

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

January 11, 2023
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Davey Rowan, Member
Todd Golling, Member
Skip Sweeney, Member
T. R. Hach, Alternate Member

Also Present:

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

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

1 7:00 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals meeting for January 2023 is
4 now in session. I would like to introduce my board: To my
5 left, far left is Skip Sweeney and T. R. Hach; I am Ivan
6 Valentice; to my right is Davey Rowan and Todd Golling; to our
7 far right is Heather Freeman, our Zoning Inspector.

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

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

12 CHAIRMAN VALENTIC: Thank you. Please be seated.

13 This evening when presenting your case, come up to
14 the microphone, state your name and address and confirm that
15 you've been sworn in.

16 Heather, were the legal notices published?

17 MS. FREEMAN: Yes.

18 CHAIRMAN VALENTIC: Perfect.

19 All right. We have one appeal tonight, which is Old
20 Business. A three-vote majority is required to either approve
21 or deny an appeal. If a request is denied, you can see
22 Heather afterwards.

23 All right. First is Variance Application 2022-117,
24 Donald A. Rockwood is requesting a variance from Section
25 15.03(A)(7) to allow an accessory building to be located in
26 the side yard, in lieu of behind the dwelling in the rear
27 yard, for the property located at 6868 Aria's Way, current
28 parcel number 10-A-031-D-00-011-0.

29 Mr. Rockwood, please come up.

30 MR. ROCKWOOD: Yes, sir. My name is Donald

1 Rockwood. I have been sworn in. As you mentioned, I live at
2 6868 Aria's Way, which is on the corner of Route 84 and
3 Prouty. Our, the first three or four houses, our back yard is
4 Route 84 and so the first four houses there really don't have
5 much of a back yard.

6 I put a shed on the side of my house. The neighbor
7 across the street and two doors down have one on the side of
8 their house. But there is not a lot of room in the back of my
9 yard. There is only two really places that it could go.

10 I would like to submit a couple extra pictures just
11 for, you can see kind of the -- Should I step up with these?

12 CHAIRMAN VALENTIC: Sure.

13 MR. ROCKWOOD: This is the right corner of my house,
14 my lot. It gets a lot of flooding. And the, you've got some
15 additional pictures there probably. The left side of my house
16 in the back there, you see a lot of woods and I really didn't
17 want to tear down, you know, the big Christmas tree and the
18 extra tree to put a shed there. So that's the reason why I
19 filed for a variance to put the shed on the side of the house,
20 if possible. Not a lot of room in the back yard. I provided
21 one picture for everybody there.

22 CHAIRMAN VALENTIC: Oh, okay. And the back yard, I
23 remember that area. I drove by but I didn't pull back but it
24 looks like there is some slope to the back yard.

25 MR. ROCKWOOD: Yeah, which is what you see in that
26 picture, why we get such a water problem, and I've actually
27 had worse than that. So that's the only one place that the
28 shed could go.

29 And then when you see to the left side, which is the
30 reason why I built the house there, because the left side of

1 my house is woods and I just love the shade and all the woods
2 there. But I would literally have to tear down my big
3 Christmas tree that I planted ten years ago, nine years ago,
4 and an extra tree there to put it there and I really didn't
5 want to, you know, tear down healthy trees.

6 CHAIRMAN VALENTIC: And there's mound along 84
7 there.

8 MR. ROCKWOOD: There is. And there's a big hill,
9 steep hill there. You will see a big Christmas tree in the
10 back back there. That literally is like a 3 foot difference
11 compared to the step up to that woods. That's the only reason
12 why I put it on the side of the house. So that's why I filed
13 for a variance to, hopefully, get that approved.

14 MR. GOLLING: When did you build this?

15 MR. ROCKWOOD: This got installed probably like in
16 September when I had a roof leak that I didn't even know
17 about. So I repaired the roof and all that. The insurance
18 company denied all the claims. And so I put that in for some
19 extra storage.

20 MR. GOLLING: And the lot just adjacent to yours
21 with all the trees is --

22 MR. ROCKWOOD: Yes, sir, that's like a little small
23 area of woods.

24 MR. GOLLING: Who owns that?

25 MR. ROCKWOOD: I own a portion of it, half of it,
26 and then the association, Aria's Way, owns the rest of that.
27 And I cleaned out a whole big section of that when I first
28 moved in. I think I took out like, oh, God, 150 bags and, you
29 know, all the tree branches that were laying and it's all nice
30 and cleaned out over there.

1 MR. HACH: Have your neighbors voiced an opinion
2 either way?

3 MR. ROCKWOOD: No, no, sir.

4 MR. GOLLING: Your HOA, have they said anything?

5 MR. ROCKWOOD: No. A couple of my neighbors said,
6 "If you've got extra room, let me put some stuff in there,"
7 because it's a nice little unit.

8 MR. GOLLING: Right.

9 MR. ROCKWOOD: I didn't go cheap on it. I wanted it
10 to look, to match the house as much as possible. And, you
11 know, if I have to put some siding on it to even match the
12 house better, I would be glad to do that. It wouldn't -- It's
13 only going to cost me like \$800 more to do that. But that's
14 the reason I put that area on the side of the house. One,
15 it's close to the garage door and didn't have to tear -- this
16 slope wasn't that much of a difference when you come up closer
17 to the house and I didn't want to tear down any additional
18 trees just to put a shed back there that I much needed.

19 MR. HACH: You know, I drove by a little while ago.
20 This has been on our docket for a while, right?

21 MR. ROCKWOOD: Yes, sir.

22 CHAIRMAN VALENTIC: Right.

23 MR. HACH: So when I drove by, I thought I saw some
24 arborvitaes in the front.

25 MR. ROCKWOOD: There is.

26 MR. HACH: Between the road and the shed.

27 MR. ROCKWOOD: Yeah, those are mine.

28 MR. HACH: Okay, all right.

29 MR. ROCKWOOD: Yes, sir, I own --

30 MR. HACH: There's some screening from --

1 MR. ROCKWOOD: That's, just slightly to the left of
2 that, I own --

3 MR. HACH: There is some screening from the road.

4 MR. ROCKWOOD: There is, yes, sir.

5 MR. HACH: You don't have any -- I don't know if you
6 guys have driven by or not but there is some screening from
7 the road.

8 MR. ROCKWOOD: Yes, sir, there is. And I would be
9 glad to put, you know, additional trees there for extra
10 screening or whatever it might be to please any eyes out
11 there.

12 MR. HACH: Is that, can you verify that, the
13 screening, the arborvitaes that are there between the street
14 and the shed?

15 MS. FREEMAN: You're asking me, Mr. Hach?

16 MR. HACH: Yeah. I am sorry.

17 MS. FREEMAN: I don't remember that they were
18 arborvitaes but the shed is kind of tucked behind some trees.

19 CHAIRMAN VALENTIC: It's tucked in, back in there,
20 yeah.

21 MS. FREEMAN: It is definitely screened somewhat by
22 some vegetation. I don't recall specifically what the trees
23 were.

24 CHAIRMAN VALENTIC: Yeah, I don't remember what they
25 were.

26 MR. ROCKWOOD: There is like five 12-foot
27 arborvitaes there.

28 MR. HACH: No, I just wanted to make sure. I
29 thought I saw something.

30 MR. ROWAN: I think this was sort of asked already

1 but, in the association, is there a process to get approval
2 for having an accessory building?

3 MR. ROCKWOOD: There is, and I went through that
4 process. I wasn't really, you know, I was kind of dumbfounded
5 about the permit, you know. I haven't done anything like that
6 before. But I went through the process. Everything got
7 approved. The association really wasn't aware of the new
8 change of not allowing on the side of the property because,
9 like I said, my across-the-street neighbor and my neighbor two
10 doors down, they have it on the side of their house already
11 and not really hidden besides a fence. But that's the reason
12 why I put it there and everything got approved and then
13 Heather had been in the neighborhood and she saw it and then
14 she sent out the letter.

15 MR. ROWAN: So approved by the association.

16 MR. ROCKWOOD: Yes, sir.

17 MR. ROWAN: Obviously, not approved by zoning.

18 MR. ROCKWOOD: Yes, sir.

19 MR. ROWAN: Okay.

20 MR. ROCKWOOD: Because they wanted where the, no
21 more on the side properties anymore.

22 MR. ROWAN: I guess, when did that -- Heather, I
23 guess this is a question for you. Did that change since, I
24 guess -- What is the process for the association? I mean,
25 should they have been aware, the homeowners association? I
26 don't know if there is a process where --

27 MR. GOLLING: Most HOAs follow the regulations of
28 the county but they're allowed to build on top of theirs for
29 more additional, like require paint colors or mailbox types or
30 something.

1 MR. ROWAN: Right. I just was trying to understand
2 like from a homeowners' association, I guess it would be in
3 their interest to make sure, if they approve it, does it meet
4 zoning?

5 MR. GOLLING: Right, right.

6 MR. ROWAN: I don't know if there is any kind of
7 process that they follow to stay up to date or, again, I don't
8 know if this is something that changed since he purchased his
9 house that, you know, at some point they were allowed side
10 lots.

11 MR. ROCKWOOD: Heather said it did change and then,
12 which is when I got the letter, I immediately came up and saw
13 her. And, you know, I mentioned, you know, the association
14 should be well known of this, too, because if they would have
15 denied it, I obviously wouldn't have put it there.

16 MR. ROWAN: Right.

17 MR. ROCKWOOD: But once they approved it, I had it
18 put in and didn't know any difference.

19 MR. ROWAN: The assumption is, the housing
20 association approves it, it would be --

21 MR. ROCKWOOD: Yes, sir.

22 CHAIRMAN VALENTIC: But the HOAs are looking at it
23 more from an aesthetic standpoint.

24 MR. ROCKWOOD: Other people have it there already on
25 the side of their home already.

26 MS. FREEMAN: Mr. Rowan, I believe the resolution
27 was changed in 2019.

28 MR. ROWAN: Okay. So it's been --

29 MS. FREEMAN: So the development was already in.

30 MR. ROWAN: Gotcha.

1 MS. FREEMAN: So the association might have not been
2 aware of the zoning change. Some associations, you know,
3 approve a project contingent on getting zoning approval.

4 MR. ROWAN: Gotcha.

5 MS. FREEMAN: Other associations say, "Go get zoning
6 approval, then come get our approval." So I am not sure
7 exactly how their association does it.

8 MR. ROWAN: Thank you.

9 CHAIRMAN VALENTIC: But any improvements need to
10 come in, you know. Fence, shed, pool, they've all got to come
11 in and get zoning approval.

12 MR. ROCKWOOD: Yeah, that was my fault. I take
13 complete ownership of that.

14 MR. SWEENEY: This lot that's next to you --

15 MR. ROCKWOOD: Yes, sir.

16 MR. SWEENEY: That's not even a buildable lot, is
17 it?

18 MR. ROCKWOOD: No, sir, it's not, no. It never will
19 be.

20 MS. SWEENEY: What do you mean, you own half of it?

21 MR. ROCKWOOD: I do own half of that. That's why
22 you see a lot of it cleaned out and then the other half is
23 not. The other half is part of the association or they call
24 it community property or --

25 MR. SWEENEY: Common area.

26 MR. ROCKWOOD: Common area, yes, sir. Thank you.
27 And then the other half is mine. My property goes right down
28 there.

29 MS. SWEENEY: And then you said there is others in
30 this development that have sheds on the side of their house?

1 MR. ROCKWOOD: My across-the-street neighbor and
2 then two or three doors down, they have it on the side of
3 theirs. That's the ones that I saw so far.

4 MR. SWEENEY: Okay. And no one's given you any
5 grief?

6 MR. ROCKWOOD: No, no.

7 MR. SWEENEY: Okay.

8 MR. ROCKWOOD: Like I said, I matched the house the
9 best I could with the paint and the roof. It's got, actually,
10 the same roof on it that I just had installed.

11 MR. SWEENEY: It looks nice.

12 MR. ROCKWOOD: Thank you. I appreciate that. And
13 if I have to put a Christmas tree or two in front of it or put
14 some siding on it, I mean, I will be glad to do that.

15 MR. SWEENEY: It's kind of tucked back there.

16 CHAIRMAN VALENTIC: Yeah. Any other questions?

17 MR. ROWAN: I have no further questions.

18 CHAIRMAN VALENTIC: No?

19 MR. HACH: No.

20 CHAIRMAN VALENTIC: All right, thank you. You can
21 be seated.

22 MR. ROCKWOOD: Board, thank you for your time.
23 Appreciate it.

24 CHAIRMAN VALENTIC: Is there anyone else here
25 speaking for or against this appeal that would like to come
26 up?

27 (No response.)

28 No, okay. If there is no further questions, the
29 public hearing for Variance Number 2022-117 is now closed to
30 the public. Can I get a motion to approve Variance 2022-117?

1 MR. SWEENEY: So moved.

2 MR. GOLLING: Second.

3 CHAIRMAN VALENTIC: Discussion?

4 MR. GOLLING: It's against that nonbuildable lot. I
5 mean, nothing is ever going to go there. There is a forest
6 separating him and the, I think it's, what, condos? They're
7 just right next to it.

8 MR. ROCKWOOD: It is condos, yes, sir.

9 MR. GOLLING: So, I mean, it's nestled in there.
10 It's not posing a huge issue. As long as we don't have anyone
11 here to object, I don't see a monster issue with it.

12 MR. SWEENEY: Agreed.

13 MR. ROWAN: I agree.

14 MR. GOLLING: If it were jammed up next to, like
15 right up next to a neighbor, then potentially it could be -- I
16 mean, it's not permanent. It's a semi-permanent shed. So it
17 could be picked up and moved, which isn't the huge issue, but
18 there is no one to, no one to object.

19 MR. ROWAN: I think --

20 MR. GOLLING: I think it actually looks pretty good.
21 I will be honest.

22 MS. SWEENEY: It does.

23 MR. ROWAN: I think I would add that if we were to
24 say, okay, it has to go in the back, to move the shed and to
25 mitigate the drainage issues would be a bigger burden than
26 just approving it where it is and that it is on the side. And
27 everything you said, you know, it's tucked in. So --

28 MR. HACH: Do we have any concerns about the siding
29 or maintenance of those arborvitaes?

30 MR. ROWAN: No.

1 MR. GOLLING: No. I mean, it doesn't have to match.
2 That's not the variance.

3 MR. HACH: No. If we want to have a say, now is the
4 time.

5 MR. GOLLING: I think it would look pretty but,
6 other than that, as long as the HOA isn't requiring him to
7 have siding to match, I mean, there is nothing we could do.

8 MR. HACH: Okay.

9 MR. GOLLING: As far as siding goes. But that's an
10 HOA issue, I think.

11 MR. SWEENEY: Yeah.

12 CHAIRMAN VALENTIC: Okay. Everyone is good?

13 MR. HACH: Yep.

14 CHAIRMAN VALENTIC: All right. Heather, the
15 question is on approval of Variance Number 2022-117. A yes
16 vote approves the variance. A no vote denies the variance.
17 Please call the vote.

18 MS. FREEMAN: Mr. Sweeney?

19 MS. SWEENEY: Yes.

20 MS. FREEMAN: Mr. Hach?

21 MR. HACH: Yes.

22 MS. FREEMAN: Mr. Rowan?

23 MR. ROWAN: Yes.

24 MS. FREEMAN: Mr. Golling?

25 MR. GOLLING: Yes.

26 MS. FREEMAN: Mr. Valentic?

27 CHAIRMAN VALENTIC: Yes.

28 Your variance has been approved.

29 MR. ROCKWOOD: Thank you, sir. I really appreciate
30 your time, board. Most appreciated. Thank you so much.

1 Happy New Year to everybody.

2 CHAIRMAN VALENTIC: Next on the agenda is approval
3 of the minutes from December 14. Can I get a motion to
4 approve the minutes from December 14, 2022?

5 MR. HACH: So moved.

6 MR. GOLLING: So moved.

7 MS. SWEENEY: So moved.

8 MR. GOLLING: Second. So moved. Second.

9 CHAIRMAN VALENTIC: I don't know who got what. All
10 right. Is there any discussion regarding the minutes,
11 additions or deletions?

12 (No response.)

13 Okay, all right. A yes vote approves the minutes, a
14 note no vote does not. All in favor of the minutes as written
15 say aye.

16 All right. The minutes are approved from
17 December --

18 MR. SWEENEY: Those opposed?

19 CHAIRMAN VALENTIC: -- 14th. Are you opposed or are
20 you abstaining?

21 MR. SWEENEY: No, aye, aye.

22 CHAIRMAN VALENTIC: Aye, all right.

23 MR. SWEENEY: I am an aye.

24 CHAIRMAN VALENTIC: All right. The minutes are
25 approved as written.

26 MR. HACH: You weren't here.

27 MR. SWEENEY: Oh, that's right. I have to abstain.
28 I was not here.

29 CHAIRMAN VALENTIC: Yeah, you were not here.

30 MR. SWEENEY: I stand corrected.

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(Four aye votes, no nay votes, one abstention.)

CHAIRMAN VALENTIC: Okay, as noted.

Our next meeting is on February 8, 2023. The
Concord Township Board, Zoning Board of Appeals is now closed.
Thank you.

(Whereupon, the meeting was adjourned at 7:13 p.m.)

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STATE OF OHIO)
)
COUNTY OF LAKE)

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 27th day of January 2023.

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

