

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

March 8, 2023
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Skip Sweeney, Vice Chair
Davey Rowan, Member
Brandon Dynes, 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 CHAIRMAN VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals for March 8, March 8, 2023,
4 is now in session. I would like to introduce my board. To my
5 far left is Skip Sweeney and Brandon Dynes. I am Ivan
6 Valentic. To my right is Davey Rowan. As you notice, tonight
7 we have only four people on the board. Heather Freeman is to
8 our far right, our Zoning Inspector.

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

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

13 CHAIRMAN VALENTIC: Thank you. Please be seated.
14 When presenting your case and commenting, make sure you come
15 up to the microphone and state your name and address and
16 confirm that you've been sworn in.

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

19 MS. FREEMAN: Yes.

20 CHAIRMAN VALENTIC: Okay. We have a conditional
21 use, one conditional use permit and one variance appeal which
22 includes an administrative appeal tonight. A three-vote
23 majority is required to either approve or deny the appeal. If
24 the request is denied, you have the right to file an appeal.

25 As you notice that we only have four people on the
26 board tonight, traditionally, we have five. So if you do not
27 want to move forward with your case this evening, it can be
28 tabled until the next month when we have a full five-person
29 board. Okay? But if you want to move forward, we can
30 continue to move forward.

1 So first is Conditional Use Permit Application
2 2023-25. Jay Bernard, on behalf of the property owner,
3 Concord Plaza Limited Liability Company, is requesting a
4 conditional use permit in accordance with Section 13.17 to
5 allow for an ATM drive-thru facility for the property located
6 at 9853 Johnnycake Ridge Road, current parcel number
7 10-A-028-D-00-001-0.

8 Please come up.

9 MR. BIGGERS: Hello. Chris Biggers, 131 East
10 Commerce Street, Milford, Michigan. I am in for Jay Bernard,
11 the applicant.

12 CHAIRMAN VALENTIC: And do you want to move forward
13 with the case with the four-person board this evening?

14 MR. BIGGERS: Yes.

15 CHAIRMAN VALENTIC: Okay, great. Thank you.

16 MR. BIGGERS: We are, obviously, as it states, we're
17 seeking a --

18 CHAIRMAN VALENTIC: Excuse me, sir. You have been
19 sworn in?

20 MR. BIGGERS: Oh, yes.

21 CHAIRMAN VALENTIC: Okay.

22 MR. BIGGERS: Yeah. We are here to seek a
23 conditional use permit for a drive-thru facility on the
24 property as noted. And we're seeking to place it in a
25 position that is outside of all the, within all the setbacks.
26 It will have secured lighting and we will address any of the
27 traffic problems. There used to be an ATM already on the
28 site, so we are reinstalling an ATM near the site of the old
29 site but we have repositioned it to address some of the,
30 several of the traffic problems.

1 CHAIRMAN VALENTIC: Yeah, because you were, this was
2 in front of us once before.

3 MR. BIGGERS: Yes, yes, and I think we had some
4 traffic issues to deal with at the time.

5 MR. DYNES: May I?

6 CHAIRMAN VALENTIC: Yes.

7 MR. DYNES: I think it would be helpful if you could
8 take us through what you've done, what the changes are, how
9 you revised the plan and what you see, how it's more
10 beneficial now and to what extent you still do need a
11 variance.

12 MR. BIGGERS: We will potentially need a variance, a
13 couple variances but, at the moment, we're just trying to see
14 if we can get the use approved because we may be able to
15 resolve some of the variances as we work through the actual
16 site plan. We are not requesting the variances at this time.

17 But I believe we had it, we had it to the south a
18 little bit, on the south aisle, the south drive aisle, which
19 means we were going to turn all the traffic to go one way down
20 that south aisle. And then we were going to turn -- The
21 problem we were having is that we would have had to turn it
22 one way, which means everyone exited that way. I think we've
23 expanded the three car stacking to be, the way we have it now,
24 it goes with the traffic flow, and we're able to provide a
25 separate aisle to keep cars from being congested into the
26 aisle of the south drive.

27 I don't know if you, I don't know if you remember it
28 but we had it in the south drive and I think cars just had to
29 go in and we were, they were going to turn right out with the
30 traffic. So now they have their own distinct path to go

1 around the ATM and also in the same direction.

2 CHAIRMAN VALENTIC: So is the intent -- and I can
3 show -- is the intent that you would come in this way to
4 access the ATM?

5 MR. BIGGERS: You would come in --

6 MR. ROWAN: The next page.

7 MR. BIGGERS: Oh, yeah, go to the next page. It
8 will be clear. There we go. So if you can see cars right
9 here, coming down this way, there is cars coming this way. We
10 would turn and follow the same traffic flow and also provide a
11 distinct aisle to keep cars out, from getting confused and
12 being in the aisle.

13 CHAIRMAN VALENTIC: Is that just striped off or is
14 there curbing?

15 MR. BIGGERS: Yes, that's all striped. There is two
16 light poles and bollards in the island. If you see the oval,
17 sort of oval shape, that was a concrete curb sticking up. So
18 the ATM will be sitting on the curb. There would be light
19 poles there. There will be bollards there. We just striped
20 off the gray areas of striping just because we want to keep,
21 you know, keep some clearance and not trap people in there.
22 But the actual ATM has bollards and it's on a curb but it's
23 far within the gray striping.

24 CHAIRMAN VALENTIC: But so there is, there is three
25 car stacking.

26 MR. BIGGERS: Yeah. We were supposed -- I believe
27 the ordinance requires five. The bank has done studies that
28 only three is really sufficient because no one is going to,
29 people don't, when they get to four or five stacked, they
30 don't stay at the ATM. They won't continue to, they won't

1 continue to use it. They will drive off, is what they found.

2 And, also, that if we want to add five car stacking
3 in the aisle, out of the aisle, we will have to remove some
4 parking spaces. But this site is already under, well under,
5 340 are required and 225 are provided already. So the site is
6 already not even -- noncompliant in the parking. So we're
7 trying to avoid eliminating any more parking spaces than we
8 show. But, also, what we're doing is we're taking out spaces
9 but we're adding them to the north side, so we're not actually
10 eliminating parking spaces currently. So if we want to bring
11 the cars out of the aisle to do five car stacking, we will
12 have to remove parking spots. So, currently, we're moving
13 five spaces but adding five spaces.

14 CHAIRMAN VALENTIC: But we're only reviewing the
15 conditional use permit anyway.

16 MR. BIGGERS: Correct.

17 CHAIRMAN VALENTIC: Because when I look at it -- I
18 don't know -- there is also a safety component in keeping all
19 those spaces right up against that. You know, if somebody is
20 parked there and there are three cars stacked, can somebody
21 really comfortably back out of there? But that's not really
22 today, what we're talking about.

23 So as they go through, do they have to turn right to
24 leave?

25 MR. BIGGERS: We did that just because that aisle on
26 the right, a lot of people are going to be turning left into
27 the center and some will be going straight. We kind of wanted
28 them to go right just to avoid confusion of crossing into the
29 left turn. If they want to make a left, they would have to
30 cross into the next lane. They could do it and not be a big

1 issue but we felt that it's just better if we just have them
2 turn right. If they want to turn left, they're going to have
3 to cross into the middle lane.

4 The aisle is already 30, over 30, almost 36 feet
5 wide now but it's not really striped as it is currently. So
6 you just got a point where, if people don't turn right, we
7 just didn't want them to try to jump to turn left. And if
8 they turn right, they can always turn right back into the
9 center.

10 And I know on this road we have a north, there is a
11 north entrance and then there is a south. There is another
12 entrance.

13 CHAIRMAN VALENTIC: There is two other entrances.

14 MR. BIGGERS: Yeah, there is like another entrance
15 right there, then there is another intersection all the way to
16 the left, the right way. So you want to just try to avoid
17 people turning left whenever possible out of this, this area.

18 MR. DYNES: It's just strictly an ATM? There is
19 nobody, no speakers? There is no --

20 MR. BIGGERS: No.

21 MR. DYNES: -- attendant or teller or anybody to
22 assist?

23 MR. BIGGERS: No. These days they're trying to make
24 these more remote to people because people don't go inside
25 banks anymore. So the box, the whole bank is not efficient.
26 And they also need to get, they need to get an ATM in this
27 area because there is not many First National Banks available
28 and they have to get access to the people who have accounts
29 here. So if there is not one here, they've got to find a
30 place to put one.

1 CHAIRMAN VALENTIC: Anyone else have any other
2 questions?

3 Did you review the general standards for this
4 conditional use permit?

5 MR. BIGGERS: Uh-huh.

6 CHAIRMAN VALENTIC: Okay. I don't know. You guys
7 got anything?

8 MR. ROWAN: I have no questions.

9 CHAIRMAN VALENTIC: It's better. It's not great but
10 it's better. It still makes me a little nervous how people
11 would get in and out of there and the safety of people trying
12 to back out of those spaces right adjacent to it. And it's
13 still, you would need a variance to stack five instead of
14 three.

15 MR. BIGGERS: Uh-huh. And that's why we're not too
16 concerned with the variance yet because, if we wanted to go
17 five stacking, we could take those spaces out.

18 CHAIRMAN VALENTIC: Take it out.

19 MR. BIGGERS: But then I assume we would need --
20 Would we need a variance for those, removal of those three
21 spaces? Would that be -- or is this a nonconforming, because
22 this is nonconforming, would that still need a variance if we
23 remove three spaces?

24 MR. DYNES: Well, I guess, you know, I realize
25 you're not concerned with the variances yet but the whole
26 picture of this and the conditional use, I mean, as we go
27 through the code, it all kind of interplays, right? So I
28 think our concerns are, they all kind of dovetail one into the
29 other. So it's a little bit difficult to envision the
30 conditional use knowing then that there is going to be all

1 these other things. And I think even in virtue of what you
2 are required to do, it's arguable there is still an important
3 component of what you are asking for even tonight in the
4 conditional use.

5 CHAIRMAN VALENTIC: We're also giving them a
6 conditional use and there isn't a building or a facility
7 associated with it on this property, which is challenging.

8 MR. DYNES: Right.

9 MR. BIGGERS: And I believe there is, there is some
10 vacant spaces, which they might be able to work with the
11 landlord to get, to get some space there. But it's like they
12 can't, they can't negotiate if they can't have the drive-thru
13 because they won't even take those spaces.

14 CHAIRMAN VALENTIC: Yeah.

15 MR. ROWAN: Let me ask a question about, you said
16 you are using marking for the areas that, kind of, for where
17 people are supposed to go, you are marking off the areas where
18 they're not supposed to go. Is there a reason why that's not
19 curbed and landscaped? I guess, what's not to stop somebody
20 from parking there around that area?

21 MR. BIGGERS: We would be willing to curb that and
22 put landscaping there if that was something you guys would
23 desire. I just didn't want to narrow down, like, I just
24 wanted to leave some clearance. So maybe if we put the curb
25 in, maybe we won't go right to the 12 foot line, maybe leave a
26 little more just so cars -- just so fire trucks and stuff
27 don't get too congested there. But we definitely would be
28 willing to curb that middle island if that was --

29 MR. ROWAN: I think, I mean, I think parking is the
30 biggest concern, in addition, well, in addition to, you know,

1 the main road traffic exiting and entering. But I think with
2 the parking, like daytime hours -- I've been over there --
3 it's usually not bad. It's in the evening that sometimes it's
4 hard to get a spot there. And I think that's where, you know,
5 if this were approved, like I said, I can see people parking
6 all around, you know.

7 MR. BIGGERS: In the gray area.

8 MR. ROWAN: In the gray area.

9 MR. BIGGERS: Like in the gray area.

10 MR. ROWAN: Potentially, not realizing that they're
11 not supposed to park there, potentially. So I guess that
12 would be --

13 MR. BIGGERS: We could potentially maybe, maybe add
14 a couple spaces to the right, to the south right area. We can
15 maybe add a few spaces in that area. But that whole area
16 right now is one complete paved area, so we could, you know,
17 add some curbs in to help. Right now, it's just a big wide
18 open, you just drive in.

19 MR. ROWAN: Right.

20 MR. BIGGERS: You can drive in anywhere along this
21 whole path right now. It's not striped at all.

22 CHAIRMAN VALENTIC: Yeah.

23 MR. BIGGERS: And it's very, you know, you don't
24 know which is the aisle or the parking spot currently.

25 MR. ROWAN: So we said, so net we're losing how many
26 spaces?

27 MR. BIGGERS: We're not losing any spaces right now.
28 We've taken the five out and we're adding them to the north
29 side.

30 MS. FREEMAN: Excuse me. That, actually, that's not

1 correct.

2 MR. BIGGERS: What is it?

3 MS. FREEMAN: The plans are showing that, on your
4 demolition page, you're removing --

5 MR. BIGGERS: Oh, are we?

6 MS. FREEMAN: -- eight spots, one, two, three, four,
7 five, six, seven.

8 MR. BIGGERS: Oh, you're right, okay.

9 MS. FREEMAN: And then replacing with five others.

10 MR. BIGGERS: Oh, you're right, okay. I was missing
11 the other one. So, but we could probably add, we could
12 actually add two more.

13 MS. FREEMAN: This would require a variance to add
14 two more on that.

15 MR. BIGGERS: That would require a variance, also?

16 MS. FREEMAN: Yeah.

17 MR. BIGGERS: So we are losing three spaces.

18 MS. FREEMAN: Because the parking spots need to be
19 25 percent -- or 25 feet back.

20 MR. ROWAN: And then if we went to the five car
21 stacking -- So, obviously, if we went to three car stacking,
22 you would need a variance for that.

23 MR. BIGGERS: Yes.

24 MR. ROWAN: But if we did five car stacking, we
25 would lose --

26 MR. BIGGERS: I would need a variance to lose more
27 spaces.

28 MR. ROWAN: Yeah, we would have up to five more, you
29 have three to five spaces gone there. So I am just trying to
30 figure out if there is a way to, worst case scenario, five car

1 stacking, how do we gain spaces if we need to?

2 CHAIRMAN VALENTIC: They've got a need for an ATM.
3 I just, like we talked about last time, I just don't know if
4 this is the best location. Again, I think the plans overall,
5 what they have is better than last time but it's still cars
6 leaving, they have to turn right. What if somebody that's
7 coming down wants to turn right? Do they have to scoot over?
8 But his point, probably, you could probably just use one of
9 the other entrances. It's probably easier to come in and out
10 of there.

11 MR. DYNES: Well, and again, I think, in part, if
12 you look at the code in 13.05(G), on-site circulation shall be
13 designed to provide for adequate fire and police protection
14 and safe and efficient pedestrian and vehicular circulation.
15 I mean, quite honestly, I don't know if the vehicular
16 circulation is adequately proven to us right now and provided
17 to us right now to make that decision.

18 Have you talked to the Fire Department or anybody
19 else about any concerns they have?

20 MR. BIGGERS: We talked to them a while ago with our
21 first item. They didn't really have any issues because they
22 have their 26 foot clearance for fire trucks. So I don't --
23 Fire trucks don't have any issue getting in and out of here.
24 If we curbed, if we do curb, that's why I was saying, if we do
25 curb like the gray areas maybe, we don't want to -- we might
26 pull the curbs like off a couple feet to make them wider, a
27 wider drive to make sure we don't interrupt them.

28 MR. ROWAN: Right, right.

29 MR. BIGGERS: That's why striping is, they can get
30 in easily with this.

1 CHAIRMAN VALENTIC: Heather, would a traffic
2 analysis of this whole area be required if they, if we got
3 this approved and they went, because they're redoing that
4 entrance? I know it's an existing entrance. That's why it's
5 kind of a gray area, right?

6 MS. FREEMAN: Yeah. I --

7 CHAIRMAN VALENTIC: You're not sure?

8 MS. FREEMAN: I don't really know.

9 MR. BIGGERS: I think, if we end up touching, like
10 physically adding a curb towards in the right-of-way, you
11 could end up getting that we might have to redo the whole
12 apron.

13 CHAIRMAN VALENTIC: Yeah.

14 MR. BIGGERS: Like it might have to come up to the
15 -- which then, I think, creates more question of how do we,
16 are we narrowing the -- They might want the entrances
17 narrowed.

18 MR. DYNES: And I am not asking to be difficult or
19 argue. I am just trying to understand it. And, again, I know
20 you want to come back for variances. But, again, I'm looking
21 at the code and even Section H are just, development designed
22 to have access to public streets in a manner that minimizes
23 traffic hazards or congestion. And when I look at this right
24 now, I think my concern and the board's concern is, are we
25 creating more congestions -- more congestion, rather, and more
26 hazards? I don't know if we're minimizing that or if it's
27 designed to minimize that because what I am hearing is there
28 is more to come as far as getting the conditional use but then
29 do X, Y and Z. And I just, from the plans, I am a little bit
30 concerned.

1 MR. BIGGERS: Well, our feeling is that, right now,
2 our traffic flow is better than what's there now if we go
3 through the -- I mean, that's what our feeling is right now.
4 There is no in, out, really any demarcation of the entrances.

5 MR. DYNES: And I understand that.

6 MR. BIGGERS: Yeah, right.

7 MR. DYNES: But I don't know if putting a structure
8 there, if that alleviates that or makes it better. The
9 present status of it not being compliant or not being
10 beneficial by doing this, I don't know if that helps it. To
11 your point, maybe it does. Maybe then all this work is done
12 and it creates something much easier for everybody. Again, I
13 am just saying, I don't know if I see that the plans, if
14 I have a real comfortable level right now understanding.

15 CHAIRMAN VALENTIC: So the reason you keep coming
16 back to this spot is because there was an ATM or did you guys
17 look at other locations?

18 MR. BIGGERS: They are always actively looking
19 around for spaces. Many of the sites are not this large,
20 like, with this large of a site. You can't just go into
21 little centers here.

22 CHAIRMAN VALENTIC: Right.

23 MR. BIGGERS: Because we're taking a lot. So the, a
24 lot of these, we look at their large shopping center areas
25 with large land areas and large parking lots. So they do,
26 they study where they want to try to get these. They can't
27 just go in every, any site on this.

28 CHAIRMAN VALENTIC: Yeah. So this parking lot and
29 this area is ideal for this?

30 MR. BIGGERS: Yeah. They're in a location, the

1 demographics are good. The area, land area is good because
2 they can't have their customers getting jammed in either.

3 CHAIRMAN VALENTIC: Did you guys, I guess, look at
4 other spots, places in this parking lot to maybe put this ATM
5 that might work, away from the entrance that might work a
6 little bit better?

7 MR. BIGGERS: We have looked but, also, the
8 landlord, you know, we've been dealing with the landlord, too,
9 and he wants something here. So we've had to work many
10 different things with him, so -- but even if we go elsewhere,
11 we end up having to take spots out, rearranging.

12 CHAIRMAN VALENTIC: Yeah.

13 MR. BIGGERS: Like we could, there is space to do
14 it. We might lose more spaces in another location, like it
15 takes up way more parking spots. We saw the area with that
16 drive, you know, where the old drive-thru is, we could add
17 spaces back in that location.

18 CHAIRMAN VALENTIC: Yeah. I just wondered.

19 MR. BIGGERS: Otherwise, we're like in the middle of
20 a parking lot or we're down back to the south end and the
21 north end, I think, is too --

22 CHAIRMAN VALENTIC: Narrow.

23 MR. BIGGERS: Too narrow, yeah.

24 CHAIRMAN VALENTIC: Okay. I don't have any other
25 questions. Anyone else?

26 You can be seated.

27 MR. BIGGERS: Thanks.

28 CHAIRMAN VALENTIC: Thank you. Is there anyone else
29 here speaking for this appeal that would like to come up?

30 MR. OVSENIK: In opposition.

1 CHAIRMAN VALENTIC: That was my next question.
2 Anyone against this appeal that would like to come up?

3 MR. OVSENIK: We can go together.

4 CHAIRMAN VALENTIC: We're going to all take turns.

5 MR. OVSENIK: That's fine. I am already here. Do
6 I need to be sworn?

7 CHAIRMAN VALENTIC: Were you?

8 MR. OVSENIK: I mean, I was with the group when it
9 was done.

10 CHAIRMAN VALENTIC: Oh, you were? Okay.

11 MR. OVSENIK: Yeah.

12 CHAIRMAN VALENTIC: Raise you right hand.

13 (Whereupon, Mr. Ovsenik was sworn.)

14 CHAIRMAN VALENTIC: State your name, confirm that
15 you've been sworn in and your address.

16 MR. OVSENIK: Sure. Nicholas Ovsenik, 7815 King
17 Memorial Road, which is Mentor, Ohio, but I own or part owner
18 of Ridgewood Kitchen and Spirits in the plaza.

19 CHAIRMAN VALENTIC: Okay. And you were sworn in.

20 MR. OVSENIK: Yes.

21 CHAIRMAN VALENTIC: All right. Go ahead, sir.

22 MR. OVSENIK: More or less, the plaza doesn't have
23 adequate parking as it is to lose one parking spot, let alone
24 three. It's congested on, you know, every weekend, as
25 Mr. Rowan mentioned.

26 I have some information off of an outdated parking
27 space record from the township and it's already deficient 115
28 spots. And when I went through everything, it's closer to 220
29 spots that it is deficient on current information. I don't
30 have a whole lot more than that because it's already, I mean,

1 that spot over there, the way our plaza is on that curve, it's
2 already somewhat dangerous pulling in and out of there, and
3 then adding something that creates more stop and go doesn't
4 quite seem to make sense.

5 So I will leave it at that really. I don't have
6 much more. Those are the key points. If you've got any
7 questions for me, I am happy to answer them but --

8 CHAIRMAN VALENTIC: Have you talked to your landlord
9 about this?

10 MR. OVSENIK: About this specific situation?

11 CHAIRMAN VALENTIC: Yeah.

12 MR. OVSENIK: No, no, I haven't. I mean, it's
13 pretty new. I, more or less, just found out about it.

14 CHAIRMAN VALENTIC: Okay. Anyone else have
15 questions for him? Davey?

16 MR. ROWAN: I don't know if the previous ATM was
17 there when you were there.

18 MR. OVSENIK: No, no, the previous ATM was never
19 there. And not to mention there is, I think, roughly six ATMs
20 either in the plaza or touching the land there. I mean, there
21 is literally Fifth Third next door. The gas station there has
22 an ATM. Multiple businesses inside the plaza have ATMs. The
23 Convenient next door to us or behind us, whichever way you
24 want to look at it, has an ATM. It may not be a First
25 National ATM but, in all honesty, there is not, First National
26 Bank is not a huge thing around here. The only one that I can
27 think of in the area is on 615 in Mentor. I am not aware of
28 one in Concord, which is, I know, why, probably why they want
29 their specific ATM there. But, I mean, it doesn't seem to
30 quite make sense, especially in that location.

1 Like I said, it's already a bit of a hazard pulling
2 in and out of there with the bend and 84 there. I don't see
3 it. It's a safety issue, not to mention as well that, during
4 the winter when they're plowing snow, how many spots are we
5 going to lose because there is this structure? There is
6 already the marquee sign there, which is great because it's
7 visible for all of our businesses, but then right behind that
8 there is going to be another structure with snow to get pushed
9 against it and whatnot and then even more spots that could be
10 lost.

11 CHAIRMAN VALENTIC: Okay. You good? Thank you.

12 MR. OVSENIK: Yeah, sure. Thank you. Appreciate
13 it.

14 MS. CAMPBELL: Hi. I was sworn in. My name is Toni
15 Campbell. I am representing the barber shop, Nicki's Barber
16 Shop that's in Concord Plaza. I did raise my hand.

17 CHAIRMAN VALENTIC: Yeah. Your address?

18 MS. CAMPBELL: Is 8409 Cambden Crossing in Concord
19 Township, right here down the road. And I am going to echo
20 exactly what Nick said. My father has owned the business at
21 the barber shop for a couple years but he's been in that space
22 for probably three decades, so he's been there quite some
23 time. The space is a great space, a lot of great business are
24 there.

25 But we are here to document opposition to just, it's
26 congested. It's already kind of risky getting in and out of
27 there. And putting another ATM structure in there is just, it
28 wouldn't be good business, certainly, from our perspective.

29 CHAIRMAN VALENTIC: Okay.

30 MS. CAMPBELL: And I echo the same thing. I know I

1 drive up ATMs. I know I read in the paperwork that safety is
2 an utmost concern. But, again, that Fifth Third is, you can
3 probably throw a softball at it from where they are in Concord
4 Plaza. So there is certainly other options for Concord
5 residents, probably not that bank but certainly others that
6 exist for our residents.

7 CHAIRMAN VALENTIC: Any questions? No.

8 Thank you.

9 MS. CAMPBELL: Thank you.

10 MR. SIMODI: I am John Simodi. I have been sworn in
11 back there. Address is 7981 Ravenna Road. I own the Subway
12 in that plaza. And same as everybody else's concern, in
13 evening time, we just don't have enough parking spaces there.
14 I know I lose business because people come in and tell me on
15 Saturday, "Oh, we were going to do Subway Thursday night but
16 there was nowhere to park, so we went somewhere else." So,
17 like I said, giving up parking spaces is going to be hurting
18 businesses that are already there.

19 Even when I go to the bank at Fifth Third, the
20 teller tells me, at 5:00 when she leaves, she's amazed because
21 the Fifth Third, which is in a separate thing, is full of
22 cars, people parking at Fifth Third and walking to the plaza.
23 That shows the shortage of spots.

24 And as far as an alternative spot, I don't know if
25 it's feasible but Dollar General, they already have a drive-
26 thru built in from the previous renter. And they don't have a
27 pharmacy, so they don't use a drive-thru. They may be able to
28 put their ATM machine right in the drive-thru at Dollar
29 General.

30 CHAIRMAN VALENTIC: Okay.

1 MR. SIMODI: It's an idea.

2 CHAIRMAN VALENTIC: Any questions?

3 MR. DYNES: No.

4 CHAIRMAN VALENTIC: No. Thank you very much, sir.
5 Thank you for coming in.

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

8 (No response.)

9 If there's no further questions, the public hearing
10 for Conditional Use Permit 2023-25 is now closed to the
11 public. Can I get a motion to approve Conditional use
12 Permit 2023-25.

13 MR. DYNES: So moved.

14 MR. ROWAN: So moved.

15 MR. DYNES: Second.

16 CHAIRMAN VALENTIC: Thank you. Discussion for the
17 board. Anyone want to start?

18 MR. SWEENEY: Well, procedurally, I want to make
19 sure that I am thinking about this correctly. So the
20 application is only for a --

21 CHAIRMAN VALENTIC: Conditional use permit.

22 MR. SWEENEY: A conditional use permit. All right.
23 And we can deal with everything else later. But if he doesn't
24 meet the requirements of the conditional use permit language
25 in the code, then it doesn't go through. And from what I can
26 see, it doesn't meet that. Anybody disagree with me?

27 MR. DYNES: It doesn't meet it on multiple levels.

28 MR. SWEENEY: Multiple levels.

29 MR. DYNES: I think, oftentimes, like I tried to
30 say, we try to find ways to make these things work for

1 businesses and people as best we can.

2 MR. SWEENEY: Absolutely.

3 MR. DYNES: You know, I don't think we're here to be
4 a bunch of hard cases but, you know, 13.17(A), (C), (G), (I),
5 (K), (L), there is so many concerns on here. And the
6 elimination of the parking spaces, it's just, it's tough.

7 And, again, I think we've all heard about the safety
8 issues. These folks are speaking and they're tenants there.
9 They have concerns over safety and they have concerns over
10 parking. Mr. Rowan has been there. I think we've all been
11 there ourselves and perceived the lack of parking and some of
12 the concerns. So --

13 MR. SWEENEY: I mean, I can tell you from
14 experience, when I moved here 20 years ago and went to that
15 plaza, I mean, not to further depress the people who have
16 businesses there, I would hesitate because I would pull in, I
17 couldn't, I wouldn't be able to find a spot. And I would be
18 like, this is crazy, and that was 20 years ago. And I live
19 all the way on other side of the township now, so I don't
20 really get back there.

21 But, to me, this whole parking situation over there
22 is not good to begin with, not to mention the traffic, not
23 even to mention the safety, pulling in and out from the road
24 but just the parking alone. I mean, I understand it's only a
25 net, it's only a net, what, three spaces, something like that,
26 a net loss of three spaces.

27 MR. DYNES: If that variance were granted.

28 MS. SWEENEY: If that, if it was approved and the
29 variance was granted.

30 CHAIRMAN VALENTIC: We're losing at least three or

1 five more spaces.

2 MR. SWEENEY: Yeah. And when I have pulled in there
3 and driven around, I mean, it's like so cramped. And even if
4 you find a spot, it's very difficult to get in it.

5 So, I mean, so what does that have to do with this?
6 Well, what it does is every movement in this parking lot by a
7 car or pedestrian sets off a chain reaction, and I just don't
8 know what that chain reaction is going to be in this
9 particular case. It's not going to be good. But I have
10 difficulty with the applicant meeting the requirements of the
11 conditional use permit.

12 CHAIRMAN VALENTIC: Yeah, I tend to agree with both
13 of you.

14 MR. SWEENEY: I am the last person to, I mean, you
15 know, to put a headlock on a business but --

16 CHAIRMAN VALENTIC: Davey, do you have any --

17 MR. SWEENEY: It's really tough to --

18 MR. ROWAN: I agree with what you guys have said. I
19 think parking has been the biggest thing. I think that
20 getting in and out of there is a problem even when it's not
21 like full, you know, parking lot is full. It's just a tough
22 area to get in and out of. And for all the reasons you have
23 said with the conditional use, I just don't know that it meets
24 those requirements for us.

25 MR. DYNES: Well, and in fairness, again, I think we
26 do, we try to bend over backwards to accommodate certain
27 things to the extent that we can do that. I haven't
28 appreciated a necessary hardship here by which the applicant
29 has demonstrated that this is it, and I don't know they've
30 overcome all the factors that are really impeding the process

1 by which they put this in there. So for me, it's awfully
2 difficult to say, based upon the testimony we've heard from
3 the applicant and what we've seen from the applicant as far as
4 their proposal, it rises to the level by which we would grant
5 the conditional use.

6 And it's not often that we have a reaction from
7 folks who are vehemently against something, as we have heard
8 tonight, by which it may compromise their business. Again,
9 you know, I hate to restrict business; I hate to restrict a
10 landlord; I hate to restrict any development in the township,
11 to the extent that this would be considered development, but
12 it just doesn't seem to meet the test for me, personally.

13 CHAIRMAN VALENTIC: Okay. Heather, with that, the
14 question is for the approval of Variance Appeal Number
15 2023-25. A yes vote approves the conditional use permit. A
16 no vote denies the conditional use permit. Please call the
17 vote.

18 MS. FREEMAN: Mr. Rowan?

19 MR. ROWAN: No.

20 MS. FREEMAN: Mr. Dynes?

21 MR. DYNES: No.

22 MS. FREEMAN: Mr. Sweeney?

23 MS. SWEENEY: No.

24 MS. FREEMAN: And Mr. Valentic?

25 CHAIRMAN VALENTIC: No.

26 The conditional use permit has been denied.

27 Thank you for everyone's time and coming out. We
28 appreciate it.

29 MR. OVSENIK: Thank you.

30 CHAIRMAN VALENTIC: I'll give everyone a second to

1 clear out of here.

2 All Right. Next on our agenda is Variance Appeal
3 Application 2023-124. Kimberly Perry and James Perry are
4 requesting the following for the property located at
5 11190 Spear Road, current parcel number 08-A-018-A-00-049-0.
6 There is three items. I will read all of them. You're going
7 to have to vote on each of these separately, is my
8 understanding. You can present them all at once if you like
9 but we're going to have to go back and come up for each one of
10 them.

11 So first is (a), a variance from Section
12 15.03(A)(6), Table 15.03-1, to allow for more than one
13 accessory building on a lot less than 2 acres.

14 And we'll also discuss and review and approve
15 administrative appeal from the Zoning Inspector's decision and
16 violation letter from Section 11.01(A) stating that a zoning
17 permit is required for accessory buildings. This is for the
18 chicken coop. Section 6.01.

19 And, also, we will talk and discuss Item (c),
20 administrative appeal from the Zoning Inspector's decision and
21 violation letter from Section 11.01(A), zoning permit
22 required, and 15.03(A)(6), Table 15.03-1, stating that the
23 number of accessory buildings in an R-1 District on lots less
24 than 2 acres shall not exceed one. This is for the
25 greenhouse. Section 6.01.

26 Please come up.

27 MS. PERRY: Thank you, Chair. My name is Kimberly
28 Perry. I've been sworn in.

29 CHAIRMAN VALENTIC: Your address, please.

30 MS. PERRY: 11190 Spear Road.

1 CHAIRMAN VALENTIC: Thank you.

2 MS. PERRY: Thank you. Do you have a preference
3 where I start?

4 CHAIRMAN VALENTIC: Oh, yeah. Do you want to go
5 forward with four members or do you want to table this to next
6 month when we have five members? A three-vote majority is
7 required either way. So you would need three yeases from this
8 board to be approved for any of the items with four of us
9 here.

10 MS. PERRY: To be completely honest, I'm having a
11 rough night, so it might be best to table.

12 CHAIRMAN VALENTIC: Table it?

13 MS. PERRY: (Nodding.)

14 CHAIRMAN VALENTIC: Okay.

15 MS. PERRY: No fault of the board. I appreciate, I
16 appreciate you.

17 CHAIRMAN VALENTIC: Yeah. No, we apologize for not
18 having a full board.

19 Do we need a vote to table?

20 MS. FREEMAN: Yeah.

21 CHAIRMAN VALENTIC: Yeah. So can I get a motion to
22 table Variance Appeal Application 2023-124?

23 MR. DYNES: I will move to table this -- I am
24 sorry -- the variance that you noted -- I can't see the
25 number -- based upon the applicant's request to table it until
26 next month to have a full board available.

27 MR. ROWAN: Second.

28 CHAIRMAN VALENTIC: All in favor?

29 (Four aye votes, no nay votes.)

30 CHAIRMAN VALENTIC: Okay.

1 MS. PERRY: Thank you.

2 CHAIRMAN VALENTIC: Thank you.

3 MS. PERRY: Have a good evening.

4 CHAIRMAN VALENTIC: The last thing we have is, on
5 the agenda is approval of minutes from January 11, 2023. I
6 think Skip, Skip was here for the minutes of that meeting.
7 Davey, you were here and I was here. So can I get a motion to
8 approve the minutes from January 11, 2023?

9 MR. SWEENEY: So moved.

10 MR. ROWAN: Second.

11 CHAIRMAN VALENTIC: Is there any discussion?

12 MR. DYNES: I will just note my abstention.

13 CHAIRMAN VALENTIC: Thank you. One abstention. All
14 in favor of approving the minutes as written from January 2023
15 say aye.

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

17 CHAIRMAN VALENTIC: Thank you. The minutes have
18 been approve.

19 The Concord Township Board of Zoning Appeals meeting
20 for March 2023 is now closed.

21 (Whereupon, the meeting was adjourned at 7:39 p.m.)

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