they sell for.

14 MR. GOLLING: Wow, okay.

15 MR. NOVAK: And that was before the pandemic and
16 before the -- I think subplot 50 or 51, which is right where
17 you go from Quail, not in this but over at Hygrove on Hunting
18 Lake Drive where you go between Quail 11 and Quail 10, there
19 is that one house there, it's got a three-car garage on the
20 right-hand side and that one was over \$600,000 that house
21 sold. So --

22 MR. GOLLING: And how many, the single family, how
23 many square feet homes are these? I am assuming they have
24 garages.

25 MR. NOVAK: They do. They all have two-car garages
26 and enough room in the driveway to park two more cars.

27 MR. GOLLING: Okay.

28 MR. NOVAK: I don't remember off the top of my head
29 what the -- Again, they're going to be similar or larger than
30 the ones that are over in Hygrove.

1 MR. GOLLING: And the average size of a lot, like,
2 if I am looking at, just for example, number 5 right here, how
3 like acreage wise --

4 MR. NOVAK: Well, it's, again, there is a building
5 envelope. I want to say the building envelope was somewhere
6 in the neighborhood of 45 or 47 feet wide by 70 feet deep is
7 the building envelope for most of these lots. There are a few
8 that don't comply with that but I am not a hundred percent
9 sure. I don't remember what the building envelopes were.

10 MR. GOLLING: So I guess we're back to explaining
11 each barrier, what, so we all have an understanding what each
12 barrier would be.

13 CHAIRMAN VALENTIC: So I think what I would like for
14 the board to understand is, where do we have a 25 foot buffer,
15 where do we have a reduced natural buffer, and where are we
16 getting landscape or fencing as a buffer? Those are three
17 things.

18 MR. NOVAK: Okay. Well, first of all, on this one,
19 this is where we're coming, I mean, we're encroaching into the
20 25 foot buffer but we're augmenting that with landscaping.

21 MR. GOLLING: So Viceroy and Emmerich.

22 MR. NOVAK: Those two areas there. And on here,
23 there was landscaping that was proposed here, so we were
24 proposing to put some landscaping here.

25 CHAIRMAN VALENTIC: And what about the --

26 MR. NOVAK: And there was proposed to put a fence
27 along this property line.

28 MR. GOLLING: Was that the Lazuka property?

29 MR. NOVAK: Yes, this is the Lazuka property.

30 MR. GOLLING: So that one is that vinyl fence?

1 MR. NOVAK: Yes, that's along this property line.

2 MR. GOLLING: And then the buffer along the Viceroy,
3 was that just the trees or was that fence and trees or it's
4 fence on their side, trees on your side?

5 MR. NOVAK: Again, we've had different discussions
6 with different property owners. I can tell you that some
7 wanted nothing, some wanted fencing, some wanted fencing and
8 landscaping. And we're willing to work with them to come up
9 with something that's amenable but, again, we're going to be
10 in that 25 foot buffer. That's the --

11 MR. GOLLING: I understand.

12 CHAIRMAN VALENTIC: Okay.

13 MR. NOVAK: So the areas where we're interrupting
14 the buffer and not doing anything --

15 CHAIRMAN VALENTIC: Not -- Let's wait for that area
16 last. Show us the area where you're putting, where you're
17 maintaining the 25 foot buffer.

18 MR. NOVAK: Okay.

19 MR. SWEENEY: Wouldn't that be the remaining areas?

20 MR. NOVAK: So we will be maintaining -- Now, just
21 so you understand, because this goes along the golf course,
22 that's out of the picture.

23 CHAIRMAN VALENTIC: Right.

24 MR. NOVAK: So here we are interrupting the buffer.
25 There is nothing there. But we will be maintaining the 25
26 foot buffer from here, so say like behind subplot 6, all the
27 way around. Here we have reduced it to 10 feet.

28 CHAIRMAN VALENTIC: That's a 10 footer, okay.

29 MR. NOVAK: Yes.

30 CHAIRMAN VALENTIC: Okay.

1 MR. NOVAK: And then as you pick back up behind
2 subplot 84, that would remain undisturbed. Again, a lot of
3 that is riparian setbacks, so we couldn't touch it anyways.

4 CHAIRMAN VALENTIC: Right, but along 84, is that a
5 10 foot buffer as well? It's hard to read the plan.

6 MR. SWEENEY: Eighty-four?

7 CHAIRMAN VALENTIC: Lot 84.

8 MR. NOVAK: On the south side of 84 would be 10
9 feet.

10 CHAIRMAN VALENTIC: Okay. And then there is two
11 properties off of Girdled Road where you're bringing this
12 drive in. There is no landscaping shown there. There is,
13 obviously, I would understand with the grading that there
14 isn't going to be anything left there. Has there been
15 discussions with either one of those property owners about
16 putting in fencing or landscape in that area?

17 MR. NOVAK: There was some discussion but I don't
18 know what that discussion was.

19 AUDIENCE MEMBER: No, there wasn't, no.

20 CHAIRMAN VALENTIC: Okay. We're going to hold our
21 conversation. Everyone will have a chance to speak.

22 Okay. So there is nothing shown on that property.

23 MR. NOVAK: Right. That, again, just so everybody
24 understands, Ivy Drive that comes off Girdled, that's only 60
25 feet wide. We have a 24 foot or 22 foot wide road that goes
26 through there. We have water line and so forth that has to
27 come through there.

28 MR. GOLLING: Wait. Ivy Drive -- forgive my
29 ignorance -- that's the new cut-in one.

30 MR. NOVAK: That's this one here.

1 MR. GOLLING: That's the one, okay, all right. So
2 the only, the two entrances are both off Girdled.

3 CHAIRMAN VALENTIC: No.

4 MR. NOVAK: One is here, the other one --

5 CHAIRMAN VALENTIC: Is off Orchard.

6 MR. NOVAK: -- is off of Orchard. And then the
7 cul-de-sac --

8 MR. ROWAN: Orchard is off of Girdled.

9 MR. GOLLING: And Orchard is off of Girdled, okay.

10 CHAIRMAN VALENTIC: Okay.

11 MR. GOLLING: I understand.

12 CHAIRMAN VALENTIC: So then stay on this first plan,
13 Plan 1. Then you're reducing -- You're still providing buffer
14 behind lots 64 through 60, you're maintaining the buffer?

15 MR. NOVAK: Yeah. Well, it is reduced, okay, but we
16 are, the hatched area, we're preserving those trees. So
17 behind, right at the corner of 64, I am going to say there is
18 zero buffer there and then when you get down behind 61, it's
19 probably closer to 20.

20 CHAIRMAN VALENTIC: Yeah.

21 MR. NOVAK: Or a little bit more. And then you have
22 the riparian setback which, of course, we can't touch. And
23 then you get on the other side of subplot 60, again, it's
24 probably around 20 feet wide and then it narrows as it goes.

25 CHAIRMAN VALENTIC: Back towards subplot 59?

26 MR. NOVAK: Yes.

27 CHAIRMAN VALENTIC: Okay.

28 MR. NOVAK: And then the majority of behind 58,
29 there is no buffer.

30 CHAIRMAN VALENTIC: Yeah.

1 MR. NOVAK: No trees. Then we have the riparian
2 setback.

3 CHAIRMAN VALENTIC: With a little buffer.

4 MR. NOVAK: Right. And then we have an area where
5 there is nothing because, again, we're putting -- we have to
6 grade and so forth in there. Behind Mr. Vitaz's house, the
7 area that had been cleared, we're proposing to put some trees
8 in that area. And then as you come around the rest of the
9 property there along 57 through 49 and along the south
10 property line -- Like I said, I do believe that we were
11 proposing to put a fence along Mr. Lazuka's property.

12 CHAIRMAN VALENTIC: What about what's behind 57
13 through 49?

14 MR. NOVAK: 57 through 49.

15 CHAIRMAN VALENTIC: Is there any, is there fence
16 there?

17 MR. NOVAK: I do not believe so.

18 CHAIRMAN VALENTIC: So there is nothing along that
19 property line.

20 MR. NOVAK: I know, at one time, there was talk of
21 putting a fence there but I don't know that it was ever agreed
22 upon to do that.

23 CHAIRMAN VALENTIC: Okay. But there is a fence
24 between 48 and 1 or, yeah -- I am sorry -- 10 and then there
25 is a little bit of a buffer you're going to keep between 14
26 and 12, right? Is that correct?

27 MR. NOVAK: Yes. That area there between those two
28 duplexes, if you want to call them, that area would not be
29 disturbed at all.

30 CHAIRMAN VALENTIC: Okay. I've got a question. If

1 a property owner reaches out to you guys and they say, "Will
2 you add landscaping or will you add fencing?" are you guys, is
3 the developer willing to add that or can you not answer that
4 question?

5 MR. GOLLING: You mean after it's built?

6 CHAIRMAN VALENTIC: No. I am saying after this
7 process. Say this is approved, you know, because whatever we
8 approve tonight is this plan or whatever we negotiate here, if
9 we approve it. I am saying if somebody comes to you after the
10 fact, are you willing to make that a stipulation that, after
11 the fact, if someone says, "Hey, I want some pine trees," or
12 say -- I don't know -- like somebody -- I don't know -- on the
13 other side of like, you know, 13 doesn't have much in the
14 back.

15 MR. NOVAK: Well, I guess what I would suggest,
16 because we have to go back through the Trustees, okay, and
17 they have to approve this plan or some variation of this plan
18 and, at that point, I would think it would be better to make
19 it part of that discussion than this discussion. But, again,
20 I guess --

21 MR. LUCAS: Yeah, I agree with that. That's
22 accurate.

23 CHAIRMAN VALENTIC: Okay.

24 MR. LUCAS: They, assuming that the variance is
25 granted by this board, they have to go back with a
26 modification of the original final development plan to the
27 Trustees, which will then include in the conversation what the
28 what affect would be on adjacent property owners, what the
29 adjacent property owners would, perhaps, suggest to make this
30 more palatable to them, et cetera. So it's really something

1 that's more germane for the, if the variance is granted, for
2 Trustees to be talking about.

3 CHAIRMAN VALENTIC: Okay, fair enough.

4 MR. GOLLING: Doesn't seem like it's unreasonable
5 but, again, it's not our venue.

6 CHAIRMAN VALENTIC: I just wanted to ask the
7 question to make sure we understand.

8 MR. NOVAK: Again, we are trying to be cooperative
9 here. Again, I would defer to Mike. I don't know if -- let's
10 assume that the variance is granted this evening -- whether
11 this board could make recommendations to the Trustees.

12 MR. LUCAS: No, no.

13 MR. NOVAK: Okay, that is no.

14 CHAIRMAN VALENTIC: But we could make, I mean, there
15 could be modifications that we agreed to. That's why I was
16 asking if that would be one but it sounds like there is a
17 better process for that, so I am good.

18 MR. NOVAK: Okay.

19 MR. ROWAN: Can I ask a question?

20 CHAIRMAN VALENTIC: Yeah.

21 MR. ROWAN: All right. So the 25 foot perimeter, if
22 that stays, it limits what you can do. We're here saying is
23 like, because that perimeter, I have to go with higher
24 density. So my question is, is there any wiggle room here to
25 say, okay, if we went to like a 15 foot perimeter instead of
26 25, does that give you enough room to work with the new plan
27 or is it an all or nothing? Like, I guess, if there is
28 somewhere in the middle that we can get to, is that possible?

29 MR. NOVAK: Well, when you say "all or nothing," all
30 to me would be we destroyed the 25 foot buffer around the

1 entire perimeter of the property. Okay? So we have worked
2 very diligently to try to preserve as much of that 25 foot
3 buffer as we can and that's what's shown on this set of plans.
4 Again, I mean, this is, this is the statement that's in the
5 1986 PUD agreement and you can take it for what you want.
6 But, again, like I said, in our opinion, because it uses the
7 word "the development" and "the development" is Quail
8 Hollow --

9 MR. ROWAN: Right. But I think if I had read that,
10 it says in areas where the sites adjoining that are devoid of
11 trees or other similar, acceptable vegetation the developer
12 may elect to put up mounding. So if there is already no
13 vegetation --

14 MR. NOVAK: Right.

15 MR. ROWAN: So if there was vegetation, it sounds
16 like they agreed to say, We're going to leave 25 feet of
17 vegetation. I guess that's where, you know, I am looking. Is
18 there any way to say like we're going to try to leave more
19 vegetation, we can make this work?

20 MR. NOVAK: Again, all I can tell you is that we
21 worked very hard to get to where we are, either the
22 topography, the irregular shape of this property. I mean,
23 there is some streets, again, you have that long entrance off
24 of Girdled, you know, that's added cost to the development.
25 The street that goes up along the Viceroy property there,
26 because it's narrow because you've got the streams in there,
27 you're just very limited as to what you can do and that's why
28 we're here asking for this variance.

29 So I would say, other than the areas that are
30 indicated on the plan, for the most part, I don't think we can

1 deviate from, from those.

2 MR. ROWAN: Also, I mean, I see where in 1986, if
3 they were looking at those two areas, 250 units, which,
4 obviously, with the changes, that's a lot.

5 MR. NOVAK: That is a lot.

6 MR. ROWAN: A lot of multi-family.

7 MR. NOVAK: Right. But, again, Concord didn't have
8 riparian setbacks then. Wetland regulations will be changed
9 tomorrow. It's just --

10 MR. ROWAN: I guess my point is, if we went to 1986
11 and did this in 1986, we would have 250 multi-family units
12 there.

13 MR. NOVAK: You could, yes.

14 MR. ROWAN: So that would have happened then.

15 MR. GOLLING: That's what it's zoned for.

16 MR. ROWAN: Right, right. So that could have
17 happened.

18 MR. NOVAK: Yes, it could have happened back in
19 1986. But I think the way that Concord has developed over the
20 years since 1986, you know, Girdled Road corridor, all of
21 Quail Hollow, I mean, there is not an area that I know of
22 within the Quail Hollow development that has 250 units
23 squished together. Okay? And so, again, I think the plan
24 that we have presented, that we have presented and got denied
25 by the Trustees is in keeping with the character of not only
26 Quail but the surrounding neighborhoods.

27 CHAIRMAN VALENTIC: Any other questions for
28 Mr. Novak from the board?

29 All right. Mr. Novak, if you could leave up, at
30 least, two of the boards that kind of show the development.

1 We have a lot of people here this evening, so I will
2 make sure we get everyone at least a chance to say what they
3 want to say if they plan on speaking this evening. So what I
4 am going to ask is that we will start with, maybe we can just
5 start with this side, kind of just take turns coming up.
6 Remember to state your name for the record, confirm that you
7 were sworn in and your address.

8 If someone has already said something, you know, I
9 just ask that you just kind of say, "I agree with what
10 So-and-So said." But if there is something new to add, we're
11 looking for any kind of new information to help, you know,
12 help us understand the stance on the project. So --

13 MR. LUCAS: Mr. Chairman, I think also when they
14 come up, although the subsequent content of what they say will
15 probably be self-explanatory, but you want to ask them if
16 they're in favor or against and then go forward.

17 CHAIRMAN VALENTIC: Okay. I am assuming, if there
18 is anyone else in favor of this plan, maybe we just let them
19 come up first.

20 MR. LUCAS: Yeah.

21 CHAIRMAN VALENTIC: And not you, Mr. Novak.

22 MRS. WALLACK: Hi.

23 CHAIRMAN VALENTIC: Hi.

24 MRS. WALLACK: My name is a Gina Wallack and I live
25 on 11478 Viceroy Street and I was sworn in.

26 MR. WALLACK: And I'm her better -- no, no. I'm her
27 husband, Rich Wallack, same address, and I was sworn in, too.

28 CHAIRMAN VALENTIC: Okay.

29 MR. GOLLING: So you're behind --

30 MR. WALLACK: So we're on Viceroy.

1 MRS. WALLACK: So if you would look, yeah, please
2 look at the Viceroy side because the first thing I want to say
3 is that I think that this PUD affects different people in
4 different ways. Okay? So I can see where people aren't into
5 it and, hopefully, they can see our issue.

6 So we have lived in our home for a little less than
7 two years and we knew there was going to be a development
8 behind us, so we would never try to fight a development
9 because we knew it was coming. But, initially, we wanted to
10 keep the 25 feet because we had beautiful trees and such.
11 Well, once that preapproval happened and the trees were taken
12 down, we do not have 25 feet of vegetation, so in the
13 wintertime we are seeing straight through. So --

14 MR. WALLACK: Well, and the other part of that is
15 part of -- and I think this belongs to other people -- part of
16 our lawn is in this 25 feet. So they cleared it clearly.

17 MRS. WALLACK: Exactly. So from the pink flag post
18 that's in the woods forward 25 feet is part of our back yard
19 that has grass.

20 MR. WALLACK: At least, that's grass. So to your
21 point about shrinking it down, it's already shrunk down just
22 naturally if you leave it.

23 MRS. WALLACK: So to the point of what one of these
24 papers said is that, if there is 25 feet of density, you would
25 want to leave it. If we had 25 feet, we would want it. We do
26 not. We maybe have 5 feet, which is a row of trees. So when
27 we knew, after the clearing happened, it was a whole nother
28 story for us because we were, like, we're seeing whatever is
29 going on back here very clearly, especially in the winter.
30 Right now, there is leaves on the trees and such so, you know,

1 there is a little bit of shading back there. And the neighbor
2 to the left of us, the same thing.

3 So we had contacted the developer to say, "We don't
4 want you putting every other tree in our back yard. We would
5 like a fence." And he said, "If you allow me your 25 feet, I
6 will happily give you a fence." So that was how that
7 happened. We were just like, let's just see what he has to
8 say because why should some of the trees be on their property
9 and some of them be on ours, was our thought? Our house and
10 our neighbor to the left of us, the Crocks, are literally the
11 most affected by the development on Viceroy. We will each
12 have three of those peoples in our back yard. Our back yard
13 is .61. So that tells you that each of those homes is going
14 to be .20. You were asking about the size.

15 CHAIRMAN VALENTIC: Roughly, yeah.

16 MRS. WALLACK: Roughly, I am just saying, yeah. So
17 that's just where my husband and I are coming from. We would
18 happily see the ranches back there and have a fence and maybe
19 only have to see their roofs. But if the 25 feet maintains,
20 we don't have 25 feet. So we are going to see those huge
21 multi-family structures in our back yard and no fence is going
22 to be able to camouflage that. They'll be two stories high
23 and just not appealing and we feel it would be decreasing our
24 property value. At least, a home behind us is going to be
25 equivalent to what we paid for our home.

26 MR. GOLLING: Right.

27 MRS. WALLACK: But those will not be. So --

28 MR. WALLACK: The only other thing to add, the
29 developer is very open to discussion. We have a signed
30 contract, actually, and our neighbor, about the fence. So if

1 the 25 feet is cleared, we have a contract that says we get a
2 fence. So --

3 MRS. WALLACK: And we really feel, because he had
4 asked us, he said, "If any of your other neighbors want a
5 fence, I will do that." But we haven't been there long enough
6 to even know the other neighbors to know, you know. I mean, I
7 wasn't going to start walking up and down the street. It's
8 not my, you know, that's not my job. But, so that's just
9 where we're coming from.

10 I can understand some of the other things with a
11 road going through somebody's home and I wouldn't like that
12 either, so I understand some of that stuff. But I think, if
13 you ask, you might be surprised at what could be done to make
14 it, to make it look better.

15 CHAIRMAN VALENTIC: Yeah. Thank you. No, every
16 condition around yours is a little unique.

17 MRS. WALLACK: Yeah, so that was just the point.
18 Everybody's feeling on this is different depending on what
19 they're going to have to look at. Right now, it's not
20 attractive. There is just downed trees all and I know that
21 that won't stay there. But for us, we can pretty much see
22 right through it, and I know in the winter there will be no
23 greenery. So you know, again, just for us on Viceroy Street,
24 there isn't 25 feet of a buffer.

25 CHAIRMAN VALENTIC: Okay, thank you. Hold on really
26 quick.

27 Is there any other questions from the board for
28 them?

29 MR. GOLLING: No.

30 MR. WALLACK: So we're in favor, by the way.

1 MRS. WALLACK: Yes. Thank you for listening to us.

2 CHAIRMAN VALENTIC: Thank you.

3 Is there anyone else that's in favor of the variance
4 that would like to come up?

5 AUDIENCE MEMBER: I have a question.

6 CHAIRMAN VALENTIC: Hold on. We've got to take you
7 up.

8 So is anyone else in favor?

9 (No response.)

10 Okay. So if we want to just take turns coming up,
11 we will start over on this side and we'll work our way around.
12 So whoever wants to come up first.

13 MR. VITAZ: Should I go first? Always somebody
14 that's got to be first.

15 CHAIRMAN VALENTIC: Do you have a packet for Heather
16 as well?

17 MR. VITAZ: Sure.

18 CHAIRMAN VALENTIC: Thank you.

19 MR. GOLLING: This is you, Dave?

20 MR. VITAZ: Yes.

21 MS. FREEMAN: Do you have one for yourself?

22 MR. VITAZ: I'm sorry?

23 MS. FREEMAN: You good? Do you have one for you?

24 MR. VITAZ: I don't need one.

25 I guess I will give you a few -- Oh, it's on. I
26 will give you a few minutes to look at that, if you wish. My
27 name is David Vitaz. I live at 8075 North Orchard Road and I
28 have been sworn in.

29 I am providing you all with a letter that I drafted
30 to express my opinion of this matter. In the letter, it

1 points out some of the history of the property dating back to
2 1986, which has been presented earlier, too. When the
3 first -- This was the first PUD for Concord Township, I
4 believe it was.

5 MR. LUCAS: That's correct. The PUD itself was just
6 an initial --

7 MR. VITAZ: A brand new thing in the world,
8 actually.

9 MR. LUCAS: Yes, that's right.

10 MR. VITAZ: And when they, when the trustees agreed
11 to it, they put many restrictions, conditions onto it in order
12 to agree for the passage. Okay? The trustees had many
13 meetings -- I have looked through the records -- many meetings
14 and discussions about the change in the zoning to establish
15 the PUD. They finally agreed on a development. And, again,
16 if I recollect, it said three units per acre. There were 500
17 acres, so it was like 15, 16 hundred units. There was an open
18 space percentage. And there was one that said they wanted to
19 preserve the natural beauty of the forest which it was being
20 created to. Again, there were various restrictions onto the
21 property, and the one restriction we're all talking about
22 tonight is the 25 foot buffer which protected -- and, again, I
23 don't know how you can exclude Quail when it said, I think the
24 agreement also said the adjacent property owners. And Quail
25 Hollow would have to be the adjacent property owner, along
26 with me, because I don't think Quail Hollow Development,
27 Victor, owns Quail Hollow, the golf course.

28 So, anyway, just to explain, I purchased my property
29 in 1999, 25 years ago. Designed to build my house according
30 to the zoning at the time. I have over two acres of land. I

1 spent considerable time trying to place my house onto the
2 property. And after I finally made the decision where to put
3 it, the township had new regulations on septic system, so they
4 made me, forced me to kind of put it back, further back. And,
5 again, I put my septic system, it was a mounded system then at
6 that time, so I put the mounded system in front, in the woods
7 to hide it rather than in the back of the property.

8 I was also the first to build on that street, North
9 Orchard. I paid personally to have the water lines put in,
10 along with the fire hydrants which were brought down the
11 street. Also, I arranged to have the gas, the electric, the
12 phone, the cable put in the street, again, being the first one
13 that needed them all.

14 I was aware that the property next to me could be
15 developed and behind me could also be developed. But due to
16 the restrictions on my rear, on the rear property, I was told
17 that limited development could go on there and that nothing
18 could be built behind my house because of the restrictions
19 that were put on the property. Okay? Now, after 36 years,
20 the developer now wants to come in and change that ruling,
21 eliminate the 25 foot setback which, again, would allow him to
22 build something behind my house.

23 Again, the 25 foot buffer, the trustees fought for
24 it and got it and wanted to protect the surrounding property
25 owners, which is me and a few other people here in the room.
26 The developer says that changes in the law and conditions
27 affected his development. He didn't really say what the
28 changes in the laws and the conditions were that forced him to
29 ask for this variance.

30 As we all know, maybe we all know, the Supreme Court

1 made the criteria to consider the *Duncan versus Middlefield*
2 variances criteria. And, again, there are seven different
3 criteria and I think you are all familiar with them. Some of
4 them were -- Mr. Novak mentioned some of them.

5 Again, the property in question, number one, was the
6 property in question, whether it would be beneficial to the
7 property without the, without the variance. And, basically,
8 there is no reason to believe the developer will not
9 reasonably get a return on his investment the way it is right
10 now with the 25 feet.

11 Whether the variance is substantial, well, yes, it
12 is substantial when you consider, again, the perimeter of the
13 property, which would be, again, including Quail's property,
14 would be 9,000 linear feet. My property is 840 feet. So my
15 840 is 21,000 square feet. The Quail, including the Quail
16 property, is 225,000 square feet, which is about five acres.
17 That's a considerable variance to grant somebody.

18 Then whether the character will substantially alter
19 the properties, again, if you remove the buffer, you're
20 causing the neighborhood to change, as well as the adjoining
21 properties. Trees and natural ground cover offer barriers,
22 privacy and natural beauty. They attract people to the
23 community. The value, the value of all the adjoining
24 properties and the township will have a negative effect.

25 Will the variance adversely affect the delivery of
26 government services? Most likely, in my situation,
27 especially, I showed a picture of the flow of the water which
28 goes along my property and, again, there is a creek there, a
29 waterway there that meanders through it and it does go over
30 into the 25 feet, then it comes to my property, then it goes

1 to his property. So it does and it would have an effect if he
2 eliminates that 25 feet of the variance. The water won't
3 flow. It will be backed up. And I don't, I'm not really
4 aware that the developer engineered anything to do, to look at
5 that, take that into consideration. My property would then
6 maybe flood.

7 Then another one is whether the owner, whether the
8 property owner had knowledge of the zoning restrictions. I
9 believe the developer did because, again, who would purchase
10 500 acres and not be aware of any restrictions, the deed
11 restrictions, the PUD restrictions and everything else? And
12 he's built there for 36 years. So to say that he didn't have
13 knowledge would be, to me, would be kind of a false statement.

14 Whether or not the variance, if there is a way of
15 eliminating the variance, I guess, I would say the developer
16 created his own so-called predicament. He did not -- He
17 created his own predicament and he should, should agree to
18 what was originally part of the development in the PUD and not
19 ask for a change now.

20 The last one was whether the spirit and the intent
21 behind the zoning required would substantially affect the
22 property. And I don't think the -- I would not agree that the
23 variance would have any effect on his property. Again, he
24 would only reap additional financial benefit, economic
25 benefit.

26 Basically, looking at it, the developer has not met
27 the criteria for and to support his request for the variance.
28 Moreover, if granted, the variance would have, as noted, a
29 material negative effect not just on my property but on all
30 the adjoining properties around it. The developer, the

1 developer's request for a variance should be denied, as far as
2 I feel.

3 And, again, if you have any questions, again, you
4 can see some of the water flow. Again, on one of his
5 proposals, he showed this big open area in my back yard. And
6 one of the pictures I show where the trees, there is a void
7 back there but it's nowhere, it's nowhere six trees wide. I
8 think it's maybe, maybe 50 feet or something.

9 MR. GOLLING: So when you say behind your house,
10 behind, does that mean north?

11 MR. VITAZ: Yes. Again, if you see me on there,
12 yeah.

13 MR. GOLLING: Yeah, I saw that. So behind, I mean,
14 he is not building anything behind your house, just a street?
15 There's no houses behind there?

16 MR. VITAZ: I think number 65 or something like
17 that.

18 MR. GOLLING: Sixty -- I might be looking at the
19 wrong map. I am at page 4.

20 MR. ROWAN: Yeah. It looks like 58, 59.

21 MR. GOLLING: Come on up here, if you don't mind,
22 Dave. Is it -- This is your house, right, this one right
23 here?

24 MR. VITAZ: Yes, yeah, this is my property to the
25 north.

26 MR. GOLLING: Okay. So you are this right here?

27 MR. VITAZ: Yeah, I am 500 and 300 feet, 800.

28 MR. GOLLING: Okay, so, yeah. So here, but you're
29 referring to all these ones right here?

30 MR. VITAZ: No, I am referring to these.

1 MR. GOLLING: Gotcha, okay.

2 MR. VITAZ: These three back here. Again, by
3 granting the variance, again, I mean, I don't -- Other than
4 these points that I made, again, he's approached me in wanting
5 to put a fence up and wanting to put trees up in the back and
6 that, mounded and that. But, again, when he proposed, he
7 proposed a fence and said, "Well, yeah, but I'd have to clear
8 5 feet, not only the 25 feet but 5 feet onto my property in
9 order to put a fence up. So I said that doesn't make any
10 sense, you know.

11 In the back, he said he would put these trees up,
12 the mounded trees, and I said, well, okay. He said, well,
13 he'll put like a 20 foot mound and then put trees on top of it
14 but he would have to come onto my property in order to put the
15 mound because he didn't have enough -- he couldn't put the
16 mound over the utilities that had to run along the road. So,
17 again, he was taking more of my property. So he kept on
18 suggesting things and offering things but then just pulled
19 back on them.

20 So I am in the situation where I -- And I told him
21 all along, you can build whatever you want back there, you
22 know, whatever is legal, whatever is there, I said, but you
23 just have to abide by the restrictions and everything, the
24 codes and restrictions. So --

25 MR. GOLLING: Well, I will ask you. What do -- If
26 given a choice, all right, so given a choice -- You heard me
27 talk through my process on this because I'm trying to
28 understand this just like y'all. Choice A, single family --
29 like you said, he can build whatever he wants because he
30 can -- or Choice B is the ten pounds of dirt in a five-pound

1 bag adage where you put the -- what do you call them -- the
2 three-story multi-family apartments, townhouses? I don't know
3 what they are.

4 MR. VITAZ: Believe me, I firmly believe that all he
5 did is come up with a scare tactic to impress you all, to
6 impress, to force upon you to make a decision for his benefit.
7 Okay? There is no economic benefit that he would have to put
8 225 or 250 townhouses back there. I mean, it just, it makes
9 no economic sense for him. He would, again, he would blend it
10 somehow. I am not saying he won't do it, right? He could do
11 it.

12 MR. GOLLING: Right. Yeah, I don't know about that.
13 I don't know how the money thing works but, like you, it is
14 like, I don't know if I am willing to --

15 MR. VITAZ: Well, if he can sell a house for 600,000
16 or these, again, these condos, three-story condos, whatever
17 they might be, or might even have to rent them because he
18 can't, you know, it only makes common sense that he would
19 build, build a house. So there is a scare tactic out there
20 that he is saying that, again, that he could do 250. You
21 know, maybe. And, again, if he is allowed to do it, I am fine
22 with it. I don't care, you know. But I am not going to have
23 a fence next to my property or along my property because he
24 would, he would clear right up to my property line and 5 feet
25 onto my property in order to put his, his fence.

26 MR. GOLLING: So no fence for you?

27 MR. VITAZ: No.

28 MR. GOLLING: Okay.

29 MR. VITAZ: It doesn't make any sense. And, again,
30 once this gets established, if I need to landscape along

1 certain areas and if I need to put a fence up someplace, I
2 have no -- I will put my fence up. I mean, I don't need him
3 to put a 500 foot fence along the property because 300 feet of
4 it is just my driveway. So --

5 MR. GOLLING: I see.

6 MR. VITAZ: So, yeah, that's -- And, again, when you
7 read the letter from Quail Hollow, I guess it's a little bit,
8 I don't quite, I didn't quite understand the essence of it,
9 that they were, if nothing gets -- They agreed that, if
10 anything gets changed, they're in favor of it? But it appears
11 that, you know, he is not requesting a variance. He is
12 requesting that you eliminate 25 feet. Now, he's come and
13 said that some people he'll negotiate with, put a fence up
14 here or something there.

15 CHAIRMAN VALENTIC: Well, yeah, I mean, per the plan
16 we have -- that's why we asked him to walk us through that --
17 he's committed to providing the 25 foot buffer in some areas,
18 he's committed to providing a 10 foot buffer in some areas,
19 and he's committed to putting some landscape.

20 MR. VITAZ: Again, he showed that plan and I didn't
21 agree to it. I didn't agree to mounds and trees --

22 CHAIRMAN VALENTIC: Yeah, I understand.

23 MR. VITAZ: -- and infringing on my property and
24 everything else. Basically, I wrote him and told him to stay
25 off of my property.

26 CHAIRMAN VALENTIC: Yeah.

27 MR. VITAZ: Do whatever you're legally allowed to
28 do. So then, again, he came in at the last minute and cut
29 down all the trees. And I don't know if you travel down that
30 area at all but it's not a very pretty sight. It's been that

1 way since March.

2 CHAIRMAN VALENTIC: Yeah, yeah, I saw. I drove up
3 Orchard and saw.

4 MR. VITAZ: Yeah. He hasn't done anything to
5 improve it, help us out.

6 CHAIRMAN VALENTIC: Well, he can't --

7 MR. VITAZ: And I worry about mosquitos and all the
8 other stuff now.

9 CHAIRMAN VALENTIC: Okay. Any other questions?

10 MR. ROWAN: No questions.

11 CHAIRMAN VALENTIC: Okay. Thank you, sir.

12 MR. VITAZ: Okay, thanks.

13 CHAIRMAN VALENTIC: Who is next?

14 MR. LAZUKA: I do have a letter. Can I just hand
15 them out to you to give to them or should I just --

16 MS. FREEMAN: I can.

17 MR. LAZUKA: Okay, thanks.

18 Chris Lazuka, 8130 North Orchard. I have been
19 sworn.

20 I agree with all of what Dave just said. I am going
21 to try my best not to repeat, as much as I can. But I did
22 want to, knowing that these Duncan Factors -- thank you --
23 these seven questions are to be the criterion with which you
24 make a variance decision, I wanted to, of course, just focus
25 on that, just to kind of laser sight on that because I thought
26 some of his, Mr. Novak's, answers to that were pretty
27 creative. I think that -- Well, I'll just go right in.

28 *Will the property yield a reasonable return or can*
29 *there be a beneficial use of the property without the*
30 *variance?* Well, yes. He's already submitted plans that honor

1 the setbacks. It's possible. It's zoned. You know, I share
2 the attitude that I don't want my property looking like a
3 military base with a fence around it. I think that initial
4 discussion that Mr. Victor came to us on was before we were
5 aware of the setback and, once we got educated, the
6 conversation stopped.

7 I've got trees all around the property. I want as
8 many trees as possible. This 25 feet along my property, which
9 covers 900 feet one way, and then I am a trustee for my
10 mother's property which covers going northbound another, I
11 think, it's a total of 1,100, over 1,100 linear feet of
12 affected area, which have hundreds of good size trees on them,
13 I want that. Push whatever -- To call, to compare Hygrove to
14 Viceroy is such a stretch. I mean, you guys know what Hygrove
15 looks like. Houses are this far apart. Viceroy is so
16 different from that. Whatever plan they go with, there is
17 such a stark contrast to the surrounding communities or
18 developments.

19 I am on five acres. They're on at least an acre.
20 Dave's on two. Just look at the drawings themselves. It
21 speaks for itself. Look at this. Look at the density, even
22 on the lower density option. To me, it's all, it's all
23 unattractive, right, but it is what it is. And just like
24 Dave, I knew it was going to be developed but I prefer to have
25 the trees.

26 *Is the variance substantial?* It's enormous.
27 Twenty-one adjoining property owners are impacted by this. I
28 went on the Auditor's site and calculated 9,700 linear feet of
29 border, five and a half acres of impacted area.

30 *Will the essential character of the neighborhood be*

1 substantially altered? I think I just spoke to that. But I
2 did I want to comment on the claim that having fewer homes, to
3 me, is irrelevant. Two twenty, one sixty, one eighty, the
4 noise is the same. The traffic is going to be terrible. It's
5 all funneling out these two tiny streets. I don't know how on
6 earth this was even planned in the first place, but here we
7 are. So the noise, if this variances is granted, the noise is
8 just going to be 25 feet closer. The traffic is just going to
9 be 25 feet closer. To me, it's, you split hairs between 180,
10 160 and 220. To me, it's going to be all the same.

11 *Will the variance adversely affect the delivery of*
12 *government services? Are you guys aware of any, have any*
13 *governments services weighed in on this, fire, I mean, with --*

14 MR. LUCAS: Yeah, they did.

15 MR. LAZUKA: Okay.

16 MR. LUCAS: Back when the preliminary plan was
17 discussed. I'm not sure how much of an update.

18 MR. LAZUKA: And no issues?

19 MR. LUCAS: Yeah.

20 MR. LAZUKA: Okay. I will defer to the township on
21 that.

22 *Did the property owner purchase the property with*
23 *knowledge of the zoning restrictions? Of course, he did. Of*
24 *course, he's aware of it. He's already built in the PUD. And*
25 *the fact that he has gotten away with not honoring these*
26 *setbacks in the past, I hope, is not going to be used as a*
27 *precedent to allow this. You know, I don't think he's faced,*
28 *you know, abutting property communities like this property is.*
29 *It's kind of unique, I think, maybe within the whole*
30 *development of the PUD.*

1 Can the problem be resolved by some manner other
2 than granting of the variance? Well, yes, he's already
3 demonstrated that. There is an option that honors the
4 setback.

5 Will it preserve the spirit and intent of the Zoning
6 Resolution and will it substantial justice be done by granting
7 the variance? So reviewing the PUD language, the spirit and
8 intent is very clear, you know. There was to be a natural
9 forest border in support of the natural character. That, to
10 me, is very clearly defined. Removing the setback just
11 completely contradicts that spirit and intent of the PUD
12 language.

13 And then, finally, I think it's just very, very
14 noteworthy that the developer presented the same logic to the
15 Trustees on May 4th, and I am talking the logic defending or
16 this notion that this setback is to be -- is at the
17 developer's or the development's discretion. That was
18 completely rejected unanimously on May 4th. If you watch the
19 YouTube video, it's at an hour and 16 minutes. There was a
20 lengthy discussion on it. Unanimously rejected. Please deny
21 this request.

22 CHAIRMAN VALENTIC: Thank you. Hold on. Can you
23 please stay up there just for a second?

24 Do you have any questions from the board?

25 MR. ROWAN: No questions.

26 CHAIRMAN VALENTIC: No, okay.

27 Thank you. Please be seated.

28 MR. JACES: My name is Jeff Jaces, I live at
29 11474 Viceroy Street. I've been there for about 13, 14 years.

30 CHAIRMAN VALENTIC: And you've been sworn in, sir?

1 MR. JACES: Yes, I've been sworn in.

2 CHAIRMAN VALENTIC: Thank you.

3 MR. JACES: Mr. Vitaz and Mr. Lazuka are in lockstep
4 with my feelings about this development and issues that have
5 been created by it and the amount of question marks there are.
6 And so, basically, all I am going to say is I am voting no.
7 And the reason being is, basically, what we just heard. And I
8 see no more, no reason to expound on that because it would
9 just be adding more validity to what they're doing, which is
10 what I agree with. So with that, I say no. Any questions for
11 me?

12 CHAIRMAN VALENTIC: No, thank you.

13 MR. JACES: Okay, thank you.

14 MR. EMMERICH: My name is Chad Emmerich. I am at
15 8095 North Orchard Road. I've already been sworn in.

16 I agree with Mr. Lazuka, actually, all the speakers
17 so far, Mr. Lazuka, Dave and the last speaker as well. I
18 would beg that you deny the request as well.

19 The developer said he's worked very diligently to
20 maintain the buffer. But it brings me back to a snowy
21 Saturday, March 26th day when logging trucks were in the back
22 yard logging trees without even flags or surveys marked. The
23 property lines were not even marked and they were cutting
24 trees down. There were trees everywhere before the loggers.
25 The developer has decided to move it to 10 foot or zero foot
26 in some of these areas.

27 I have seven to eight behind my property. On the
28 map, it's 65 or 66 to 72. I am clearly affected by one of the
29 areas where he's trying to avoid the buffer and plant trees or
30 a mound instead. The discussions have been minimal. There

1 were some initial discussions originally but they tapered off,
2 you know, probably five months or so ago. There is some
3 reduced natural buffer in the area as well. So even though it
4 might be 25 feet, it's very reduced by thin vegetation.

5 Some have mentioned there are several creeks and
6 water passageways going behind our property. I have no idea
7 how they're going to be controlled to allow the water to flow.
8 Hopefully, that's going to be addressed as well.

9 But, again, I think, as many have mentioned, I think
10 several of these issues have been brought up based on the way
11 that has been handled from the beginning, and I would beg you
12 to deny the request as well.

13 CHAIRMAN VALENTIC: Thank you.

14 Good?

15 Thank you. You can be seated.

16 Anyone else want to come up from that side?

17 MRS. SIRCA: My name is Mary Jo Sirca. I live at
18 11419 Girdled Road, right next to the road going into the
19 development, and I have been sworn in.

20 CHAIRMAN VALENTIC: Thank you.

21 MRS. SIRCA: And I am apologizing for jumping and
22 being excited.

23 MR. LUCAS: No, you don't have to apologize.

24 CHAIRMAN VALENTIC: No, you don't need to apologize.

25 MR. LUCAS: I just want to set a proper tone.

26 MRS. SIRCA: I just had one question, well, a couple
27 questions. First off, already, the 25 feet is gone behind
28 ours. Luckily, we have about 80 foot of woods that belong to
29 us, okay, but they cut right up to our property line. So it's
30 like they didn't even care about the variance whatso -- or

1 the, you know, 25 foot allowance anyhow. It's already gone.
2 They already cut all the trees down.

3 Secondly, I can't understand why he needs to put, if
4 he doesn't get his way, then he's going to put more houses in?
5 Why can't he make profits enough? It's the same amount of
6 profit keeping with this original plan. That's what I don't
7 understand. The original plan has got the buffer in there and
8 plenty of houses so he can benefit financially.

9 And how do we know that, if he, we approve the
10 variance or you approve the variance, that he's not going to
11 go ahead and put more stuff in anyhow? He's going to present
12 another plan with townhouses and more houses, maybe 150, 160.
13 How do we know he's not going to push for more than the, if we
14 keep, you know, if we allow the variance and he says he's only
15 going to do the 125 or whatever? That's one thing that I
16 don't understand.

17 So, and we're right next to the road going in. What
18 kind of buffer are we going to get? Are we going to see all
19 the traffic coming in? He hasn't reached out and talked to us
20 at all. He sat behind me at the May meeting and said, "Oh,
21 I'll work with you. I'll work with you," but that's as far as
22 it got.

23 And another thing is, what about, is there going to
24 be a traffic light right at -- or, what, because Timber Lane
25 is coming in. The Ivy Ridge or whatever they're going to call
26 that street is coming out. We've got Girdled Road. We got
27 the two dips by the, between us and the Viceroy area or the --

28 AUDIENCE MEMBER: Nature Preserve.

29 MRS. SIRCA: Thank you. Nature Preserve. And then
30 we also have a dip coming from the other side that you cannot

1 see traffic. That's my concern. There is going to be
2 accidents like you won't believe because they fly down Girdled
3 Road now anyhow. It's 45 but nobody does just 45. That's my
4 main concerns. So --

5 CHAIRMAN VALENTIC: Just to answer your question on
6 the traffic, I mean, we're not here to review the traffic
7 study or any --

8 MRS. SIRCA: They didn't have a proper one
9 submitted.

10 CHAIRMAN VALENTIC: So I don't know. Heather, is
11 that, that goes to the county for review? If there is any
12 kind of, you know, stop sign or traffic light put in, right,
13 that would go to county for review?

14 MS. FREEMAN: Yes, Ivan.

15 CHAIRMAN VALENTIC: If it goes forward.

16 MS. FREEMAN: Yes, a traffic study was submitted to
17 the County Engineers that was under review at the, earlier
18 this year.

19 MRS. SIRCA: The May meeting, it was, that's one of
20 the reasons the Trustees denied was because they didn't have a
21 proper traffic study.

22 CHAIRMAN VALENTIC: Yeah. I just want to let you
23 know that it sounds like one as submitted and it's under
24 review, so you know.

25 I mean, maybe this is a question for you, Mike,
26 Mr. Lucas. If, in this plan, he says he's going to provide a
27 10 foot buffer of natural vegetation and they end up, say they
28 end up clearing more, they end up clearing that area or they
29 say they're going to keep 25 feet as part of clearing this
30 area --

1 MRS. SIRCA: It's already gone.

2 CHAIRMAN VALENTIC: You know, how does that, how do
3 we handle that situation moving forward?

4 MR. LUCAS: Well, the variance request that is
5 established by what was presented in the development plan,
6 number one; and, secondly, by the additional supplemental
7 information regarding the yellow highlight, right?

8 CHAIRMAN VALENTIC: Right.

9 MR. LUCAS: So if there is an encroachment beyond
10 what's submitted on the development plan within the 25 foot,
11 if he goes deeper into the 25 foot, they're in violation of
12 what was granted by the variance and the Township could go to
13 court and get a temporary restraining order, followed by a
14 preliminary and permanent injunction because they're in
15 violation of the buffer beyond what was granted by this board.

16 CHAIRMAN VALENTIC: Okay. And then her question
17 about the 121 units in this plan versus the 200, whatever plan
18 or what we approve or don't approve tonight, is there anything
19 we can do to restrict adding units to this plan or is it this
20 is the plan? So if we approve, say we do approve this plan as
21 is, that just says, you know, they've got to stay within the
22 amount of units shown on the plan?

23 MR. LUCAS: The development plan itself is the
24 footprint, if you will, for what is being encroached upon
25 within the 25 foot buffer requirement.

26 CHAIRMAN VALENTIC: Okay.

27 MR. LUCAS: Any development plan modifications
28 within the envelope, exclusive of the 25 foot buffer which you
29 would be establishing by the grant of the variance, would be
30 part of the Trustees' final development plan review.

1 CHAIRMAN VALENTIC: Okay. So we don't have anything
2 to do with that.

3 So anything outside of the 25, anything outside of
4 the buffer areas, we can't control at this point. So when
5 that goes over to the Trustees, they will work that out.

6 MRS. SIRCA: But we don't know what's going to
7 happen with -- They've already cut, gotten rid of the 25 feet
8 behind our property line. We don't know what happens there,
9 right? And I am sure there is other people that they've done
10 the same thing to.

11 MR. GOLLING: Yeah, so that was two things. One, I
12 understand hers. Like, what if we say it's cool as long as
13 they stick to this plan but they can't okey-doke us and change
14 it after, right? So that's --

15 CHAIRMAN VALENTIC: On the buffers, yes.

16 MR. GOLLING: On the buffers. So with the --

17 CHAIRMAN VALENTIC: Correct.

18 MR. GOLLING: That's between them and the Trustees.

19 Yeah, it's kind of an uncool move that trees are
20 like cut down. I don't know if the loggers did something or
21 if it was like, "Go ahead and do it, see what happens," or I
22 don't know but the trees, you said, your trees are gone.

23 MRS. SIRCA: No. Our trees, what's on our lot is
24 there but they cut right up to our back property line.

25 CHAIRMAN VALENTIC: Okay.

26 MRS. SIRCA: They cut right up. So there is no, as
27 far as I know, there is no buffer there whatsoever now. They
28 cut right up to our property, so they've already infringed on
29 it.

30 CHAIRMAN VALENTIC: Okay.

1 MRS. SIRCA: So, you know --

2 CHAIRMAN VALENTIC: Yeah, it depends what happens
3 this evening. I think that's a separate, right, Heather, that
4 would be a separate zoning issue if --

5 MS. FREEMAN: Well, I think that I would probably
6 allow Mr. Novak to come up and --

7 CHAIRMAN VALENTIC: Yeah, I was going to do that as
8 well.

9 MS. FREEMAN: Yeah, to see if trees were cut.

10 CHAIRMAN VALENTIC: Yeah, okay. Any other questions
11 from the board? No.

12 Please be seated.

13 Mr. Novak, can you come up real quick and answer
14 that question or comment in regards to potentially additional
15 clearing past the, you know, right up to the property line
16 already.

17 MR. NOVAK: When the tree clearing started, we
18 marked the property. We marked a line in the field that was,
19 that would protect the 25 foot buffer area around the property
20 and also around the riparian setbacks and wetlands. Okay? So
21 we didn't violate the buffer as of yet until we get an
22 approval either from the BZA and/or the Township Trustees.

23 CHAIRMAN VALENTIC: So, for the record so it's
24 clear, the stakes that are out there now, those aren't
25 necessarily the property corners.

26 MR. NOVAK: Correct.

27 CHAIRMAN VALENTIC: Those are the, those are the
28 easement clearing limits.

29 MR. NOVAK: Right.

30 CHAIRMAN VALENTIC: Or the clearing limits.

1 MR. NOVAK: They are 25 feet away from the property
2 line other than in the areas where the riparian setbacks are
3 because we marked around those areas because, again, we were
4 not allowed to clear those regardless of the buffer.

5 CHAIRMAN VALENTIC: So the property corners, the
6 property limits are not marked out there?

7 MR. NOVAK: I am not going to say they're not marked
8 but the, we did not clear closer than 25 feet to our perimeter
9 boundary.

10 CHAIRMAN VALENTIC: Okay, okay.

11 MR. SIRCA: I swear --

12 CHAIRMAN VALENTIC: Yeah, please come up to --

13 MR. SIRCA: -- to tell the whole truth and nothing
14 but the truth.

15 CHAIRMAN VALENTIC: Have you been sworn in?

16 MR. SIRCA: No. That's why I did it.

17 CHAIRMAN VALENTIC: Okay, hold on a second. Let me,
18 I've got to read it and you've got to do your thing. Please
19 raise your right hand.

20 (Whereupon, Mr. Sirca was sworn in.)

21 CHAIRMAN VALENTIC: Thank you.

22 MR. SIRCA: My name is Conrad Sirca, 11419 Girdled
23 Road.

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

25 MR. SIRCA: I've been sworn.

26 CHAIRMAN VALENTIC: All right.

27 MR. SIRCA: We are -- Let's see, get this right. We
28 are right here, that.

29 MR. LUCAS: Just for the record, Mr. Sirca, just for
30 the record, when you say "right here," can you identify what

1 "right here" is on that?

2 MR. SIRCA: At 11419 Girdled Road, right next to Ivy
3 Ridge Drive.

4 MR. LUCAS: Thank you.

5 MR. SIRCA: Okay. So the road here, this is
6 Girdled, you know. Cars are going to be coming in here. Cars
7 are going to be coming in here. This also goes for my
8 neighbor. Okay? So I don't know how you feel about it but,
9 if you lived here and cars came in at nighttime, every time
10 they pulled in their lights will go right through your house.
11 This is my biggest thing.

12 The fact that they cut right up on the line -- and
13 they did because it is marked back there. Okay? They did cut
14 back there. It's where -- I wasn't pointing at the right
15 thing, was it? Yeah, number 1, number 1 and 84 is next door.
16 But, yeah, these trees are all down right along the property
17 lines that they set. Okay? The pink flags are back there.
18 But this is the thing I am most worried about is the cars
19 pulling in from, coming from the west. Coming from the east
20 my neighbor would get it, you know, the lights going into
21 your, into your home all night long. So that's my biggest
22 thing.

23 And, again, the May 4th meeting was adjourned and
24 they were denied because of the traffic study and that's where
25 we, that's where we ended that night was the traffic study.

26 So that's all I've got to say but, you know, to me,
27 that's a big thing. This is a crazy, you know. These roads
28 are going to be like 50 feet apart.

29 CHAIRMAN VALENTIC: Yeah, yeah, I don't disagree
30 with you.

1 MR. SIRCA: So I don't know what can be done here.
2 You know, obviously, you're going to have a stop sign here.

3 CHAIRMAN VALENTIC: Yeah.

4 MR. SIRCA: But, you know, are you eventually going
5 to have a stoplight there or what?

6 CHAIRMAN VALENTIC: That's up --

7 MR. SWEENEY: That's not why we're here.

8 CHAIRMAN VALENTIC: That's above and beyond what we
9 get, what we're here to do.

10 MR. SIRCA: Right, I realize that. But that's all I
11 want to say and I am just hoping that they would -- They never
12 came to us to talk about putting up -- And I would like a
13 fence. I'd like an 8 foot fence, talking about, because that
14 would block the lights coming through. So --

15 CHAIRMAN VALENTIC: Okay.

16 MR. SIRCA: Okay.

17 MRS. SIRCA: Just along the road, yeah.

18 CHAIRMAN VALENTIC: Thank you.

19 MR. NOVAK: I would like to amend my last statement
20 in the fact that, again, when I was talking about that 25 foot
21 buffer. But along Ivy Ridge, because the width of this is
22 only 60 feet, this is cleared to the property line along this
23 strip.

24 CHAIRMAN VALENTIC: Right.

25 MR. NOVAK: Other areas, it's the 25 feet. But this
26 is also our property line. So I just wanted to clarify that
27 there is not a 25 foot strip of trees left along this Ivy --

28 MRS. SIRCA: Yeah, there is nothing there.

29 MR. NOVAK: -- Ivy Drive.

30 CHAIRMAN VALENTIC: But --

1 MR. SIRCA: I understand that.

2 CHAIRMAN VALENTIC: Sir, just let me try to do my
3 job here. So subplot number 1, between that subplot number 1
4 and their property, we show a 10 foot buffer.

5 MR. NOVAK: But there is actually 25 feet left there
6 currently.

7 CHAIRMAN VALENTIC: Okay.

8 MR. NOVAK: Around this perimeter and/or like here,
9 here, everywhere around the -- we left 25 feet of trees.

10 CHAIRMAN VALENTIC: I just wanted you to state that
11 for the record. He stated his point. I just want to have it
12 for the record.

13 MR. NOVAK: I wanted to clarify. This is also our
14 property line, so we did clear the entire width of this 60
15 foot strip going back --

16 CHAIRMAN VALENTIC: Yeah, I see that.

17 MR. NOVAK: -- to where you get to subplot 1 and 84.
18 I want to, again, clarify that.

19 CHAIRMAN VALENTIC: Yes, yeah, I have seen it.
20 Understood.

21 So, Dave, really quick, has there been any
22 consideration, again, you know, of putting any vegetation or
23 fencing or buffer along that entire, you know, drive because,
24 to the resident's point that there is, you know, cars coming
25 in and out, a lot of traffic. Has there been any discussion?
26 And is it feasible? I understand there is utilities there.

27 MR. NOVAK: I think there is an opportunity to do
28 that. Again, what I would, what I would truly embrace, again,
29 depending on what happens here tonight, again, we could have a
30 meeting here at Township Hall and we could have them

1 individually and I would hope that those meetings, with the
2 adjacent residents, to try to come up with some understanding.
3 But, again, are we going to make everybody happy? No. We
4 could have those discussions. We can try our best faith
5 effort to make that happen. But, again, some people have
6 indicated we don't want a fence. They don't want trees.
7 Well, I don't know what other opportunities there are other
8 than leaving it with, what they want is the 25 foot for
9 buffer.

10 So, again, there is limited where we are open to
11 discussions. And, again, whether that's with some of the
12 staff or if that's with the residents and/or Trustees, we're
13 more than willing to do that to try to negotiate something
14 that is amenable to both parties.

15 CHAIRMAN VALENTIC: Okay.

16 Well, who would like to come up next?

17 MS. LANNAN: Hi there. Stephanie Lannan,
18 11391 Girdled Road. I am the other, I am the neighbor of the
19 Girdled Road residence. I am the other side of Ivy.

20 So I just have a couple of questions more than I do
21 opinions. So kind of to my neighbor's point, yeah, the room
22 that the light's going to go in, that's my baby's room. He's
23 ten and a half months old. I was not at the May meeting. He
24 was in the hospital. So I don't really know what went on at
25 the May meeting. I do know we came back from rehab and
26 hospital on April 25th, as well as March 29th -- and I have
27 photos -- I walked our property and I saw that they had
28 already cut into it.

29 I reached out several times to Mr. Novak and said,
30 "Oh, they'll be in contact with you. They'll be in contact

1 with you." Nobody has reached out to me. Unfortunately,
2 shortly after that, I went into labor with a child, so I
3 stopped reaching out.

4 So my question becomes, in this hearing here, we're
5 talking, you know, we want to be amicable, we want to make --
6 I would like a fence. I will get straight to the point. I
7 understand that development is going to happen. I bought the
8 property four years ago understanding that some sort of road,
9 at the time it was supposed to be a golf course road of some
10 sort for, you know, little caddies, was going to go in there.
11 I was not expecting a full-fledged road.

12 I need to discuss the damage to my property. Your
13 utilities have come through, they have mowed through my
14 property lines. They have gone through the tree line. They
15 have already damaged multiple trees that will now fall on that
16 road. Who is responsible for that if that falls on that road?
17 Is that my responsibility? They're my trees but your
18 equipment has destroyed them.

19 The second piece being, where, you know, is there
20 going to be a sidewalk? What am I looking at for this
21 street?

22 So my question then is kind of more for Mr. Lucas
23 and, if we approve or deny this today, what is my best bet for
24 getting what I need since thus far nothing has been working?
25 What is the legal recompense here?

26 MR. LUCAS: Well, congratulations on the birth your
27 child, number one.

28 MS. LANNAN: Thank you.

29 MR. LUCAS: I think, let's assume the variance is
30 granted tonight. They have to go in front of the

1 preliminary -- I am sorry -- back to the Trustees, as we've
2 talked about. I don't want to give you legal advice but you
3 certainly have some legal issues. That's a fair statement.

4 MS. LANNAN: Yes.

5 MR. LUCAS: I think I would, without giving you
6 legal advice but, hypothetically, if it was me, I would
7 probably reach out to the developer first.

8 MS. LANNAN: Okay, which I have show to have done
9 already and I've not received a response.

10 MR. LUCAS: Yeah, right.

11 MS. LANNAN: So I guess that's my next course of
12 action would be to lawyer up then. Okay.

13 Is it possible to request an additional zoning
14 inspection because I, too, believe that, while we talked about
15 the Girdled Road piece, I do believe they've cut into 10 feet
16 of that barrier already behind the forest. I am not -- I
17 didn't go out there with a measuring tape or anything. But is
18 it possible to request that, before any further development
19 continues, that we verify that they're not asking for
20 forgiveness and they are, in fact, asking for permission?

21 CHAIRMAN VALENTIC: Heather, is that something that
22 the Zoning Department can do if, depending on what -- Well, I
23 don't know. Is it dependent if this gets approved or denied
24 this evening?

25 MS. FREEMAN: I would be fine with going to check to
26 see. However, if the property corners and the property lines
27 are not marked by a surveyor, then I would have no idea.

28 MS. LANNAN: So what --

29 MS. FREEMAN: I would not be qualified to know where
30 the lot lines are to have an understanding of what I am

1 looking at.

2 MS. LANNAN: So, Mr. Novak, you were stating that
3 the pink ribbons were, in fact, your buffer or they're my
4 property line in these photos?

5 CHAIRMAN VALENTIC: Well, I don't think we can
6 address Mr. Novak but we can --

7 MR. LUCAS: All the comments have to be directed to
8 the Chair.

9 MS. LANNAN: Okay.

10 MR. LUCAS: With the understanding that the Chair
11 may ask that very question.

12 MS. LANNAN: Then I can show you the photos on my
13 phone.

14 CHAIRMAN VALENTIC: Sure.

15 MS. LANNAN: These are the photos I have of walking
16 the line.

17 CHAIRMAN VALENTIC: Why don't you just hold it
18 between us. We don't -- yeah.

19 MS. LANNAN: So you can see this was back on, this
20 was from March 25th when we first got back. So there is
21 ribbons back there that I believe are my property line. This
22 should also be my property line. I walked the property line
23 video. That's my neighbor's property line.

24 CHAIRMAN VALENTIC: Is this your side yard or your
25 back?

26 MS. LANNAN: So you're looking at --

27 MR. GOLLING: That was his house that --

28 CHAIRMAN VALENTIC: Yeah, that's what I was --

29 MR. GOLLING: That was where Ivy got cut in.

30 MS. LANNAN: Yes, this is where Ivy is getting cut

1 in. This is my house looking this way.

2 CHAIRMAN VALENTIC: Okay. So it wasn't your rear,
3 okay.

4 MS. LANNAN: Yeah, side into my back. I have no, I
5 don't have photos, I did not go all the way back to the
6 forest -- there was construction equipment there -- but I do
7 believe they've cut into that barrier as well as that barrier.

8 MR. ROWAN: Can you show us those pictures as well?

9 CHAIRMAN VALENTIC: Yeah, can you show --

10 MS. LANNAN: Yeah. I am sorry. So you've got pink
11 ribbons back there. And then there is a video as well. You
12 will see all the pink ribbons along the property line, as well
13 as the equipment. And then there is up front as well looking
14 towards Girdled Road.

15 MR. ROWAN: Thank you.

16 MS. LANNAN: I guess, if you ask for for or against,
17 I know the development is going to take place. I am for
18 working with them and getting a fence and doing what's going
19 to look best for my own property, whatever that may be for or
20 against. So --

21 CHAIRMAN VALENTIC: Okay.

22 MS. LANNAN: All right.

23 CHAIRMAN VALENTIC: Hold on. Any other questions
24 for her?

25 (No response.)

26 Okay.

27 MS. LANNAN: I appreciate the time.

28 MR. RANNEY: I haven't been sworn in.

29 CHAIRMAN VALENTIC: You have not?

30 MR. RANNEY: No. Steve Ranney, from Quail Hollow

1 Country Club.

2 CHAIRMAN VALENTIC: Okay, hold on. Please raise
3 your right hand.

4 (Whereupon, Mr. Ranney was sworn in.)

5 CHAIRMAN VALENTIC: All right. Thank you, sir.

6 MR. RANNEY: Well, I listened to everybody's
7 comments tonight. It's been nothing light here. But my main
8 concern right now is the golf course, obviously, knowing that
9 there is some comments about the buffer zone, 25 foot. I see
10 on the map here. I am reading this statement right here. It
11 says, "For building sites -- Clearing is allowed within 15
12 rear feet, no build areas except for building sites 30 through
13 34." Now, that kind of scares me.

14 And I know my company and our legal department in
15 Dallas has approved this site plan with the variance. Now, my
16 understanding, this variance that affects the country club and
17 its property is basically one lot, lot number 18. And it's
18 right behind our 10th tee box. It's 5 foot encroaching into
19 the 25 foot setback. So to my knowledge, that's the only area
20 that I understand is affected by this variance here.
21 Everything else is 25 feet. So I want to ensure that's going
22 to happen. With all my tenure at the club over the years --

23 MR. LUCAS: You're just talking about, just so we're
24 clear, you're not talking about the entire development.
25 You're talking about the property that's bounded by the golf
26 club?

27 MR. RANNEY: Correct.

28 MR. LUCAS: Okay.

29 MR. RANNEY: Along holes number 9 and number 10,
30 that's the question.

1 MR. LUCAS: I want to make sure it's not overly
2 broad how you stated it initially. So --

3 MR. RANNEY: So, obviously, I know that lot
4 number 18 does encroach into the -- that's part of this
5 variance. That's the only part that I think affects the golf
6 course. Of course, I have to direct questions to the Chairman
7 versus Mr. Novak.

8 CHAIRMAN VALENTIC: Yeah, I don't know if that's
9 necessarily the case but, Mr. Novak, if you could come up and
10 point to the board and walk us through the, what, the north
11 side where there is no -- because there are areas, for
12 example, here where there is no buffer and this is still golf
13 course property. It's not directly by a golf hole, right?

14 MR. RANNEY: That's right by the pond there on
15 number 9, yes.

16 CHAIRMAN VALENTIC: Yeah. But there is no buffer in
17 this plan.

18 MR. RANNEY: I've spoken to Todd about that. The
19 pond is going to go right up to the edge of the hole there and
20 it's definitely not a buffer there but it's not impactful to
21 the golf course itself.

22 CHAIRMAN VALENTIC: Oh, I see.

23 MR. RANNEY: There is no injurious nature in that
24 particular area.

25 CHAIRMAN VALENTIC: And then you understand that
26 here in this area, home sites 22 through 28, there is a
27 reduced buffer. It's hard to tell what it is. But you have
28 no issue with --

29 MR. RANNEY: Well, it should be 25 feet.

30 CHAIRMAN VALENTIC: Is that 25 feet through there,

1 Mr. Novak?

2 MR. NOVAK: Again, it's our opinion that because
3 that line that's contiguous to the golf course is internal to
4 the Quail Hollow property, the PUD, so the buffer, the 25 foot
5 buffer requirement is not required along the golf course
6 property.

7 And, furthermore, that letter that I gave to you
8 just after we had the break or whatever, again, that is Quail
9 Hollow Development, Inc., out of Texas and they've approved
10 this layout, is where, you know, how close we are to the golf
11 course, you know, the buffers and things likes that. So,
12 therein, they've agreed with this plan.

13 CHAIRMAN VALENTIC: Yeah. So they've agreed. And
14 so your question to the board is, 18 is the only spot where
15 it's impacting the golf course? My answer is no, it's not the
16 only spot that's impacting the golf course with less than 25
17 feet of buffer.

18 MR. RANNEY: You know, I have not seen that copy of
19 that letter or privy to it.

20 CHAIRMAN VALENTIC: Heather, is that something that
21 we can share with the --

22 MR. LUCAS: Well, it's part of the record.

23 MR. GOLLING: Here you go.

24 MR. RANNEY: Absolutely.

25 MR. LUCAS: And I actually have an extra I can give
26 you.

27 MR. GOLLING: Here you go. I have an email copy.
28 You can have that.

29 MS. FREEMAN: Thank you.

30 CHAIRMAN VALENTIC: Thanks, Todd.

1 (Discussion among the board members.)

2 MR. RANNEY: I have a point of order here. This
3 letter is dated September 13th. That's yesterday. It's
4 signed by Ingrid Keiser, our attorney in Dallas, who resigned
5 six months ago from the company.

6 So what we're hearing now is there is not a 25 foot
7 setback along the entire property line of the golf course?

8 CHAIRMAN VALENTIC: No, sir. Based on the plan I
9 have in front of us and what he's presented, I would say no.

10 MR. RANNEY: Then I have to -- My stance is, do not
11 approve the variance.

12 CHAIRMAN VALENTIC: Okay. And then what is your
13 role with Quail Hollow?

14 MR. RANNEY: I am the general manager there.

15 CHAIRMAN VALENTIC: Okay.

16 MR. RANNEY: And I would like to make a point of
17 order, too. Whenever the homes are built there and there is
18 an HOA, strict governance, covenants of the HOA, that no
19 infringement of that 25 foot should be occurring. Over my
20 years at the club with all other developers going back to 1999
21 when I first started there, everybody encroached into the
22 natural vegetation and it's occurring and no one is doing
23 anything about it as far as the HOAs are concerned or anybody
24 involved with the Estately product, the Bill Martin product,
25 the Pulte product, all of them. Everybody is encroaching into
26 the 25 foot setback. Okay.

27 CHAIRMAN VALENTIC: Yeah, I'm sure they are. All
28 right. Thank you, sir.

29 MR. RANNEY: I have to leave.

30 CHAIRMAN VALENTIC: Is there anyone else that's

1 either speaking for or against this appeal that would like to
2 come up? Did we get everybody?

3 MR. LAZUKA: Could I have one more quick question?

4 CHAIRMAN VALENTIC: Sure.

5 MR. LAZUKA: I'm sorry. If the variance is granted
6 can he cut trees tomorrow along the setback?

7 MR. LUCAS: Well --

8 MR. LAZUKA: Because he will.

9 MR. LUCAS: Well, theoretically, he could, if the
10 variance is granted, comply with the variance limitations,
11 which the concern is, let's say he's got, hypothetically, on
12 one lot there is a 10 foot intrusion -- Now, I will tell you
13 this. I would be careful on both sides of this because this
14 might go to litigation. You have a 30-day timeframe in which
15 to file an appeal from the variance grant. So you start doing
16 that at your own peril by doing that. So it's just a legal
17 aside.

18 MR. LAZUKA: Okay, thanks.

19 CHAIRMAN VALENTIC: And, you know, I believe there
20 is a bat tree issue, too. So there is certain restrictions
21 from the federal government for clearing as well that they
22 would have to abide by. I don't know. I forget what the
23 exact --

24 MR. LAZUKA: Indiana bat?

25 CHAIRMAN VALENTIC: Yeah.

26 MR. LAZUKA: Yeah, I heard about that.

27 MR. VITAZ: Can I make a comment, also?

28 CHAIRMAN VALENTIC: Yes, sir.

29 MR. VITAZ: Dave Vitaz, 8075 North Orchard Road.
30 I've been sworn in.

1 I think, as you've seen tonight, as the residents
2 come up here and express their opinions, that the developer
3 hasn't really gone out of the way to try to satisfy us. He
4 hasn't even presented a plan that really nurtures our
5 acceptance. And if you agree to this variance, this 25 foot
6 elimination, according to his past experience, he's just going
7 to go in and do what I think we all know he is going to do is
8 cut down that 25 foot variance. Again, there is no reason for
9 him not to. He's been drooling in order to get that 25 feet.

10 If you agree to it, he will go in there probably
11 this weekend because nobody is going to inspect or do anything
12 on the weekend, like he did the last time, and it's going to
13 happen. And it's going to be somewhat your fault because you
14 have let it happen. As Steve said, the manager, it's happened
15 many, many times before in that development that they haven't
16 adhered to the 25 foot buffer.

17 So, again, if you eliminate it right now, if you
18 grant him that buffer or that variance, you can say good-bye
19 to the 25 feet of trees, natural, which the Trustees long ago
20 wanted to preserve the areas. So good luck.

21 CHAIRMAN VALENTIC: All right, thank you.

22 Before I close the meeting, do you guys have any
23 questions for Mr. Novak? Any need for me to bring him back
24 up?

25 MR. GOLLING: The veracity of the attorney letter is
26 a little disturbing for me. I don't know if that was an
27 administrative error.

28 CHAIRMAN VALENTIC: Do you want him?

29 MR. GOLLING: Yeah.

30 CHAIRMAN VALENTIC: Mr. Novak, can you come back up

1 real quick?

2 MR. GOLLING: If you could clarify that, what he
3 said about the attorney thing, that Ingrid doesn't work there.

4 MR. NOVAK: I really can't answer that question. I
5 know that she's been part of the discussion all along and I do
6 know that the letter did go to Quail Development. I don't
7 know what Ingrid's position is today with the company. If
8 she's still advises or is part of Quail Development, I don't
9 -- I can't answer that question.

10 MR. GOLLING: But that came from Quail to y'all?

11 MR. NOVAK: Yes.

12 MR. GOLLING: Got it. So that's kind of on them to
13 administratively check their stuff.

14 MR. NOVAK: Yes, yes.

15 MR. GOLLING: That's all I had.

16 MR. NOVAK: Okay.

17 MR. SIRCA: Excuse me. Can I make one more comment?

18 CHAIRMAN VALENTIC: Yeah. Please come on up.

19 MR. SIRCA: Conrad Sirca, Conrad Sirca at
20 11419 Girdled. I am sworn in.

21 The thing I am thinking about, too, is I don't want
22 a fence that's like 10 feet down the way to block the thing.
23 I need it to go more like, more like 100 feet or so because my
24 whole back yard is there and we use our back yard. So I don't
25 want cars being able to see into my back yard. Okay? So I
26 don't want just a little pee-pee fence here. I want something
27 that goes, something that goes back a little further.

28 CHAIRMAN VALENTIC: Yeah.

29 MR. SIRCA: Pardon my language. Do you understand
30 what I am saying?

1 CHAIRMAN VALENTIC: Yeah, I understand.

2 Mike, I don't want to open it -- My question for you
3 then is, if we heard from these two properties owners, you
4 know, that they really want something there, I know what we
5 heard earlier is that that should happen maybe with the site
6 plan and adding some landscape. Should we, I mean, can we add
7 any kind of anything to this approval that recommends that
8 they have to work with those two property owners and provide
9 something on their property to provide that buffer if we go
10 ahead and approve this here or should we just leave it for the
11 plan review and approval?

12 MR. LUCAS: I think you should leave it for the
13 Trustees and the approval of the final development plan.

14 However, I do have a suggestion regarding the
15 concern that Mr. Lazuka expressed about them going in
16 immediately. I think, because the variance is linked to a
17 specific development plan and the identification of the areas
18 of encroachment under the 25 foot buffer, that the variance
19 should be triggered -- and you're allowed to do this --
20 triggered upon the subsequent approval by the Board of
21 Trustees of the final development plan. So, in other words,
22 the variance would not take effect as a matter of law until
23 the final development plan is approved, which is really what
24 we're talking about in terms of the specific variance and
25 that.

26 CHAIRMAN VALENTIC: And that would help with the
27 clearing then, too.

28 MR. LUCAS: Well, that's the point, that they would
29 not be allowed to clear yet because the variance would be
30 triggered by the grant of the final development plan and the

1 representation of the encroachment made on that. So that, so
2 if they started cutting, the township is in the position of
3 enforcing because it would be in the buffer where we actually
4 have standing to enforce that. We would go to court.

5 CHAIRMAN VALENTIC: Okay.

6 MR. LUCAS: Which Mr. Novak knows.

7 CHAIRMAN VALENTIC: Okay. You guys good? Everyone
8 is good up here?

9 Okay. All right. Then if there is no further
10 questions, the public hearing for Variance Number 2022-114 is
11 now closed to the public. Can I get a motion to approve
12 Variance 2022-114?

13 MR. LUCAS: With the specific condition that it, the
14 variance takes effect if and upon the approval of the final
15 development plan as presented here by the Board of Trustees.

16 CHAIRMAN VALENTIC: Well said, Mr. Lucas. Can I get
17 a motion?

18 MR. GOLLING: So moved.

19 MR. SWEENEY: Second.

20 CHAIRMAN VALENTIC: Okay. Discussion for the board.
21 Who would like to go first? I don't want to go first. I get
22 that right.

23 MR. GOLLING: Go ahead, Davey.

24 MR. ROWAN: I guess I am, I mean, it feels like
25 we're gambling no matter what we do here because --

26 CHAIRMAN VALENTIC: Yeah.

27 MR. ROWAN: If we deny it and we're threatened with
28 high density housing. We approve it, I think approving it and
29 having the condition that, assuming that the Trustees approve
30 the plan, sort of kicks it down the field, kicks it, whatever

1 that saying is, basically, giving it to the Trustees to look
2 at and make their determination. We're gambling there
3 because, if we do this and they approve it, we lose the 25
4 foot buffer.

5 I do think there is something to that 25 foot buffer
6 that was agreed to. Whether it's been enforced or not over
7 the years doesn't mean we shouldn't be enforcing it. So I am
8 kind of torn right now on which way to vote, so I am
9 definitely interested in what you guys have to say.

10 CHAIRMAN VALENTIC: I think one of the things that
11 the township did well in the recent years was the riparian and
12 wetland setbacks because that's really natural areas that are
13 meaningful and they are getting protected. You know, it's
14 hard for us to say, and we can't be subjective even, how much
15 of the 25 feet buffer around all of this was good buffer? We
16 don't know. I mean, I am not saying that it should all go
17 away either. But that's what I struggle with, too, is we
18 heard from one resident, only one, that, hey, our 25 foot
19 buffer wasn't that great, which kind of makes sense in theory
20 because it's kind of older forest and probably there wasn't a
21 lot of undergrowth, so a lot of stuff is higher. So, you
22 know, I am with you. I am with you. It's a tough one.

23 MR. GOLLING: I mean, it helped me with Stephanie
24 and -- Conrad? -- Stephanie and Conrad, I mean, I didn't think
25 about that until he's like, We are headlights central. I
26 think about this because, when I turn down my street, the
27 people who live at the end of my cul-de-sac get my headlights
28 right through the bedroom every night.

29 MR. SIRCA: Thank you so much.

30 MR. GOLLING: But with that, I think there is also

1 an agreement here in the room, a mutual agreement that
2 progress is coming. I mean, this is, the tidal wave is coming
3 and we're all agreeing that something is going to go here. So
4 protecting the interests of the township going forward, like
5 to Davey's excellent point, like there is a lot or there is a
6 boatload based on -- Now, to Dave's point, like, is it just an
7 idle threat? Is it, you know? I don't know. So do you have
8 25 feet of the trees, which I am trying to, in my mind's eye,
9 figure out 25 feet, right?

10 CHAIRMAN VALENTIC: Bigger than that.

11 MR. SWEENEY: It's about this room.

12 MR. GOLLING: But then you look at Chris's property,
13 right? So Chris, for all his life, has looked back there
14 knowing full well at some point something may go in there,
15 right? But to that end, there is that much less coming over
16 into -- And I agree there is some concessions with the
17 mounding and the putting in the trees or possibly a fence or
18 something like that. It just sucks because, you know, what
19 was there, we know, is going, right? So are we stuck with the
20 lesser of two evils? Is it the threat of ten pounds of dirt
21 in a five-pound bag or is it the 25 feet of trees in some but
22 not all?

23 And then I didn't really understand the golf course
24 guy with the whole -- I am sorry. Mike, I didn't, I didn't --

25 MR. SWEENEY: Golf course guy.

26 MR. LUCAS: You heard him.

27 MR. GOLLING: Yeah, but I didn't know what he was
28 saying.

29 MR. ROWAN: I think what he was trying to say is
30 that, when the golf course went in, the understanding was all

1 of the development around the golf course would have that 25
2 foot buffer.

3 MR. GOLLING: Right. And nobody, nobody played
4 along with the rules then.

5 MR. ROWAN: Right. And over the years, nobody has
6 played along, nobody's enforced it.

7 CHAIRMAN VALENTIC: Even if they had a 10 foot
8 buffer or a 5 foot buffer, no matter what, they're encroaching
9 is what he is saying.

10 MR. GOLLING: Yeah.

11 CHAIRMAN VALENTIC: But he didn't realize that
12 they're going to have less than 25 foot buffer along more than
13 just subplot 18. That's why he ended up saying he was against
14 it. He thought subplot 18 was the only one impacting the golf
15 course with less than 25 feet but there is much more than that
16 impacting the golf course.

17 MR. GOLLING: And, Davey, you brought up a good
18 point that, although from the past 35 years the 25 foot was
19 largely ignored, you know, I am not part of that. But we,
20 it's there, you know, the rule is there now and the question
21 is, does this meet the criteria set forth by the Duncan
22 Factors? So, I mean, it washes one way and ebbs the other.

23 CHAIRMAN VALENTIC: We can continue, I think we
24 should continue this discussion but we can go through the
25 Duncan Factors as a group and give our own evaluation as well
26 as to those. I mean, I think it --

27 MR. SWEENEY: Well, I have a problem with that and I
28 think, I don't think we need to go through the Duncan Factors
29 individually because I see a problem where you've got
30 disparate complaints from a number of different homeowners,

1 and I feel for all of you. I've been in the same situation
2 myself years ago. But if we were to line them all up and
3 apply the Duncan Factors as it applies to them, it would be
4 different for each one, I think, depending on what they feel
5 is important to them and everything is important to them, we
6 appreciate.

7 And then you have homeowners who will come up and
8 say, "Well, we're for the variance." So the Duncan Factors,
9 you wouldn't even need to apply it because they're for it. I
10 think we had a couple come up. Yet the neighbor right next to
11 them is against it.

12 So I think it's futile to try and apply the Duncan
13 Factors overall because, I mean, it may apply, it may not. I
14 think you can use it roughly but --

15 MR. ROWAN: I would disagree. I think that we're
16 supposed to look at the Duncan Factors and I don't think it
17 hurts to go through the exercise looking at that property as a
18 whole, not looking at the property surrounding it.

19 MR. SWEENEY: That's fine.

20 MR. ROWAN: How do we look at that property?

21 MR. SWEENEY: If you want to do it as a whole, then
22 I don't have a problem with it.

23 MR. ROWAN: I'm looking at it just as that property.
24 We can't look at -- Because I think that's what we're looking
25 at, this variance, the Duncan Factors of what does this
26 variance do for this property?

27 MR. SWEENEY: Just know that that affects --

28 MR. ROWAN: It does, but I think we should go
29 through the exercise.

30 MR. SWEENEY: The evaluation will affect --

1 CHAIRMAN VALENTIC: Several.

2 MR. SWEENEY: -- and maybe go contra to some of the
3 objections tonight. That's all.

4 MR. ROWAN: I don't think it would hurt to go
5 through it for me. I don't -- It's up to you guys.

6 CHAIRMAN VALENTIC: Yeah, I think, I think we can go
7 through them. I also think that, you know, I feel like they
8 have made some effort, you know. I mean, I think they did
9 make a strong effort to try to save trees, just looking at the
10 plan, because they are pinched in areas with the wetlands and
11 stuff.

12 AUDIENCE MEMBER: That's not true.

13 CHAIRMAN VALENTIC: That's just my opinion, sir.
14 So, please, just hold any comment.

15 AUDIENCE MEMBER: You can see the --

16 MR. LUCAS: Please don't disrupt the meeting.

17 MR. SWEENEY: The comment is closed.

18 MR. LUCAS: Thank you. We appreciate your courtesy.

19 CHAIRMAN VALENTIC: So I think they have made some
20 effort to saving trees where they could with some of the units
21 and they've made some concessions with the 10 foot. But we
22 don't know how great of a buffer it really was either. That's
23 a struggle because we didn't see it before.

24 Anything else?

25 MR. SWEENEY: No.

26 CHAIRMAN VALENTIC: Further discussion?

27 MR. ROWAN: So we're not going through the Duncan
28 Factors?

29 CHAIRMAN VALENTIC: No, I think we should, if
30 somebody wants to -- I have them. Do you have a copy? Go

1 ahead, Skip. Do you want to go through it? Do you want to
2 read it and we'll talk about them?

3 MR. SWEENEY: Well, Number 1, *Will the property*
4 *yield a reasonable return or can there be a beneficial use of*
5 *the property without the variance?* I think everybody will
6 agree --

7 CHAIRMAN VALENTIC: Yeah.

8 MR. SWEENEY: -- that it is and it can be.

9 Number 2 --

10 CHAIRMAN VALENTIC: No, hold on. Davey, do you
11 agree?

12 MR. ROWAN: That by not granting it, without the
13 variance, yeah, there is.

14 MR. SWEENEY: There would still be a beneficial
15 economic --

16 MR. ROWAN: Yeah, I agree.

17 CHAIRMAN VALENTIC: Yeah.

18 MR. SWEENEY: *Is it substantial?* This is where it
19 gets tricky. Is it substantial regarding homeowner A,
20 homeowner B, homeowner C? Do we get them up here?
21 Homeowner D actually agrees with it. So how do we apply it?

22 CHAIRMAN VALENTIC: Do you look at the length of the
23 property?

24 MR. SWEENEY: You're suggesting that we apply it as
25 a whole.

26 MR. ROWAN: But I think we're asking, I think it's
27 substantial in the sense that we're asking for a large area of
28 a 20 foot -- 25 foot buffer for that property, not just like a
29 little stretch. We're talking about the entire perimeter and
30 anything it touches, we can potentially be asking for the 25

1 foot buffer.

2 CHAIRMAN VALENTIC: So if you want to look at this,
3 this is what I did. So the areas in red is where they're
4 actually providing the 25 foot buffer.

5 MR. ROWAN: Yeah, but everything else they're saying
6 is going to be less than.

7 CHAIRMAN VALENTIC: Less than.

8 MR. SWEENEY: Well, not right here.

9 CHAIRMAN VALENTIC: That's less.

10 MR. ROWAN: Less.

11 MR. SWEENEY: Right, that's less.

12 CHAIRMAN VALENTIC: This is all, everything black,
13 everything not red is less.

14 MR. ROWAN: All that is less.

15 MR. SWEENEY: Yeah.

16 CHAIRMAN VALENTIC: So I would say it's substantial.

17 MR. SWEENEY: This fronts the golf course.

18 CHAIRMAN VALENTIC: Yeah, right. I'm not counting
19 that. I'm counting, this is all --

20 MR. ROWAN: The golf course is saying this should
21 have been 25.

22 CHAIRMAN VALENTIC: That was his interpretation of
23 the, yeah.

24 MR. ROWAN: Right.

25 CHAIRMAN VALENTIC: But this is less than 25, this
26 is all less than 25, this is all less than 25.

27 MR. SWEENEY: So it's substantial, do we all agree?

28 CHAIRMAN VALENTIC: I mean, we don't have to agree.

29 MR. ROWAN: I think it is.

30 MR. GOLLING: I mean --

1 MR. LUCAS: You don't, repeating what the Chairman
2 said, you don't have to have a unanimity whether it's
3 substantial or not.

4 CHAIRMAN VALENTIC: Yeah.

5 MR. SWEENEY: Just a discussion.

6 CHAIRMAN VALENTIC: Just a discussion.

7 MR. LUCAS: Right. It's worthwhile to go through
8 the Duncan Factors, as the Chairman indicated.

9 MR. SWEENEY: All right. Number 3, *Will the*
10 *essential character of the neighbor be substantially altered*
11 *or will adjoining properties suffer a substantial detriment if*
12 *the variance is granted?*

13 MR. ROWAN: I think whether we grant the variance or
14 not, the essential character, the essential character of the
15 neighborhood will be substantially altered because we are
16 putting in a development.

17 MR. GOLLING: Right.

18 MR. ROWAN: Will the adjoining property suffer a
19 substantial detriment if the variance is granted? I think,
20 yes, they will. But, again, if we don't grant it -- Whether
21 we grant it or not, it's going to be substantial.

22 MR. SWEENEY: Well, I think the point of whether it
23 will be substantially altered relates to, is it going to
24 bringing down the rest of the neighborhood?

25 CHAIRMAN VALENTIC: Is the 25 feet -- I think we
26 should focus on the 25 feet maybe, right?

27 MR. SWEENEY: Sure, we can do that.

28 CHAIRMAN VALENTIC: Is the 25 feet going to
29 essentially alter the character of the neighborhood greatly?
30 I don't know.

1 MR. SWEENEY: Will it alter it? Yes, of course.
2 But substantially, that's where we, I can't --

3 MR. ROWAN: I agree with that.

4 MR. SWEENEY: I can't determine that.

5 CHAIRMAN VALENTIC: Yeah, I don't know about that.

6 MR. SWEENEY: *Will the variance adversely affect the*
7 *delivery of government services?* I believe the answer was
8 concluded to be no.

9 CHAIRMAN VALENTIC: No, yeah. That's --

10 MR. SWEENEY: *Did the property owner purchase the*
11 *property --*

12 MR. ROWAN: Before we go on the next one, I think in
13 the staff report there was a mentioned about, so even though
14 like the fire service has approved it, there was question
15 about safety services getting into --

16 MR. GOLLING: That's why they added the second
17 drive.

18 MR. ROWAN: Okay.

19 MR. GOLLING: Yeah, I read that, too.

20 MR. ROWAN: Okay.

21 MR. LUCAS: That's right.

22 MR. ROWAN: Okay.

23 MR. LUCAS: What Todd mentioned.

24 MR. SWEENEY: *Did the property owner purchase the*
25 *property with knowledge of the zoning restrictions?*

26 CHAIRMAN VALENTIC: Mr. Novak said no. I don't
27 know.

28 MR. SWEENEY: Well, I --

29 CHAIRMAN VALENTIC: We don't know that answer.

30 MR. SWEENEY: Well, his argument, I believe, if I am

1 correct, is that the buffer was actually yours to either
2 implement or not. Isn't that your argument?

3 MR. NOVAK: Yes.

4 MR. SWEENEY: Your client's argument?

5 MR. NOVAK: I'm not supposed to talk.

6 MR. SWEENEY: Well, the understanding was or the
7 point was that it's a buffer, yes, but it's ours to either
8 implement or not implement depending on whether we feel it
9 applies.

10 CHAIRMAN VALENTIC: That was his opinion, yeah.

11 MR. SWEENEY: Okay. So then that goes to, did they
12 knew about it? Yes, they knew about it, but their
13 interpretation of how it would be applied is different than
14 someone else's. So all right. So, again, that one, I don't
15 know. If anybody has any thoughts on that --

16 CHAIRMAN VALENTIC: Davey.

17 MR. ROWAN: I mean, I don't know. It seems like you
18 would have to know what the restrictions are if you --

19 MR. GOLLING: He is a developer. He kind of knows
20 the rules, I guess.

21 MR. SWEENEY: Yeah. *Can the problem be resolved by*
22 *some other manner other than granting of the variance?*

23 MR. ROWAN: Right. We're told that, if we don't
24 approve it, he will go with a different plan.

25 CHAIRMAN VALENTIC: Which is, yes, he can.

26 MR. GOLLING: Which may be a bluff but this is the
27 one, to be truthful and honest, this one scares the scrap out
28 of me because then that turns into, yeah, to Girdled, Girdled,
29 I go up and down there twice a day. Auburn Career, take my
30 kid down to get the bus, come back. And to your point, yeah,

1 it's a drag race. But now it's going to be a drag race of
2 people hitting the loopdeloop, the hills -- it's what my kids
3 call them -- and now you've got cars pulling out of those two
4 streets there and there is going to be a lot of cars. Traffic
5 study aside, a lot of cars or a lot of cars times two coming
6 out of there. And that's what, this is the one that sticks in
7 my craw. Just scares the bejeebus out of me.

8 And I was trying to do some totally high school math
9 here trying to figure out how much money comes in here. So
10 like just with the big houses, 50 million bucks, just
11 spitballing here. And then with the townhouses, I don't know
12 how much townhouses cost or how much they sell for, but I also
13 don't know how much a whole boatload of the row townhouses go
14 for either. But one way or another, it's going to be, someone
15 is going to make money or someone is going to make money. I
16 don't know how much it is, so I can't speculates on that.

17 But what I do worry about is, yeah, we were semi
18 rural at one point, and development will come. An owner has
19 the right to develop their lot within the scope of the zoning
20 text and what it is zoned for. But if he can put the
21 initial -- I will call it the scary plan with a lot of people
22 in there, that bothers the snot out of me. The less plan,
23 which he will probably make a boatload of money on that --
24 good for him, happy, hope he does -- makes me happier. But to
25 Dave's excellent point, is it a bluff? I don't know. Am I a
26 gambler? I don't know.

27 MR. SWEENEY: Well, the commitment to the lower unit
28 amount, at least, you know, gives us some sort of assurance.
29 But I am with you, Todd. Just the sheer amount of houses that
30 they could legally put in there --

1 MR. GOLLING: It scares me. I will be honest. It
2 scares me. That amount of people, 200, 220, we will just call
3 it 200 for math purposes, times three people a house and two
4 cars, two cars a unit, right? I don't know how you can't put
5 a, two stop lights in there. I don't know how that can't
6 happen. I thought, God as my witness, I thought this was
7 going to connected through the back end of Quail. I thought
8 that's where it was going to go through.

9 CHAIRMAN VALENTIC: Yeah, I thought so, too.

10 MR. GOLLING: It would make sense to me if it went
11 through there because Girdled is going to need to be widened
12 with a turn lane in the middle. I just don't know how it
13 happens, but that's not me.

14 CHAIRMAN VALENTIC: Yeah.

15 MR. GOLLING: I am just talking about 25 feet of
16 trees right now and whether or not Duncan 6 is relevant.

17 MR. SWEENEY: Right.

18 All right.

19 Number 7, *Will the variance preserve the spirit and*
20 *intent of the Zoning Resolution and will substantial justice*
21 *be done by granting the variance?* I don't know if "justice"
22 is the right word to use but it will, it will preserve the
23 substantial intent of the Zoning Resolution, I think. But,
24 again, it's not, no -- not everyone is going to come out of
25 this happy, unfortunately. So --

26 MR. GOLLING: But, yeah, I also feel for the Quail
27 guy. And, again, I forget his name. I apologize.

28 MR. SWEENEY: Golfer guy?

29 MR. GOLLING: Golfer guy, golf course guy. Where
30 he's been there since '99 saying, "We get screwed on this. We

1 get screwed on this. We get screwed on this. Every developer
2 that went in screwed me. This is my last chance to not get
3 screwed, and I think I am going to get screwed."

4 MR. LUCAS: He meant that metaphorically.

5 MR. GOLLING: Metaphorically, yes, naturally.

6 Pardon my French, by the way.

7 So, yeah, and that's where, you know, the
8 substantial justice comes in is like, to Davey's point again,
9 you know, that's the, just because it wasn't enforced doesn't
10 mean it should not be enforced. I don't know how it got by.
11 I don't know if no one was looking.

12 MR. SWEENEY: Well, and these are issues that aren't
13 pertinent to this application.

14 MR. GOLLING: Right, right.

15 MR. SWEENEY: But are concerning.

16 CHAIRMAN VALENTIC: Right. And Zoning, we heard
17 Heather, she can't enforce some of these buffers unless she
18 gets those property corners out there, you know. So people
19 get those property corners located, you know, then they can
20 check --

21 MR. GOLLING: So a survey hasn't been done yet?

22 CHAIRMAN VALENTIC: A survey's been done. It
23 doesn't mean they staked the whole property corners.

24 MR. GOLLING: Oh, that would make sense.

25 MR. SWEENEY: All right. So that's the Duncan
26 Factors.

27 MR. ROWAN: Let me ask, so as it is now, if we
28 approve the variance, we are saying, you know, all of these
29 areas that have been marked --

30 CHAIRMAN VALENTIC: On that plan.

1 MR. ROWAN: On that plan.

2 CHAIRMAN VALENTIC: All the areas marked 25 will
3 stay 25. The areas that are 10 or less, the varying buffers,
4 he said that they said they would keep have to stay. The
5 areas that he committed to putting some landscape would need
6 to stay, right?

7 MR. ROWAN: Pending approval by --

8 MR. GOLLING: The Trustees.

9 MR. ROWAN: -- the Trustees.

10 CHAIRMAN VALENTIC: The Trustees have final plan
11 approval. So I like, again, Mr. Lucas did a great job adding
12 that stipulation that we accept it because I think that gives
13 us a good level of, you know, everybody gets a chance to be
14 heard again and the Trustees would have to work something out
15 with the developer for a final plan approval.

16 MR. SWEENEY: For sure.

17 CHAIRMAN VALENTIC: Because maybe not everybody, you
18 know, was here this evening, maybe not everybody even knew
19 that this was even going on. You never know.

20 Any other thoughts or comments?

21 MR. GOLLING: Just to reiterate, he was cool with
22 four of us, knowing full well that there is, three is a
23 majority?

24 CHAIRMAN VALENTIC: Mr. Novak was.

25 MR. GOLLING: Yes, Mr. Novak, correct.

26 CHAIRMAN VALENTIC: Yes, he is good with the four.

27 MR. SWEENEY: Okay.

28 CHAIRMAN VALENTIC: Okay?

29 MR. ROWAN: I'm good.

30 CHAIRMAN VALENTIC: All right.

1 MR. SWEENEY: Need a motion?

2 CHAIRMAN VALENTIC: No, we have the motion already.
3 So the question is on the approval of Variance Application
4 2022-114. A yes vote approves the variance, a no vote denies
5 the variance.

6 Heather, please call the vote.

7 MR. LUCAS: Subject to the --

8 CHAIRMAN VALENTIC: Oh, yeah, subject -- Please call
9 the vote with the stipulation as discussed that the Trustees,
10 that pending approval of the final --

11 MR. LUCAS: Approval of the, approval of the final
12 development plan will then finalize the grant of the variance.

13 MS. FREEMAN: Okay. You ready?

14 CHAIRMAN VALENTIC: Sure.

15 MS. FREEMAN: Mr. Sweeney?

16 MR. SWEENEY: Yes.

17 MS. FREEMAN: Mr. Golling?

18 MR. GOLLING: Yes.

19 MS. FREEMAN: Mr. Rowan?

20 MR. ROWAN: Yes.

21 MS. FREEMAN: And Mr. Valentic?

22 CHAIRMAN VALENTIC: Yes.

23 The variance has been approved.

24 All right. Thank you, everybody, for coming this
25 evening. We appreciate all of the input.

26 (Whereupon, there was a recess from 10:12 p.m.
27 until 10:16 p.m.)

28 CHAIRMAN VALENTIC: All right. Next on the agenda
29 is approval of minutes. I am calling for a motion to approve
30 the minutes from August 10, 2022.

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MR. ROWAN: So moved.

MR. GOLLING: Second.

CHAIRMAN VALENTIC: Any additions or deletions?
None?

MR. GOLLING: None.

CHAIRMAN VALENTIC: All in favor of the minutes as
written say "aye."

Are you abstaining?

MR. SWEENEY: I am abstaining.

(Three aye votes, no nay votes, one abstention.)

CHAIRMAN VALENTIC: Okay. The minutes have been
approved. The Concord Township meeting for September 2022 is
now closed.

(Whereupon, the meeting was adjourned at
10:17 p.m.)

1 STATE OF OHIO)
2 COUNTY OF LAKE)

CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 4th day of October 2022.

19 *Melinda A. Melton* -----

20 Melinda A. Melton
21 Registered Professional Reporter

22 Notary Public within and for the
23 State of Ohio

24 My Commission Expires:
25 February 4, 2023

