

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

December 14, 2022
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Davey Rowan, Member
Todd Golling, Member
Brandon Dynes, Member
T. R. Hach, 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 7:02 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals meeting for December 14th is
4 now in session. I would like introduce my board. To my far
5 left is T. R. Hach and Brandon Dynes. I am Ivan Valentlic. To
6 my right is Davey Rowan and Todd Golling. To our far right is
7 Heather Freeman, our Zoning Inspector.

8 Under the advice of counsel, we ask that anyone
9 speaking tonight must be sworn in. So if you plan on
10 speaking, 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 or
14 commenting, come up to the microphone and state your name and
15 address and please confirm that you've been sworn in.

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

18 MS. FREEMAN: Yes, they were.

19 CHAIRMAN VALENTIC: Perfect.

20 Okay. We have three variances that are Old Business
21 and three variances that are New Business for this evening.

22 First is Old Business.

23 MR. DYNES: Mr. Chairman, if I may just for the
24 record, I am going to recuse myself. The first two happen to
25 be clients of mine and the third one I am personally involved
26 with. So I will take my seat out there and I will leave the
27 room accordingly for the third.

28 CHAIRMAN VALENTIC: Okay.

29 MR. DYNES: Thanks.

30 CHAIRMAN VALENTIC: Thank you.

1 (Mr. Dynes took a seat in the audience.)

2 CHAIRMAN VALENTIC: So the first variance is our Old
3 Business, which is Variance Application 2022-117, Donald A.
4 Rockwood is requesting a variance from Section 15.03(A)(7) to
5 allow an accessory building to be located in the side yard, in
6 lieu of behind the dwelling in the rear yard, for the property
7 located at 6868 Aria's Way, current parcel number
8 10-A-031-D-00-011-0.

9 Please come up and present your case.

10 MR. ROCKWOOD: Thank you, Board. My name is Donald
11 Rockwood and I have been sworn in. I am going to, since we
12 are short one board member, I am going to roll mine over to
13 the next meeting, if I could do that.

14 CHAIRMAN VALENTIC: Yeah, that's fine. Do we need a
15 motion or can we just -- I can't remember right now.

16 MR. LUCAS: I think you want to, to just get it into
17 the record, you want to make a motion, pursuant to the request
18 of the applicant, that this matter remain on the table.

19 CHAIRMAN VALENTIC: Okay. I put a motion in front
20 of the board. The applicant has requested that we table his
21 variance appeal to the next meeting when we have a full board.
22 All in favor say aye.

23 (Four aye votes, no nay votes.)

24 MR. ROCKWOOD: Thank you, Board. Appreciate it.

25 CHAIRMAN VALENTIC: Thank you very much.

26 MR. ROCKWOOD: Thank you. Appreciate it.

27 CHAIRMAN VALENTIC: All right. Variance Application
28 2022-118, Ryan and Lisa White are requesting a variance from
29 Section 15.03(A)(6) to allow for an addition onto accessory
30 buildings that will result in the accessory building being

1 2,290 square feet in area, in lieu of the maximum 1,532 square
2 feet permitted, for the property located at 7759 Kenneth
3 Drive, current parcel number 08-A-004-0-00-054-0.

4 Mr. and Mrs. White.

5 MR. WHITE: Hello, Board. My name is Ryan White. I
6 live at 7759 Kenneth Drive and I have been sworn in.

7 CHAIRMAN VALENTIC: And are you good with proceeding
8 with four members of the board? You still need a three-vote
9 majority.

10 MR. WHITE: I am.

11 CHAIRMAN VALENTIC: Okay, great. Thank you.

12 MR. WHITE: So I purchased in 2011. I purchased
13 three lots, roughly 1.2 acres each, and combined them. So
14 it's a 3.5 acre lot. I have been investing in the property in
15 a number of different ways, including, if you look at this
16 little page you might have, I have existing a garage and a
17 barn. What I am looking to do is combine them into one
18 building.

19 The garage, I have a hobby, I race cars, and so I
20 use that. And then for the barn right now, I have it for my
21 truck that pulls the race car trailer and so forth and I need
22 a space to record -- or store snow plows, blowers, pull carts,
23 lawn mowers, ice/snow plow, and I cut wood and I do all kinds
24 of other stuff. So, right now, they're covered by tarps
25 outside. I want to clean up the property by extending the
26 building and making it one building and having the ability to
27 store these miscellaneous snow plows and chainsaws, you know,
28 lawn mowers and so forth.

29 So we've taken a number of steps, if you look at the
30 drawing. We have been in there since 2011. We're surrounded

1 by ravines and woods. On the one side, we -- what's the
2 setback? I don't remember. The "sarian" setback?

3 CHAIRMAN VALENTIC: Riparian setback.

4 MR. WHITE: Riparian setback. So even though I am
5 grandfathered in, we moved it five foot back. I can't really
6 move it anywhere else because there is a lot of elevation
7 change on the property. So it's quite difficult to put it
8 anywhere else other than that. The reason that space is kind
9 of flat is because it was supposed to be three lots, so they
10 built a flat road to go to that area and I am using that area
11 as the area to put the, this barn and accessory building.

12 So I am looking just to combine those two. I don't
13 know what else you are looking for. I am just closing the
14 space and it's going to be something like a 600 square foot
15 addition. But I am, we're counting the space, I am putting a
16 loft up above. It's not going to have any utilities. It's
17 not going to be insulated. So I am not using it for anything
18 else. I am just using it -- The only thing I have is some
19 electricity for lighting. That's all it's going to be. So
20 it's just a pole barn.

21 CHAIRMAN VALENTIC: So the, there is an existing
22 garage and existing barn and they're not --

23 MR. WHITE: They are not attached.

24 CHAIRMAN VALENTIC: They are not attached.

25 MR. WHITE: Yes.

26 CHAIRMAN VALENTIC: And they don't line up. You're
27 looking to --

28 MR. WHITE: They line up. Well, they almost line
29 up. So if you look at the drawing -- I don't know -- what all
30 I am doing is connecting the two to make an L. I should have

1 thought of this originally. It would have been a lot less
2 expensive to do it the first time. But I just got into it. I
3 built that garage two or three years ago and now I am just
4 looking to connect the two.

5 And so I took pictures, if you have it in here. My
6 back has -- I don't remember -- four or five hundred square
7 foot, I mean feet, of woods. Down the left is a ravine of
8 four or five hundred square feet. I went to the ravine that's
9 closest and I took pictures and you can't really see. And
10 they already looked like two buildings -- I mean it looks like
11 one building because it's in an L shape already. So you can't
12 really -- There will be no difference in view for any
13 neighbors or no view or difference because it's already, they
14 have the two buildings there and I am just filling in the
15 corner.

16 There, right now, is gravel and tarps covering
17 equipment. So if you want me to walk you through the
18 pictures, do you want me to walk you through the pictures?

19 CHAIRMAN VALENTIC: Do you have any questions?

20 MR. HACH: No, no questions.

21 MR. GOLLING: No.

22 MR. ROWAN: I have a question. So the way you're
23 zoned, you could have built, you have unlimited number of
24 buildings. So I just want to understand why you're choosing
25 to combine and not maybe build a separate building that would
26 be bigger than that? I just want to understand.

27 MR. WHITE: Right. One, I probably could have done
28 it but the problem is, if you look at the space, it looks like
29 one building now from the front and the back and the sides. I
30 am storing motors and transmissions and things. I can't be

1 going through ravines and elevation changes.

2 MR. ROWAN: Okay. So it's like the layout of the
3 property?

4 MR. WHITE: The layout of the property, if you look,
5 it's a lot of contour. We live on two ravines and it's all
6 curvy. So the only place I am flat -- And I have heavy things
7 I need to move to the garage and to the storage and to the
8 barn, so it's going to be very difficult to go anywhere else.
9 So instead of leaving a gap between the buildings to make it
10 legal or whatever, I am just trying to enclose it so that I
11 have one door entrance for security, I have one simplicity of
12 moving things between the different spaces.

13 I had somebody come out and look at, could I extend
14 the other way or could I put another barn and it was not
15 really practical to do it any way.

16 MR. ROWAN: This here, this is the addition here,
17 right?

18 MR. WHITE: The corner, exactly. The left, you're
19 exactly right. Those other buildings already exist.

20 MR. ROWAN: Gotcha. That's all the questions I
21 have.

22 CHAIRMAN VALENTIC: I mean, it's a fairly
23 significant variance from the square footage but it's a nice
24 solution to, you know, instead of adding another building,
25 kind of combining them and it looks, it's not really going to
26 be seen. So I don't have any other questions.

27 MR. GOLLING: I don't have any questions.

28 CHAIRMAN VALENTIC: All right. Thank you. You can
29 be seated. Thank you.

30 Is there anyone else here speaking for or against

1 this appeal that would like to come up?

2 (No response.)

3 If there is no further questions from the public for
4 Variance Number 2022-118, the public hearing is now closed.

5 Can I get a motion to approve Variance Number 2022-118?

6 MR. GOLLING: So moved.

7 CHAIRMAN VALENTIC: Second?

8 MR. HACH: Second.

9 MR. ROWAN: Second.

10 CHAIRMAN VALENTIC: T. R. gets that.

11 MR. ROWAN: That's okay.

12 CHAIRMAN VALENTIC: He had it first.

13 Okay. Discussion for the board, any concerns?

14 MR. GOLLING: Em-em.

15 MR. HACH: No.

16 CHAIRMAN VALENTIC: No.

17 MR. ROWAN: I don't have any, I don't think I have
18 any concerns. I think it makes sense. I think, obviously, it
19 is an issue of the layout of the land. I think it's a nice
20 design. It's not affecting the essential character of the
21 neighborhood. I am all for it.

22 CHAIRMAN VALENTIC: Okay, great.

23 Then I will just ask Heather for, the question is on
24 the approval of the variance, 2022-118. A yes vote will
25 approve the variance. A no vote denies the variance.

26 Heather, please call the vote.

27 MS. FREEMAN: Mr. Golling?

28 MR. GOLLING: Yes.

29 MS. FREEMAN: Mr. Rowan?

30 MR. ROWAN: Yes.

1 MS. FREEMAN: Mr. Hach?

2 MR. HACH: Yes.

3 MS. FREEMAN: Mr. Valentic?

4 CHAIRMAN VALENTIC: Yes.

5 Your variance has been approved. Thank you very
6 much.

7 MR. WHITE: Thank you.

8 CHAIRMAN VALENTIC: Okay. Next on the agenda is
9 Variance Application 2022-120.

10 (Mr. Dynes left the room.)

11 CHAIRMAN VALENTIC: Marous Brothers Construction, on
12 behalf of the property owner IN9 Group LLC, is requesting a
13 variance from Section 22.03 Table of Uses to permit a drive-
14 thru facility for a proposed ice cream parlor for the property
15 located on Crile Road, current parcel number
16 08-A-020-0-00-048-0.

17 DR. NEKIC: Good evening. John Nekic, 6814 Edinboro
18 Place, Concord Township, Ohio. I've been sworn in.

19 CHAIRMAN VALENTIC: Thank you.

20 DR. NEKIC: How is everyone? As you know, we've
21 been working on this project for a while now. I purchased
22 that first piece of land across from Holiday Inn Express and
23 we tried to make this situation perfect for us. I was never
24 crazy about it. I spoke to the hotels and the hotels had some
25 issues. I didn't want to be a burden to the community. So a
26 second parcel became available, what I wanted for the past 20
27 years, so I bought that.

28 So now we've been approved. So now we're looking to
29 do absolutely the perfect scenario for the township and for
30 the project. We recognize that that part of the Capital

1 District, that drive-thrus are not permitted. But that part
2 of the Capital District is unique because it's not part of the
3 planned township center and will be west, it's on the west
4 side of 44 near the roundabout. This location is more similar
5 to the business district where the drive-thrus are
6 permissible.

7 There will no traffic backups due to the amount of
8 space provided for the drive-thru and the efficiency of the
9 product provided. There is more than enough of the required
10 stacking provided. The ice cream parlor will be open year
11 round, so providing ice cream, coffee, drinks and pastries.

12 Our market research has shown that customers desire
13 the ability to have a drive-thru and get their ice cream and
14 coffees and whatever in a timely manner. The drive-thru will
15 not cause any issues with headlights in the residential
16 district or otherwise cause issues with traffic. We are
17 committed to the success of the store and we fear that a
18 drive-thru would not have the, without a drive-thru, would not
19 have the sufficient ability to, for sufficient funds to ensure
20 the business thrives in and for Concord.

21 Over the years, we've heard from people of the
22 township, residents, trustees, that they really wanted an ice
23 cream parlor, so we are excited to bring it to Concord. We
24 wanted to ensure this is done correctly and the township is
25 part of the building, the product and the service we're going
26 to provide.

27 We're not providing any service or any foods that
28 entail us cooking material. It's going to be a quick process.
29 People order, we'll have it already prepared and they will
30 drive thru. The whole process, everything we're doing here --

1 I am a resident of Concord. I've been here for a number of
2 years. I just want to make sure this is done right. I want
3 to make sure everyone is happy. The fact that I moved my
4 first project, spent all that money on the piece of land,
5 because I didn't want to interfere with the hotel. I live
6 here. I want this to be good for me. I want it to be good
7 for all of us. I want this to be a special place that we are
8 all proud of it.

9 The drive-thru is something I think we really need
10 because it will be much more efficient and because it's
11 stated. Thank you so much.

12 CHAIRMAN VALENTIC: Mr. Nekic, one question for you
13 or -- I don't know -- Mark, if you will answer. How many --
14 It looks like on the site plan, easily within just the parking
15 lot only, you're, you know, stacking about 12 cars, right? So
16 if you get out to the, if it gets out to the road, you are
17 talking about like 16 or 20 cars, something like that.

18 MR. GREEN: Approximately, yeah. I think nine is
19 the minimum.

20 CHAIRMAN VALENTIC: Okay.

21 MR. HACH: I apologize. You probably mentioned.
22 What are your hours going to be?

23 DR. NEKIC: We're going to be probably, depending on
24 the day of the week, it is going to be a little bit longer but
25 probably from 9:00 to around 9:00.

26 MR. HACH: Nine, okay.

27 DR. NEKIC: Obviously, sometimes it will be a little
28 bit longer, to about 10:00. It's seasonal, depending on the
29 season, obviously. Wintertime, we will probably be from 8:00
30 to maybe 6:00. Again, we are going to feel it out.

1 MR. HACH: And then forgive me. I don't know if
2 this is maybe something for others. Is there a volume or a
3 noise ordinance with the speaker that we need to be concerned
4 about?

5 CHAIRMAN VALENTIC: Oh, with the drive-thru?

6 MR. HACH: Yeah.

7 MR. GREEN: 11:00 p.m. is the end of the noise
8 ordinance.

9 MR. HACH: Okay.

10 MR. LUCAS: Yeah. The township doesn't have a noise
11 ordinance within its Zoning Resolution. There is a noise
12 ordinance that was passed by most of the townships in Lake
13 County through the Lake County Prosecutor's Office because of
14 the loud radios and boom boxes that were going on driving
15 through residential areas and that. That was the original
16 protection on that. So that's, pretty much, a summary of it.
17 It's based on nuisance and based on objective standards
18 affecting people in the surrounding areas and that.

19 MR. HACH: Okay.

20 CHAIRMAN VALENTIC: Mike, I mean, correct me if I am
21 wrong. My interpretation was that, when we did the
22 Comprehensive Plan, the thought was -- and I was on that
23 committee -- was that the Capital District, which really did
24 focus on the other side of 44, would be a walkable community
25 with, you know, housing, shops, everything together. That's,
26 I think, the main reason that drive-thru was excluded from the
27 Capital District, correct?

28 MR. LUCAS: Yeah. They were looking for like a,
29 almost like a Legacy Village type of setting and that, which
30 notwithstanding the Comprehensive Plan, kind of has been put

1 on the back burner due to a lot of residential opposition and
2 that.

3 CHAIRMAN VALENTIC: Yeah.

4 MR. LUCAS: But you're right, that's why it was. It
5 wouldn't be a need for a drive-thru because it was all
6 allegedly, within the Comprehensive Plan, as you indicated,
7 Mr. Chairman, it was for walking much like Legacy Village from
8 store to store, establishment to establishment and that.

9 CHAIRMAN VALENTIC: Thank you.

10 DR. NEKIC: And our parcel is on this side of 44
11 where there are many drive-thrus, Chipotle, Starbucks.

12 CHAIRMAN VALENTIC: Yeah.

13 DR. NEKIC: So we're kind of totally off the,
14 totally the other side, not interfering.

15 MR. ROWAN: I mean, there is a drive-thru at the
16 Drug Mart which is not far from there.

17 DR. NEKIC: It's right down the street.

18 CHAIRMAN VALENTIC: Yeah. I just wanted to kind
19 of --

20 MR. ROWAN: I understand, yeah.

21 CHAIRMAN VALENTIC: -- just refresh why it was
22 excluded from the Capital District.

23 MR. ROWAN: As far as residential areas, I think,
24 what, there is like a development over in this area, right?

25 MR. GOLLING: Houses probably about a quarter mile
26 away.

27 MR. ROWAN: And this is somewhat corporate or I
28 think that building's there.

29 MR. GOLLING: No. This is the old Red Cross right
30 here and that's the only other business along this whole

1 corridor.

2 DR. NEKIC: Across the street is the golf course and
3 a sliver of land. There is nothing there.

4 MR. ROWAN: Okay, that's what I was -- So I think,
5 from a noise perspective, I don't think that's a concern.

6 MR. HACH: For what it's worth, real quick, from my
7 house, which I live kind of behind Lowe's, sort of, you can
8 hear the Arby's speaker, believe it or not.

9 CHAIRMAN VALENTIC: Oh, really?

10 MR. HACH: Well, without the leaves, if you are
11 outside, but we're not outside a whole lot in the winter, so
12 -- but I have noticed that.

13 DR. NEKIC: I was there today. I'm sorry.

14 MR. ROWAN: I have question for you.

15 DR. NEKIC: Yes, of course.

16 MR. ROWAN: Where would they, the orders being --
17 Where would the orders be taken? Is it --

18 MR. GREEN: On the --

19 CHAIRMAN VALENTIC: Mark, can you just state your
20 name for the record and that you've already been sworn?

21 MR. GREEN: Sure. Mark Green, with Marous Brothers
22 Construction, address: 36933 Vine Street, Willoughby, and I
23 have been sworn in.

24 Did you want me to come up there?

25 MR. ROWAN: Yeah, if you could come up, point it
26 out. I can see where this looks like a pickup window here.

27 MR. GREEN: So the speaker would be on this wall
28 here.

29 MR. GOLLING: So it's facing 44.

30 MR. ROWAN: Okay.

1 MR. HACH: The speakers?

2 MR. GOLLING: Yeah.

3 MR. ROWAN: So this is the pickup window. This is
4 where the speaker would be.

5 MR. HACH: Okay, all right.

6 CHAIRMAN VALENTIC: Do you guys have any other
7 questions?

8 MR. GOLLING: No.

9 MR. HACH: No.

10 CHAIRMAN VALENTIC: Any questions for Mr. Green?

11 MR. HACH: I do not. Thank you.

12 MS. FREEMAN: Mr. Chairman, I have a question. Can
13 I?

14 CHAIRMAN VALENTIC: Yeah.

15 MS. FREEMAN: You stated your hours were going to be
16 like 9:00 a.m., maybe 8:00 a.m. I am wondering, is that --
17 How much -- Coffee? So are you planning on selling ice cream
18 in the morning or what? is it coffee?

19 DR. NEKIC: Pastries.

20 MS. FREEMAN: Like, what's the model? Lik, so
21 because I initially thought it was just an ice cream parlor
22 and now I am hearing more coffee and pastries.

23 DR. NEKIC: Coffee and pastries for the wintertime.

24 MS. FREEMAN: I am wondering if that changes the use
25 a little bit more than what -- as far as traffic flow and what
26 kind of expected flow you're anticipating in the morning.

27 DR. NEKIC: I'm sorry. Pastries -- We're going to
28 be selling ice cream but we will be open year-round for
29 coffee, pastries. People come in and sit down in the morning
30 but it's, primarily, it's going to be ice cream.

1 MS. FREEMAN: Okay.

2 CHAIRMAN VALENTIC: Okay. Any other questions?

3 MR. GOLLING: Nope.

4 CHAIRMAN VALENTIC: Okay, you can be seated. Thank
5 you.

6 Is there anyone else here this evening speaking for
7 or against this appeal?

8 (No response.)

9 If not, then the public hearing for application
10 2022-120 is now closed to the public. Can I get a motion to
11 approve Variance Application 2022-120?

12 MR. HACH: So moved.

13 CHAIRMAN VALENTIC: Second?

14 MR. ROWAN: Second.

15 CHAIRMAN VALENTIC: Discussion?

16 MR. GOLLING: It doesn't seem like it's -- We've got
17 a drive-thru at Drug Mart and four or five drive-thrus up the
18 way. So it's not across 44, it's on the east side where
19 drive-thrus are pretty common in the Business Interchange.

20 CHAIRMAN VALENTIC: Yeah. I mean, I think the
21 drive-thrus in other places have become an issue, let's say,
22 out onto Crile but it feels like -- I don't know, I could be
23 wrong -- it feels like there is enough potential stacking
24 here.

25 MR. GOLLING: Yeah, well, compared, when I compared,
26 just drive by Starbucks in the morning. It's kind of nuts
27 there, or Chipotle at night, again, kind of nuts. But, you
28 know, you're taking a lot of concentrated businesses over here
29 and then you have this place on two and a half acres down
30 towards Drug Mart. There is not a whole lot there, so I don't

1 know if it's going to create an issue.

2 CHAIRMAN VALENTIC: Yeah. My only -- I mean, I am
3 glad they got the stacking because I think, if you are doing
4 ice cream through the drive-thru, it could be kind of slow,
5 maybe even slower than coffee. But seems like, if you go all
6 the way out to the road, they've got 16 to 20 cars to stack or
7 put in the parking lot. Hopefully, it's enough.

8 Okay. Any other, anything else, concerns?

9 MR. HACH: No.

10 MR. ROWAN: No.

11 CHAIRMAN VALENTIC: Okay. So then the question is
12 on approval of Variance Application 2022-120. A yes vote will
13 approve. A no vote denies it.

14 Heather, please call the vote.

15 MS. FREEMAN: Mr. Hach?

16 MR. HACH: Yes.

17 MS. FREEMAN: Mr. Rowan?

18 MR. ROWAN: Yes.

19 MS. FREEMAN: Mr. Golling?

20 MR. GOLLING: Yes.

21 MS. FREEMAN: Mr. Valentic?

22 CHAIRMAN VALENTIC: Yes.

23 Your variance has been approved.

24 DR. NEKIC: Thank you.

25 CHAIRMAN VALENTIC: All right. Next is, on our
26 agenda, is New Business. We will have to bring in our other
27 board member here in a second.

28 MR. LUCAS: Yeah, I'll get him.

29 CHAIRMAN VALENTIC: Thank you.

30 MR. LUCAS: It will be an honor.

1 MR. GOLLING: It will be an honor and a privilege.

2 CHAIRMAN VALENTIC: And a privilege.

3 (Mr. Dynes returned to the board.)

4 CHAIRMAN VALENTIC: Thank you for rejoining us.

5 MR. DYNES: Yeah, sorry.

6 CHAIRMAN VALENTIC: Good? All right. Ready?

7 MR. DYNES: All set.

8 CHAIRMAN VALENTIC: All right. Next is Variance
9 Application 2022-121. Gary and Francis McConnell are
10 requesting a variance from Section 15.03(A)(6), Table 15.03-1,
11 to allow for a new accessory building that would be a total of
12 2,643 square feet in area, in lieu of the maximum 1,532 square
13 feet permitted, for the property located at 11860 Girdled
14 Road, current parcel number 08-A-001-0-00-005-0.

15 Please come up and present your case. Again, just
16 confirm that you've been sworn in and your name and address.

17 MR. McCONNELL: Yes. My name is Gary McConnell. My
18 wife, Fran, and I live at 11866 Girdled Road, have for 40
19 years.

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

21 MR. McCONNELL: Yes, I have been.

22 CHAIRMAN VALENTIC: Thank you.

23 MR. McCONNELL: We are requesting your permission to
24 construct a very well built, attractive landscaped facility
25 for multiple purposes, multiple uses. The primary use is to
26 house three different items: One item would be a truck and an
27 enclosed trailer that we use to transport four-wheelers,
28 Sea-Doos, depending on the season; another bay would be used
29 for a boat which we currently own; and the third bay would be
30 used for -- And I am not a hundred percent certain about

1 permitting this yet but I have a grandson who has a boat in
2 Florida. He's moved to northeast Ohio. He wants to bring his
3 boat here and he is requesting that his grandfather permit him
4 to house the boat.

5 CHAIRMAN VALENTIC: Okay.

6 MR. McCONNELL: The open end of the structure would
7 be used for barbecues and family outings and things like that.
8 The enclosed end, the finished room is going to be for my own
9 personal whatever I want to do and that's to be decided at a
10 later date.

11 There will be no business involved. I think, if you
12 -- We have approximately 30 some acres of property total. We
13 take very good care of it. Our desire would be to construct a
14 very attractive building and I don't think there would be any,
15 any of our neighbors that would be upset about it. I wouldn't
16 think so. I wouldn't know why. It's as simple as that.

17 MR. GOLLING: You said 30 acres?

18 MR. McCONNELL: About, well, that parcel is 19.

19 MR. GOLLING: Nineteen, okay.

20 MR. McCONNELL: But there are, actually, they're in
21 my wife's name. I am just the liaison. She is the trust
22 owner. Everything is in her name.

23 MR. GOLLING: Are these yours, too, the ones --

24 MR. McCONNELL: There are four parcels there, a 19,
25 an eight acre and two flag lots.

26 MR. GOLLING: Could you give me, do me a favor, show
27 me? I am curious. Is this one and this one, are those yours,
28 too?

29 MR. McCONNELL: No. This is ours.

30 MR. GOLLING: Okay.

1 MR. McCONNELL: This is ours and these two flag
2 lots, this one and this one.

3 MR. GOLLING: Gotcha, okay, thank you.

4 Yeah, this one and this one. So these two separate,
5 this one and this one.

6 MR. ROWAN: Gotcha.

7 CHAIRMAN VALENTIC: So, Heather, a quick question.
8 So the covered area that's covered parking and then the porch,
9 that all is part of this total square footage, correct?

10 MS. FREEMAN: No, sir, no.

11 CHAIRMAN VALENTIC: No?

12 MS. FREEMAN: The square footage, the 2,600 is the
13 enclosed area.

14 CHAIRMAN VALENTIC: Okay, is the enclosed area only.

15 MS. FREEMAN: I believe, on the cover sheet, the
16 architect did provide accessory building's footprint. Is
17 that, maybe the architect, you could ask her if that's 4,032
18 is the total footprint of that.

19 MR. McCONNELL: If you have any questions --

20 CHAIRMAN VALENTIC: Oh, yeah, it's 4,000 square
21 feet.

22 MS. FREEMAN: Yeah. I am not sure. Maybe Ann can
23 verify that.

24 MS. DUNNING: I am Ann Dunning. I am the architect.

25 CHAIRMAN VALENTIC: Okay. Thank you, Ann. So,
26 yeah, the whole covered, everything covered is the 4,032
27 square feet?

28 MS. DUNNING: Yes, correct.

29 CHAIRMAN VALENTIC: Okay.

30 MR. ROWAN: I'm going to ask a similar question to

1 what I asked earlier. You guys, again, are in a district
2 where, if the maximum square footage is 1,500 or less, you
3 have unlimited buildings. So I guess talk me through why
4 you're going 2,600 versus like two 1,500 square foot
5 buildings. I guess, what were the decisions there? What's
6 the benefit of having that versus two separate buildings on
7 the property?

8 MS. DUNNING: Planning wise, there is a lot of good
9 reasons for doing that. We end up with less roof coverage,
10 less drainage into the ground and really a better way to
11 landscape around everything, less materials used, less
12 heating, just a better plan to do it that way. And as you
13 say, we could build two separate buildings. And when you look
14 at it that way, we're trying to be more efficient with energy
15 and site usage as well.

16 MR. McCONNELL: And money.

17 MR. ROWAN: That's a good point.

18 CHAIRMAN VALENTIC: Ann, were you sworn in earlier?

19 MS. DUNNING: Yes.

20 CHAIRMAN VALENTIC: Could you state your name and
21 address for the record?

22 MS. DUNNING: Ann Dunning. Ann Dunning AIA Inc. is
23 my company, and I'm 129 Burlington Oval Drive, Chardon, Ohio.

24 CHAIRMAN VALENTIC: Thank you.

25 MR. McCONNELL: You've been inundated with
26 paperwork.

27 CHAIRMAN VALENTIC: So would the actual variance,
28 should it be for the 4,000, Mike, square feet or does it only
29 count --

30 MR. LUCAS: The variance should be the difference

1 between the permitted, in excess of 2 acres, 1,530 square feet
2 versus the total of the single building here, to equal 2,643
3 square feet.

4 CHAIRMAN VALENTIC: Okay, thank you.

5 MR. LUCAS: By the way, I don't normally do this but
6 I am compelled to say, on the architectural drawings and that,
7 I love how it says "drawn by author" and then "checked by
8 checker."

9 MS. DUNNING: It's only one person in my office.

10 MR. LUCAS: Very cryptic.

11 MR. HACH: Are you going to run septic to it, also?

12 MR. McCONNELL: Septic.

13 MR. HACH: Yeah, okay.

14 MR. McCONNELL: It wouldn't be connected.

15 MR. HACH: Okay.

16 CHAIRMAN VALENTIC: Just electric, just power out
17 there for lighting, right?

18 MR. McCONNELL: Power will be the only thing that I
19 would have to add on, yes.

20 CHAIRMAN VALENTIC: I don't know. It's, I don't
21 even know what to ask anymore. I mean, it's a massive
22 structure. It's a very large variance request but --

23 MR. McCONNELL: It's going to be a very attractive
24 structure.

25 CHAIRMAN VALENTIC: Yeah, very attractive structure.

26 MS. DUNNING: I think, when we looked at the total
27 property, I tried to show --

28 CHAIRMAN VALENTIC: Can you just come to the
29 microphone, make sure she can hear you okay.

30 MS. DUNNING: I tried to show in the photographs,

1 when you look at the property and the amount of stuff that's
2 stored out there now, it's really cleaning up and landscaping
3 the property and not changing the use from what it is to much
4 right now. It's just organizing it and making it appear
5 better. And it's certainly going to be a well constructed
6 building. It's not an inexpensive just a metal shed or
7 something like that.

8 CHAIRMAN VALENTIC: No.

9 MS. DUNNING: It's a good quality building that's
10 going to be there.

11 MR. McCONNELL: Thank you.

12 MR. ROWAN: I have no other questions.

13 CHAIRMAN VALENTIC: No.

14 Todd, do you have any questions?

15 MR. GOLLING: Not for him, no.

16 MR. DYNES: No.

17 CHAIRMAN VALENTIC: My only question then would be,
18 is my last question, I think. Your, you have the -- No one
19 has replied to our, to the notice. You haven't talked to any
20 of the neighbors?

21 MR. McCONNELL: I have not, no, sir.

22 CHAIRMAN VALENTIC: Just curious, okay.

23 MS. FREEMAN: Mr. Chairman, I did speak with one
24 neighbor.

25 CHAIRMAN VALENTIC: Okay.

26 MS. FREEMAN: Who just had a question whether or not
27 any new driveways were going to be brought in to service this
28 building.

29 MR. McCONNELL: And Heather asked us that and, no,
30 the road to access that building has been in existence for 20

1 years.

2 CHAIRMAN VALENTIC: Okay, there is already an
3 existing road out there.

4 MR. McCONNELL: Yes.

5 CHAIRMAN VALENTIC: And is that a, I guess, north is
6 that way. So I think to the east there is, it looks like, a
7 house and you're about 70 some plus feet away from the
8 neighboring property line.

9 MR. McCONNELL: That's a barn, yes.

10 CHAIRMAN VALENTIC: Oh, that's your neighbor's barn?

11 MR. McCONNELL: That's our neighbor's barn, yes,
12 sir.

13 CHAIRMAN VALENTIC: Okay. So it's not even their
14 house. All right. I am good. You can be seated.

15 MR. McCONNELL: Thank you.

16 CHAIRMAN VALENTIC: Is there anyone else here
17 speaking for or against this appeal that would like to come
18 up?

19 (No response.)

20 If there is no further questions, the public hearing
21 for Variance Application 2022-121 is now closed to the public.
22 Can I get a motion to approve 2022-121?

23 MR. ROWAN: So moved.

24 MR. DYNES: Second.

25 CHAIRMAN VALENTIC: Discussion? Who would like to
26 start?

27 MR. ROWAN: I think, for me, the fact that you can
28 have multiple or unlimited buildings on here --

29 CHAIRMAN VALENTIC: But they all have to be 1,500
30 square feet.

1 MR. ROWAN: Fifteen hundred, right. So you could
2 build two buildings, you would have 3,000 square feet as
3 opposed to 2,600 or they could build three buildings and have
4 4,500 square feet on this property but the cost goes up, so
5 that's a burden to the property owner.

6 I think, yes, it's significant but, again, we're --
7 It's not an eyesore. I think, you know, I like the design but
8 I do see where, you know, it is a significant ask. But,
9 again, there is nothing to stop them from building four or
10 five buildings on this property of 1,500 square feet if they
11 wanted.

12 MR. GOLLING: Conversely, just eyeballing the barn
13 right next door, it looks a little smaller than the barn right
14 next door. So it would fit in, if anything.

15 But to the point that, Davey's point that, I mean, I
16 get the intent of our standards but it wouldn't make sense to
17 ask somebody to incur the financial burden of cutting it up
18 into three buildings, although he could build 100 buildings
19 there if he wanted to. But this just seems like a logical and
20 good looking structure but it just doesn't make sense to ask
21 somebody to endure that difficulty of cutting it up.

22 MR. HACH: Yeah. I think, with the amount of
23 acreage, it is not an issue.

24 MR. DYNES: I would agree. And I usually talk too
25 much, so I will leave it at that.

26 CHAIRMAN VALENTIC: Okay. All right, we will leave
27 it at that.

28 Heather, then the question is on the approval of
29 Variance 2022, 2022-121. A yes vote will approve it. A no
30 vote will deny it. Please call the vote.

1 MS. FREEMAN: Mr. Valentic?
2 CHAIRMAN VALENTIC: Yes.
3 MS. FREEMAN: Mr. Golling?
4 MR. GOLLING: Yes.
5 MS. FREEMAN: Mr. Dynes?
6 MR. DYNES: Yes.
7 MS. FREEMAN: Mr. Rowan?
8 MR. ROWAN: Yes.
9 MS. FREEMAN: Mr. Hach?
10 MR. HACH: Yes.
11 CHAIRMAN VALENTIC: Your variance has been approved.
12 Thank you.
13 MR. McCONNELL: Thank you very much.
14 CHAIRMAN VALENTIC: Good luck with the project.
15 MR. McCONNELL: Thank you. Thank you, Heather.
16 CHAIRMAN VALENTIC: Okay. Next is Variance
17 Application 2022-122. Anthony R. Frank and Ericka M.
18 Blackburn are requesting a variance from Section 15.03(A)(6),
19 Table 15.03-1, to allow for a second accessory building on a
20 lot less than two acres in size, in lieu of the maximum one
21 permitted for a lot less than two acres, for the property
22 located at 7449 Trotwood Drive, parcel number
23 10-A-026-B-00-052-0.
24 MR. FRANK: Good evening, Board. I am Anthony
25 Frank. I have been sworn in. You can call me Tony, please.
26 I'm the homeowner at 7449 Trotwood Drive, along with my
27 partner, Ericka Blackburn, who is not here this evening. She
28 is also the co-owner.
29 My request this evening is for a temporary,
30 time-bound variance to allow me to keep two accessory

1 buildings, basically, erected on my property basically through
2 the summer of 2024, so for about 18 more months, two years
3 now, a little less than two years. The reason for it is
4 actually very personal. If you haven't read my letter, there
5 is a lot of things in our house as far as projects go. We
6 were building the new accessory building because I needed
7 something larger to support the property and the investments
8 that we have made over the years.

9 The plan has changed, as we came up with another
10 temporary use for the building as my significant other's son
11 is a wrestler. He is decided to take over the building as a
12 wrestling/workout area in support of his high school
13 athletics. He is actually a prominent wrestler in the area.
14 So it just gives him a place to work out when he can't get
15 into the school facilities or into a gym or something like
16 that. So he can jump rope in there. He can practice his
17 wrestling moves. Believe it or not, wrestling takes up a lot
18 of space.

19 So the request is to use, temporarily use this
20 building as another accessory building and then we will
21 demolish the existing building, basically, when he graduates
22 high school.

23 So there is a picture, I believe, in the packet that
24 I have sent to you all of the two buildings right next to each
25 other. I don't believe this is an eyesore. In fact, if you
26 maybe tear down the existing building, everything that's in it
27 would sit in my yard and would probably be a bigger eyesore.

28 So this is time bound. I would commit to having the
29 existing 12-by-12 building demoed or removed from the property
30 by August, I believe, 15th is in the letter.

1 MR. LUCAS: That's what it says in the application.

2 MR. FRANK: Yeah, August 15th of 2024, which
3 basically is after my, after the youngest would graduate high
4 school. I have no interest in maintaining two buildings in
5 the long term because I'm the guy who has to do all the stuff.
6 I just need a little bit of time so I can temporarily use this
7 building for a secondary purpose.

8 So with that, I am open to questions. Thank you for
9 listening.

10 CHAIRMAN VALENTIC: This is a unique one.

11 MR. FRANK: I can only imagine some of the stories
12 you all hear.

13 CHAIRMAN VALENTIC: Yeah.

14 MR. GOLLING: You should have been here for the
15 chickens.

16 CHAIRMAN VALENTIC: Yeah, that was a good one, too.

17 MR. FRANK: This was not in the plans, by the way.
18 This was one of the things that came up as we were building
19 the building and they realized how much space a 16 by 20
20 building offers, right, how much floor space a 16 by 20
21 building has. We can't do this stuff in our house. You can't
22 wrestle. You can't jump rope. Those are things you can't do
23 in an 8 foot or, you know, under an 8 foot ceiling or anything
24 like that. So just a unique situation.

25 MR. GOLLING: What if he quits wrestling before
26 then?

27 MR. FRANK: I would be glad to take the building
28 down once he's done using it. It's not his style.

29 CHAIRMAN VALENTIC: Yeah, he seems pretty committed.

30 MR. FRANK: If you read the papers, you will

1 recognize that Ericka's last name is his last name. He's a
2 prominent wrestler in the area with collegiate aspirations.
3 This isn't about him. It's just an alternate use, alternate
4 temporary use for the building.

5 MR. DYNES: So just out of curiosity now, where does
6 he wrestle?

7 MR. FRANK: He wrestles for Mentor.

8 MR. DYNES: Mentor.

9 MR. FRANK: Yeah.

10 CHAIRMAN VALENTIC: All right. Any other --

11 MR. DYNES: I just have to ask. I mean, again,
12 Mentor doesn't have facilities or space to allow him timely
13 wrestling opportunities?

14 MR. FRANK: Have you ever had a wrestler in your
15 family?

16 MR. DYNES: I am familiar with wrestling.

17 MR. FRANK: He rises at 5:30 in the morning to work
18 out. I left the house tonight to come to this meeting. He
19 was working out. They have to shed weight. They work out.
20 They're a special breed of people. So having access to the
21 school facilities or even a third-party gym outside of normal
22 business hours or school hours, it just, it's not really
23 feasible.

24 MR. GOLLING: Does he have a mat in there?

25 MR. FRANK: Yeah, we do. Yeah, for safety reasons,
26 right, I could take over part of the shed, move the tools, you
27 know, the lawn mower, you know, everything that's supposed to
28 be in an accessory building in there but I can't have young
29 men grappling around in the area around tools and sharp
30 objects and everything else. So we've opted to keep it as

1 open as possible.

2 MR. GOLLING: Is it heated?

3 MR. FRANK: It is not.

4 MR. GOLLING: No. He'll go out there when it's 10
5 degrees in there?

6 MR. FRANK: When I left the house tonight, he was
7 bundled up in about five -- He's shedding weight right now.
8 He was bundled up in about five layers and two hats and he's
9 out there jumping rope in the snow.

10 MR. GOLLING: What weight is he trying to get to?

11 MR. FRANK: He is certified to wrestle 132. So,
12 yeah, he's got a couple pounds to cut.

13 CHAIRMAN VALENTIC: And it's temporary. It goes to
14 August.

15 MR. FRANK: Yeah.

16 CHAIRMAN VALENTIC: So after you built it, you were
17 planning on tearing down that old one but then --

18 MR. FRANK: Yeah. So if you look at the history of
19 the property, it was originally a split level home. In 2012
20 we built a mother-in-law addition onto the home, a two-story
21 mother-in-law addition with a basement. And then in 2013 we
22 built a pool with a rather large patio off the back of the
23 house. So a 12 by 12 shed just wasn't big enough to support
24 the maintenance of the property, so we went to build a larger,
25 I built a larger 16 by 20 shed to support the property and
26 Ericka and her son had a new idea.

27 CHAIRMAN VALENTIC: When did you build the shed?

28 MR. FRANK: I began building the shed, it would have
29 been fall of 2020.

30 MR. GOLLING: Yeah. You got the permit in October,

1 yeah.

2 MR. FRANK: October 2020, correct, I think, when the
3 first permit was opened.

4 CHAIRMAN VALENTIC: Okay. Any other questions?

5 MR. DYNES: Not really.

6 CHAIRMAN VALENTIC: Anything down here?

7 (No response.)

8 Okay. You can be seated thank you.

9 CHAIRMAN VALENTIC: Is there anyone else here this
10 evening speaking for or against this appeal that would like to
11 come up?

12 (No response.)

13 If there is no further questions, the public hearing
14 for Variance Application 2022-122 is now closed to the public.
15 Can I get a motion to approve the variance?

16 MR. DYNES: So moved.

17 MR. LUCAS: Well, just to be safe on the record, the
18 motion to approve the variance should be limited to on or
19 before August 15, 2024; and upon that date, that based on the
20 applicant's representation, the larger accessory building will
21 be removed from the property.

22 MR. GOLLING: Smaller.

23 CHAIRMAN VALENTIC: Smaller.

24 MR. ROWAN: Smaller.

25 MR. LUCAS: The smaller. I'm sorry, yeah. I beg
26 your pardon. The smaller one.

27 MR. GOLLING: Gees, Mike.

28 MR. DYNES: I'd amend my motion to be consistent
29 with what legal counsel has provided.

30 CHAIRMAN VALENTIC: Second?

1 MR. HACH: Second.

2 CHAIRMAN VALENTIC: Okay. Open for discussion.

3 MR. GOLLING: He's got a level of commitment I don't
4 think I would ever possess. But if he's out there every day
5 twice a day working out in there, I think that I don't see how
6 I can't do anything but encourage him. And Dad is trying to
7 do the right thing here. And it seems like he got busted
8 November, November of last year or November of this year where
9 he got a letter. So he is like, well, I want to, in this
10 case, kind of -- Things have changed. The kid's taking over.
11 He's trying to, trying to make himself better for wrestling
12 here and taking over my shed, so things changed. And I am
13 glad we live in an area where this is a big, this is our
14 biggest problem today.

15 But as long as it is down by August 15th or earlier,
16 should he decide to leave wrestling -- I hope he doesn't.
17 It's a good lifetime sport. But, yeah, I don't think it's an
18 issue as long as we have a sunset.

19 MR. ROWAN: I don't know. The staff analysis
20 recommended the condition be placed on approval as follows
21 with the time limit condition, so I take that into account. I
22 just, I think we've had, I think we had another variance in
23 the last year where somebody came in that had two, said they
24 were going to tear down and then they wanted the variance to
25 keep the second one. So I trust that they're going to tear it
26 down. I just hope that we're not --

27 MR. GOLLING: Should we require proof, I guess, that
28 on that date or earlier?

29 MR. ROWAN: Well, I think that would fall to the
30 Zoning Inspector. Otherwise, he will get another letter.

1 MS. FREEMAN: Correct, yeah. I can reinspect on or
2 after that date, you know, unless I heard from Mr. Frank that
3 it was down before then.

4 MR. ROWAN: But I think with the condition I am for
5 it.

6 MR. GOLLING: I guess my other question for Heather
7 is that the violation, was it as a result of a citizen
8 complaint or just zoning roundabouts?

9 MS. FREEMAN: Zoning Inspector, yeah.

10 MR. GOLLING: Okay.

11 MR. DYNES: Well, I think it's worth noting, I
12 appreciate and respect and I respect his question back to me
13 whether or not I am familiar with wrestlers. I don't know
14 that that's relevant but I appreciate that. You know, we all
15 have certain hobbies and things we do and we try, as a board,
16 to be accommodating to those things. I appreciate that that's
17 the position that's unique.

18 I think there are facilities and means by which to
19 do that just as there are for a lot of things, whether it's
20 chickens or RVs or tractors and snow plows. This is a little
21 bit unique to me, in that, I think we're somewhat supported by
22 the fact that there is an end date by which it's expected to
23 be removed and taken down and we know that that will be
24 enforced. So for me, personally, I am in favor of it. I
25 think we have to be careful with these types of requests.
26 They ought to be considered very carefully on their merits and
27 on their specific facts because, you know, a lot of people can
28 say, "Hey, look, I am violating your zoning but rest assured,
29 at some point in time, I won't be violating it anymore," and
30 make that promise. And, certainly, I have no reason to not

1 believe him but we have to be careful what we're allowing for
2 what purposes and what time periods. And I think it's
3 incumbent upon us, as a board, to make sure we're checking out
4 all these circumstances and making a decision accordingly. So
5 I would be in favor of it but I think there are some slight
6 reservations.

7 CHAIRMAN VALENTIC: Yeah, understood.

8 Okay. With that, Heather, I am going to request
9 approval of Variance Number 2022-122. A yes vote will approve
10 it. A no vote will deny it. Heather, please call the vote.

11 MS. FREEMAN: Mr. Rowan?

12 MR. ROWAN: Yes.

13 MS. FREEMAN: Mr. Hach?

14 MR. HACH: Yes.

15 MS. FREEMAN: Mr. Dynes?

16 MR. DYNES: Yes.

17 MS. FREEMAN: Mr. Golling?

18 MR. GOLLING: Yes.

19 MS. FREEMAN: And Mr. Valentic?

20 CHAIRMAN VALENTIC: Yes.

21 Your variance has been approved. Thank you.

22 MR. FRANK: Thank you, gentlemen.

23 CHAIRMAN VALENTIC: All right. Next on our agenda
24 is Variance Application 2022-123. Stephen A. and Mary K.
25 Moore are requesting a variance from Section 16.23(B)(5) to
26 allow for a 238 square foot accessory building to be located
27 in a Residential Conservation Development District where each
28 single-family dwelling is permitted to one accessory building
29 not to exceed 200 square feet, for the property located at
30 1216 (sic) Lilly Lane, current parcel number

1 08-A-002-G-00-007-0.

2 MR. MOORE: Hello. My name is Steve Moore. I am
3 here this evening requesting a variance for our pool house
4 that we constructed. It is 38 square feet too big.

5 CHAIRMAN VALENTIC: You've been sworn in?

6 MR. MOORE: I have been, yes.

7 CHAIRMAN VALENTIC: What is your address for the
8 record?

9 MR. MOORE: 8216 Lilly Lane.

10 CHAIRMAN VALENTIC: Thank you.

11 MR. MOORE: Anyway, as I said, it's already
12 constructed. We have, my wife and I just built, moved in the
13 house this past May. Myself and our crew, we built the pool,
14 patio, spa, the entire back yard, fence. Everything complied
15 with zoning up till now. Everything complied with Building
16 Department, all the permits were done. The pool house just
17 got a little bit too big and it's 38 square feet too big.

18 The reason it's too big is because of what the pool
19 requires, what the spa requires, the filters, pumps, chlorine
20 tanks. It has everything on it imaginable. And I could have
21 taken this and just built a concrete pad right out in the back
22 yard for five houses down the road to look at and five houses
23 the other way to look at all this equipment. It runs year
24 round. So we operate the spa year round. And we just elected
25 to put it inside the building instead of leaving it outside,
26 out in the environment.

27 MR. GOLLING: It looks like the HOA gave you the
28 green light for that?

29 MR. MOORE: Rick Sommers, yes, he gave me the
30 approval on it to build it.

1 MR. ROWAN: So did something change from the initial
2 design or did something -- What changed?

3 MR. MOORE: Just the plumbing from the pool, it was
4 just a little bit more than what we anticipated or what we
5 thought. I was here a few months ago. We own a pool
6 construction business. So when your vendor says, "Put this on
7 the pool, put this on the spa," that stuff just added up. It
8 was all, obviously, free of charge to us as a, doing business
9 with Hayward Equipment and we put it on there and next thing I
10 know we need more square footage.

11 CHAIRMAN VALENTIC: So what came first, the
12 equipment or the building?

13 MR. MOORE: All the equipment.

14 CHAIRMAN VALENTIC: Okay.

15 MR. MOORE: Yeah, it was all underground.

16 MR. DYNES: I was waiting for you to ask what came
17 first, the chicken or the egg?

18 CHAIRMAN VALENTIC: No, no, it's a pool thing.

19 MR. DYNES: We started that.

20 MR. LUCAS: A different agenda item.

21 MR. DYNES: Yeah, no more chickens.

22 CHAIRMAN VALENTIC: Yeah, that was the other, a few
23 weeks ago.

24 MR. MOORE: Obviously, the entire back yard is
25 fenced in. The pool house is partially an open air structure,
26 so it's a fireplace, barbecue, the whole thing, but the
27 enclosed space is actually 238 square feet as compared to the
28 200. We wanted to put a bathroom in it. That bathroom is not
29 in there. We are tied into the sanitary just for future use,
30 possibly. So that was all, all the inspections were done

1 electrical inspection, plumbing inspection, gas, piping
2 inspection, bonding inspection, all of those were all taken
3 care of.

4 CHAIRMAN VALENTIC: Okay. Have you guys got any
5 questions?

6 MR. DYNES: No.

7 MR. HACH: No.

8 CHAIRMAN VALENTIC: All right. You can be seated.
9 Is there anyone else speaking for or against this
10 appeal this evening?

11 (No response.)

12 If there is no further questions, the public hearing
13 for Application 2022-123 is now closed to the public. Can I
14 get a motion?

15 MR. DYNES: So moved.

16 MR. GOLLING: Second.

17 CHAIRMAN VALENTIC: Any discussion? It's good that
18 Skip isn't here. Skip would lose his mind about this one.

19 MR. DYNES: It's pretty simple to me.

20 CHAIRMAN VALENTIC: Yeah, all right. Heather, can
21 you please call the vote.

22 MS. FREEMAN: Yes.

23 Mr. Dynes?

24 MR. DYNES: Yes.

25 MS. FREEMAN: Mr. Golling?

26 MR. GOLLING: Yes.

27 MS. FREEMAN: Mr. Rowan?

28 MR. ROWAN: Yes.

29 MS. FREEMAN: Mr. Hach?

30 MR. HACH: Yes.

1 MS. FREEMAN: And Mr. Valentic?

2 CHAIRMAN VALENTIC: Yes.

3 Your variance has been approved.

4 MR. MOORE: Thank you.

5 CHAIRMAN VALENTIC: If you're working with other
6 residents in Concord, just check that building and the
7 equipment so you don't have to come back for one of these.
8 Okay? It looks great though. Congratulations.

9 MR. MOORE: It turned out really good.

10 CHAIRMAN VALENTIC: Yeah, I am sure.

11 MR. HACH: Is there a big checker board off the side
12 of it in the patio?

13 MR. MOORE: No. We ran out of room.

14 MR. HACH: No. It looked like there was something
15 on the patio.

16 MR. MOORE: Oh, there? That's not done yet.

17 MR. HACH: Oh, okay.

18 MR. MOORE: I ran out of energy.

19 MR. HACH: Time, money.

20 MR. MOORE: Yeah. I had my crew working on my house
21 every Saturday, every Sunday from December 8th up until
22 mid-October every weekend, so six to eight guys.

23 MR. HACH: They either love you or hate you. I am
24 not sure which.

25 MR. MOORE: They made money, so they're happy.

26 CHAIRMAN VALENTIC: Thank you.

27 MR. MOORE: Thank you.

28 CHAIRMAN VALENTIC: Mr. Lucas.

29 MR. LUCAS: Yes.

30 CHAIRMAN VALENTIC: Would you --

1 MR. LUCAS: I would.

2 CHAIRMAN VALENTIC: Would you like to present the
3 findings?

4 MR. LUCAS: Yes. This deals with the variance that
5 was granted to Quail Developers, Inc., with reference to
6 intrusions under their final development plan within the 25
7 foot buffer that was put into effect in 1986 as part of the
8 Quail Planned Unit Development. So they filed an appeal. And
9 under the Chapters 25.05 and 25.06 of the Ohio Revised Code,
10 we are required, the Township is required to submit a record
11 on appeal within 40 days of the appeal, together with findings
12 of fact and conclusions of law. So the Findings of Fact and
13 Conclusions of Law are here, and I apologize for getting these
14 over to you so late. I just want to note that the ones that
15 actually made the vote are the ones that are going to have to
16 sign this, specifically, obviously, Mr. Chairman, Todd and
17 Davey. And the other two will have to stand by the sidelines
18 for a minute on this.

19 So the Findings of Fact and Conclusions of Law which
20 I prepared lay out the background as presented initially by
21 the staff report and then that was presented, obviously, as
22 part of the variance approval process; and, secondly, the
23 transcript that was typed by one of the finest court reporters
24 in three counties. And a lot of testimony from the private
25 adjoining property owners, such as, for example, Mr. Lazuka
26 and Mr. Vitaz, are almost put in verbatim in terms of what
27 they actually said.

28 And, of course, the end result laying out the
29 factors that the board considered was that the variance was
30 granted to the specifically delineated areas that are

1 intruding within the property for purposes of the final
2 development plan and expressly conditioned upon subsequent
3 approval of the final development plan by the developer which
4 would, in fact, include those variance areas. At which time,
5 and expressly based on the decision by the board, that
6 variance would then be finalized and in effect.

7 And then by way of background for the board members,
8 there was a hearing on the final development plan before the
9 Trustees and it was approved, which triggered the effective
10 date for purposes of the variance granted. So --

11 CHAIRMAN VALENTIC: Any questions for Mike?

12 MR. GOLLING: So, Mike, you put this together?

13 MR. LUCAS: I did. It's my work product.

14 MR. GOLLING: Excellent.

15 MR. LUCAS: Todd, as you remember, the quality goes
16 in before the name goes on. So --

17 MR. GOLLING: So this is your executive summary of
18 what happened during the meeting that gets entered in the
19 record and we send it off --

20 MR. LUCAS: Yeah, it's going to be presented to the
21 court, along with all the documents that were included within
22 the record, the staff report, the actual, you may recall there
23 was that final development plan presented by Dave Novak, of
24 Barrington Consulting, which, during the course of the
25 hearing, delineated the specific areas that were going to be
26 partially intruded upon the grant of the variance, as
27 distinguished from sometimes it came up during the
28 conversation, which the board addressed as not completely
29 accurate, it wasn't an elimination of the entire 25 buffer.
30 There were just areas that needed to be, as sought by the

1 variance, to be, I am using the word "intruded" upon by the
2 applicant in order to address issues with topography, et
3 cetera. So this goes to the court.

4 And I should say that subsequent to the initial
5 filing -- I don't think I mentioned this. I apologize. There
6 were three residents that filed, Mr. -- you could anticipate
7 who they were -- Mr. Lazuka, Mr. Vitaz and Mr. Emmerich, all
8 of whom spoke against the grant of the variance. They're
9 represented by Todd Hunt, who is a, is a wonderful land use
10 lawyer.

11 And then subsequent to that -- And Quail Developers,
12 Inc., was also named as a party defendant, along with the
13 Board of Trustees, and that business entity retained counsel
14 approximately a week ago and he's Dave King and he entered an
15 appearance in the case. So there is lawyers abounding all
16 over the place. So we will see.

17 CHAIRMAN VALENTIC: Okay. So do we have to make a
18 motion?

19 MR. LUCAS: I think we want to -- I don't think, I
20 know. We want to entertain a motion to approve the Findings
21 and Conclusion of Fact regarding, it says right at the top,
22 Application Number 2022-114 variance request. The motion and
23 the second should be made by the two members that voted on the
24 document and then to be signed by the three that voted on it.

25 CHAIRMAN VALENTIC: Okay. So can I get a motion to
26 approve the findings for, for Application Number 2022-113
27 (sic)?

28 MR. ROWAN: I move that we accept the Findings and
29 Conclusion of Fact for Application Number 2022-114.

30 MR. GOLLING: Second.

1 CHAIRMAN VALENTIC: Second.
2 All in favor say aye.
3 CHAIRMAN VALENTIC: Would you guys like to abstain?
4 MR. DYNES: I abstain, correct.
5 MR. HACH: Yeah.
6 (Three aye votes, no nay votes, two abstentions.)
7 CHAIRMAN VALENTIC: All right.
8 MR. LUCAS: And then if I could have a signed
9 original for filing with the court, I'd appreciate it.
10 CHAIRMAN VALENTIC: Okay.
11 MR. GOLLING: Here, I will just --
12 CHAIRMAN VALENTIC: Sign it, Todd.
13 MR. LUCAS: I appreciate it very.
14 CHAIRMAN VALENTIC: Thank you for putting that
15 together, Mike.
16 MR. HACH: Is that free?
17 MR. LUCAS: It wasn't free. Stop pulling my leg,
18 please.
19 MR. HACH: Oh, okay. Merry Christmas.
20 CHAIRMAN VALENTIC: All right. We have a signed
21 copy for you.
22 MR. LUCAS: Thank you very much, Mr. Chairman.
23 CHAIRMAN VALENTIC: Then next on the agenda is
24 approval of minutes from October 12, 2022. Skip, Todd,
25 Brandon and Davey, you guys were, well, Skip is not here but
26 the three of you were here for this meeting. I am wondering,
27 if you had a chance to review, if you had any additions or
28 deletions to the minutes from October, if you can remember
29 back that far.
30 MR. DYNES: I don't. As legal counsel already

1 specified, we've got the best court reporter in the land.
2 She, once again, has provided us with a wonderfully accurate
3 and specific recitation of what's been said and what's been
4 done. I would move to approve those minutes accordingly.

5 CHAIRMAN VALENTIC: Okay.

6 MR. HACH: I think he said tri-county area.

7 MR. DYNES: It goes beyond that.

8 MR. HACH: Okay.

9 MR. LUCAS: It's almost continental United States.

10 MR. DYNES: Sometimes Mr. Lucas needs amended, very,
11 very rarely.

12 MR. HACH: Okay.

13 MR. ROWAN: I will second the motion.

14 CHAIRMAN VALENTIC: Davey seconds. All in favor say
15 aye. I am going to abstain.

16 MR. HACH: I am going to abstain.

17 (Three aye votes, no nay votes, two abstentions.)

18 CHAIRMAN VALENTIC: All right. Next is the approval
19 of minutes from November 9, 2022. I was here for this one.
20 Davey and T.R., you were here as well. Any additions or
21 deletions to the minutes from November?

22 MR. HACH: No.

23 CHAIRMAN VALENTIC: No. Can I get a motion to
24 approve the November minutes?

25 MR. HACH: So moved.

26 MR. ROWAN: Second.

27 CHAIRMAN VALENTIC: All in favor say aye.

28 MR. DYNES: Abstain.

29 MR. GOLLING: Abstain.

30 (Three aye votes, no nay votes, two abstentions.)

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CHAIRMAN VALENTIC: All right, perfect. That is everything on our agenda for this evening. Our next meeting will be on January 11, 2023. The Concord Township Board of Zoning Appeals meeting is adjourned.

(Whereupon, the meeting was adjourned at 8:07 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 28th day of December 2022.

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

