

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

October 12, 2022
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Skip Sweeney, Vice Chairman
Todd Golling, Member
Brandon Dynes, Member
Davey Rowan, Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Keith Petersen, Esq., Legal Counsel

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

1 7:00 p.m.

2 VICE CHAIR SWEENEY: Good evening. Welcome to the
3 Concord Township Board of Zoning Appeals public hearing for
4 Wednesday, October 12, 2022. My name is Francis Sweeney. I
5 am the substitute chair for this evening. To my far right is
6 Mr. Todd Golling, to my immediate right is Mr. Davey Rowan,
7 and to my left is Brandon Dynes, and to my far right is
8 Heather Freeman, our Zoning Inspector.

9 Under the advice of our legal counsel, we ask that
10 anyone speaking tonight must be sworn in. So if you plan on
11 speaking, please stand and raise your right hand, even if you
12 think you're going to speak.

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

14 VICE CHAIR SWEENEY: Thank you. Please be seated.

15 When presenting your case this evening or
16 commenting, please come up to the microphone. Thank you.

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

19 MS. FREEMAN: Yes, they were.

20 VICE CHAIR SWEENEY: Thank you.

21 Okay. On tonight's agenda, we have two matters,
22 they're both variances. The first one is Variance
23 Application, 2020-115 (sic), Anthony Jared Lino is requesting
24 a variance from Section 15.04(A)(1)(B) and Table 15.04-1 to
25 allow an existing .8975 acre lot to be reduced in size to
26 .8263 acres, where the minimum lot size is one acre, for the
27 property located at 11410 Big Creek Court, current parcel
28 number 08-A-01-H-00-011-0.

29 And the second is also a variance application,
30 2022-116, American Stamped Concrete, on behalf of the property

1 owners Bradley Jenkins and Kristen Seaholm, is requesting a
2 variance from Section 17.04(B)(4) and Section 17.07(A) to
3 allow for the construction of an in-ground pool and related
4 soil disturbing activities to encroach on the required minimum
5 25 foot riparian setback by 10 feet 3 inches, for the property
6 located at 9675 Little Mountain Road, current parcel number
7 10-A-022-E-00-013-0.

8 Will the first variance please approach and present
9 your case.

10 We do have to let the applicant know that the board
11 consists of only four members this evening. You do need a
12 three-vote majority to pass the application. And we need to
13 confirm that you're okay with that; and if not, we can table
14 it.

15 MR. LINO: Yeah.

16 VICE CHAIR SWEENEY: Okay, thank you.

17 MR. LINO: Okay. So I am looking for a variance
18 just to lessen my lot size. I just moved in in December next
19 to Miss Lisa.

20 MS. FREEMAN: I am sorry. Excuse me. I hate to
21 interrupt, Mr. Chairman. Can we verify that he's been sworn
22 in and state his name and address?

23 VICE CHAIR SWEENEY: Yes. Have you been sworn in?

24 MR. LINO: Yes.

25 VICE CHAIR SWEENEY: And please state your name and
26 address.

27 MR. LINO: My name is Anthony Jared Lino and my
28 address is 11410 Big Creek Court in Concord.

29 MS. FREEMAN: Thank you.

30 MR. LINO: I moved in in December. Lisa and her

1 husband at the time were working with the current owner to try
2 to get a variance. They're looking into doing an eventual
3 expansion of their house. And it would, where the current
4 property lines lay, they wouldn't be able to currently. I
5 didn't see any big problem with it. I just didn't want them
6 to have to go through the hassle of doing everything while we
7 were already under contract for the sale. Once we got, as
8 I say, once we got done, we would do our best to get it done
9 for her.

10 They're just looking to have a little expansion on
11 their house and where the current property lines lay,
12 unfortunately, they can't do that. So I would like to be able
13 to move the property line over a little bit for her. I am
14 already under the 1 acre parcel minimum as it is. Moving the
15 parcel line over, to me, doesn't really matter much. I know
16 it would be great for Miss Lisa to have that area so that she
17 can do the renovations that she would like to her house. So I
18 would like for you guys to consider that so that she can do
19 her due diligence and be able to make the expansions that she
20 would like to for her property.

21 VICE CHAIR SWEENEY: Okay. Thank you very much.

22 Questions from the board?

23 MR. DYNES: Anyone else speaking or -- I don't have
24 any questions.

25 VICE CHAIR SWEENEY: Okay. Is anyone else speaking
26 for or against this variance? I don't believe there is.

27 MS. BIONDOLILLO: Well, I am Lisa Biondolillo. I am
28 AJ's neighbor. So, obviously, I'm --

29 VICE CHAIR SWEENEY: Have you been sworn?

30 MS. BIONDOLILLO: Yes.

1 VICE CHAIR SWEENEY: And what is your address?

2 MS. BIONDOLILLO: 11400 Big Creek Court.

3 VICE CHAIR SWEENEY: Thank you.

4 MS. BIONDOLILLO: And I am for the variance. It is
5 my property that is next to his that I would like to possibly
6 put a master bedroom on first floor.

7 VICE CHAIR SWEENEY: Okay.

8 MR. DYNES: I don't have any questions. I just need
9 to make a statement. I know Ms. Biondolillo through some work
10 issues. I don't think that there is a conflict and I haven't
11 spoken. To the extent anyone wants me to recuse myself, I am
12 happy to do so. But I have never represented her and we don't
13 have a relationship such as that but I think it's important to
14 make that note.

15 VICE CHAIR SWEENEY: Okay. Thank you, Mr. Dynes.

16 MR. DYNES: I would go on to say that I think this
17 is one of the nicest landowners ever. Agreeing to do this
18 with his land for Ms. Biondolillo, I think that's fantastic.
19 We don't see that very often. Just my editorial comment for
20 everyone.

21 VICE CHAIR SWEENEY: I am just curious. I just
22 want, I am trying to picture how big .0712 of an acre is. Is
23 it, what, like half the size of this room or something like
24 that?

25 MR. GOLLING: It's the small slice of pizza right
26 there.

27 VICE CHAIR SWEENEY: Yeah.

28 MR. LINO: So the problem -- Do I have to step up?

29 VICE CHAIR SWEENEY: Yeah, please.

30 MR. LINO: The problem is that, so they're about 30

1 yards into my front yard. Their house is right over here and
2 I am back. So where she would like to put the master bedroom,
3 it's into my property line a little bit so that she can't keep
4 the 10 foot variance off of the property line.

5 VICE CHAIR SWEENEY: Right, right.

6 MR. LINO: So it's not a huge amount to really be
7 giving her. It's just to move the property line a little bit
8 so that she has the ability to basically make the addition
9 that she planned.

10 VICE CHAIR SWEENEY: Yeah. I am just trying to
11 figure out what that looks like, like how big that is. It
12 doesn't matter. It might be hard to verbalize.

13 MS. BIONDOLILLO: It's 30 feet in the front but it
14 goes down to zero.

15 VICE CHAIR SWEENEY: Okay.

16 MS. BIONDOLILLO: Right at the corner of his house
17 so that he still has the 25 foot sideline.

18 VICE CHAIR SWEENEY: Right, okay. Thank you.

19 Have you got any questions from the board?

20 MR. ROWAN: No questions.

21 MR. GOLLING: No questions.

22 VICE CHAIR SWEENEY: All right. If there are no
23 questions, we will close the public hearing at this time. The
24 chair will entertain a motion to approve the variance.

25 MR. GOLLING: So moved.

26 MR. ROWAN: Second.

27 VICE CHAIR SWEENEY: The approval of the variance,
28 2020-115 (sic), is moved and seconded. Discussion?

29 MR. GOLLING: It just looks like when -- There is an
30 excellent staff analysis in here that says that, when this

1 place was built in '88, the minimum lot size was .75. Even
2 though it has since moved up to 1 acre, I mean, he's reducing
3 it by a very small amount to help his neighbor out and it's a
4 good thing.

5 VICE CHAIR SWEENEY: I think it's a very good thing.

6 MR. DYNES: I would agree.

7 VICE CHAIR SWEENEY: All right. Any other
8 discussion?

9 MR. ROWAN: No.

10 VICE CHAIR SWEENEY: All right. So, again, the
11 question is for the approval of Variance 2022-115. Heather,
12 please take a vote.

13 MS. FREEMAN: Mr. Rowan?

14 MR. ROWAN: Yes.

15 MS. FREEMAN: Mr. Dynes?

16 MR. DYNES: Yes.

17 MS. FREEMAN: Mr. Golling?

18 MR. GOLLING: Yes.

19 MS. FREEMAN: And Mr. Sweeney?

20 VICE CHAIR SWEENEY: Yes.

21 I should have explained a yes vote is for the
22 approval, a no vote would be a denial.

23 Congratulations.

24 MS. BIONDOLILLO: Thank you.

25 VICE CHAIR SWEENEY: Thank you very much.

26 MR. GOLLING: You don't have to stay. You can if
27 you want. It's exciting stuff.

28 MR. LINO: Thank you, guys.

29 VICE CHAIR SWEENEY: All right. On to our second
30 matter and that is the application for a variance, 2022-116,

1 American Stamped Concrete, on behalf of the property owners,
2 Bradley Jenkins and Kristen Seaholm. Will you please approach
3 the podium, state your name and confirm that you have been
4 sworn in, and your address.

5 MR. MEHALIC: My name is Peter Mehalic and I am the
6 owner of American Stamped Concrete. I am representing the
7 Jenkins, who live at 9675 Little Mountain Road, and I have
8 been sworn in.

9 VICE CHAIR SWEENEY: Okay, thank you. Go ahead.

10 MR. MEHALIC: We're just, we're asking for a
11 variance of the riparian setback. As you can see on our
12 drawings, we will encroach it, at the most, 10 foot 3 inches,
13 and that's just because of the way the creek kind of curves in
14 their property. We have moved the pool as close to the house
15 as we feel that we can. The pool itself is out of the
16 riparian setback. It will just be the deck attached to it
17 that is encumbering it.

18 I met with Ms. Freeman and the guy from the county,
19 right?

20 MS. FREEMAN: Chad Edgar, from Soil and Water, yes.

21 VICE CHAIR SWEENEY: Chad.

22 MR. MEHALIC: I believe we all felt that it really
23 wouldn't impact the riparian setback by just having a concrete
24 deck on top of it.

25 VICE CHAIR SWEENEY: Okay. So the foundation of the
26 pool is not --

27 MR. MEHALIC: The pool itself is not in.

28 VICE CHAIR SWEENEY: Is not within that.

29 MR. MEHALIC: Yeah. It's two feet away from it.

30 VICE CHAIR SWEENEY: Do you have happen to have any

1 other pictures of the area? I am just trying to get a visual,
2 a little better visual.

3 MR. MEHALIC: I have drawings.

4 VICE CHAIR SWEENEY: It's not necessary but --

5 MR. MEHALIC: She has the actual drawing where it's
6 laid out. I don't know if you guys have that.

7 VICE CHAIR SWEENEY: Yeah, I have that as well. The
8 only actual picture we have is --

9 MR. MEHALIC: They have a pretty substantial lot
10 size but, right now, that part of their yard is what they use
11 the most. It's landscaped and finished. They have a hot tub,
12 a fireplace and all these other things over there. And what
13 we consider their front yard, which the septic tank is there,
14 we can't put the pool up there, and it would be in the front
15 yard, basically. But this gives them real nice privacy on the
16 side of their house and, like I said, that's where they have
17 all their family functions, needs.

18 VICE CHAIR SWEENEY: Oh, I see. There is a picture
19 on the second page which helps.

20 MR. MEHALIC: I think, for the most part, that creek
21 is dry unless it's, you know, a heavy, heavy rain or a
22 substantial thaw in the spring.

23 VICE CHAIR SWEENEY: All right, thank you.

24 I will note that we received an email from the
25 neighbor at 9695 Little Mountain Road, Mr. Timothy Boss, and
26 it states as follows: This is to Heather Freeman, dated
27 October 7th, "As discussed earlier today, I have a concern
28 with the proposed construction of a pool at 9675 Little
29 Mountain Road in Concord. I want to be sure that the proposed
30 construction will not infringe the property line between our

1 homes. Please express my concerns to the Zoning Board as I
2 will not be able to attend the meeting on October 12th."

3 Can you address that?

4 MR. MEHALIC: It's nowhere near it. And their, the
5 drawings -- I am sorry. The drawings are on my phone.

6 MS. FREEMAN: Here (Handing).

7 MR. MEHALIC: The property line in the rear, they're
8 nowhere near either one of the property lines, quite honestly.

9 VICE CHAIR SWEENEY: Okay.

10 MR. MEHALIC: Their lot is pretty large and they're
11 really not anywhere, you can't even see --

12 MS. FREEMAN: The property line is over there.

13 VICE CHAIR SWEENEY: Which page are you looking at?

14 MS. FREEMAN: It's the gentleman to the east, due
15 east that was concerned.

16 MR. MEHALIC: Oh, yeah, and that's nowhere near
17 their property at all, front or back.

18 VICE CHAIR SWEENEY: All right.

19 MR. MEHALIC: I guess it's the side yard but --

20 MS. FREEMAN: Yeah.

21 MR. MEHALIC: Would you agree with that?

22 MS. FREEMAN: Well, let's see. On the site plan
23 here, it doesn't have a dimension there.

24 MR. MEHALIC: It is probably on one of the previous
25 pages because he's pretty good with putting that on there.

26 MS. FREEMAN: It looks like the pool concrete
27 decking was approximately 39 feet 11 inches from the side
28 property line, the right side property line.

29 VICE CHAIR SWEENEY: And what's minimum side yard
30 setback, 15 feet?

1 MS. FREEMAN: For the pool itself it's a minimum 15
2 feet. The concrete pool deck is permitted to go closer to the
3 property line.

4 VICE CHAIR SWEENEY: Oh, so we're fine.

5 MS. FREEMAN: Based on this site plan and this
6 information, it does appear to meet all the setback
7 requirements.

8 VICE CHAIR SWEENEY: Okay.

9 MS. FREEMAN: We can try to field locate the pin in
10 that back corner.

11 MR. MEHALIC: Absolutely.

12 MS. FREEMAN: Just to verify before construction
13 would begin should the variance get approved.

14 VICE CHAIR SWEENEY: Heather, did you receive any
15 other notifications from any abutting property owners or any
16 neighbors?

17 MS. FREEMAN: No, Mr. Chairman, no.

18 VICE CHAIR SWEENEY: All right, thank you.

19 MR. MEHALIC: No questions?

20 VICE CHAIR SWEENEY: All right. Thank you very
21 much.

22 Is there anyone else speaking for or against?

23 (No response.)

24 I don't believe there is. We will go ahead and
25 close the public hearing on this.

26 All right. The chair will entertain a motion.

27 MR. ROWAN: So moved.

28 VICE CHAIR SWEENEY: Second?

29 MR. DYNES: Second.

30 MR. GOLLING: Second.

1 VICE CHAIR SWEENEY: Having received that, I will
2 open it for discussion.

3 MR. GOLLING: We've had these before. Chad has
4 basically stated, to sum it up, it's already landscaped, it's
5 already grassed and it will not affect the existing wetlands.

6 MR. ROWAN: I think we have had a few of these like
7 this where -- I am not saying either for or against it but,
8 you know, like he said, it's not infringing on the riparian
9 setbacks. It's also saying, like, if you did it based on -- I
10 forget what year it was changed -- it would have been within
11 it. So for me, I don't think I have any concerns.

12 MR. GOLLING: Well, we rely on our experts. Chad's
13 our expert here. And doesn't encroach on the flood prone
14 width, doesn't expect to extend near the improvements. The
15 improved location is already maintained as turf grass which
16 provides minimum water quality benefit. So --

17 VICE CHAIR SWEENEY: Yeah. And the meander erosion,
18 I believe, is on the outside, going away from the property, so
19 that's always good.

20 MR. GOLLING: And it was, the lot was platted and
21 built prior to the enactment of the riparian setbacks, so this
22 is something not foreign to us.

23 VICE CHAIR SWEENEY: All right. Any other
24 discussion?

25 MR. DYNES: You said it all.

26 VICE CHAIR SWEENEY: All right.

27 MR. DYNES: Very well done.

28 VICE CHAIR SWEENEY: If not, the question on
29 approval is the granting of Variance 2022-116 and, Heather,
30 can you please take a vote.

1 MS. FREEMAN: Mr. Rowan?

2 MR. ROWAN: Yes.

3 MS. FREEMAN: Mr. Dynes?

4 MR. DYNES: Yes.

5 MS. FREEMAN: Mr. Golling?

6 MR. GOLLING: Yes.

7 MS. FREEMAN: Mr. Sweeney?

8 VICE CHAIR SWEENEY: Yes.

9 Congratulations.

10 MR. MEHALIC: Thank you.

11 VICE CHAIR SWEENEY: All right. That covers all the
12 New Business.

13 We do have one order of the approval of the minutes
14 from September 14, 2022. Anybody have any issues with those?
15 I didn't get a chance to read them but I doubt there is any
16 problem with them whatsoever. So all in favor?

17 MR. DYNES: I will abstain.

18 (Three aye votes, no nay votes, one abstention.)

19 VICE CHAIR SWEENEY: All right. The minutes are
20 approved.

21 Our next board meeting is November 9, 2022. See you
22 then.

23 (Whereupon, the meeting was adjourned at 7:18 p.m.)
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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 25th day of October
19 2022.

20 Melinda A. Melton
21 Melinda A. Melton
22 Registered Professional Reporter

23 Notary Public within and for the
24 State of Ohio

25 My Commission Expires:
26 February 4, 2023

