

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

April 12, 2023
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Francis Sweeney, Vice Chair
Davey Rowan, Member
Brandon Dynes, Member
T. R. Hach, Alternate 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 meeting for April 12, 2023,
4 is now in session. I would like to introduce my board. To my
5 left is Skip Sweeney and Brandon Dynes. I am Ivan Valentic.
6 To my right is T. R. Hach and Davey Rowan. To our far right
7 is Heather Freeman, our Zoning Inspector, and to my far left
8 is Keith Petersen, our township legal counsel.

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. If you plan on coming
12 up to speak about any case tonight, please stand and raise
13 your right hand.

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

15 CHAIRMAN VALENTIC: Thank you. Please be seated.
16 Also, when you come up to the stand and present, please state
17 your name and your address for the record, and we also need
18 you to confirm that you've been sworn in. Okay?

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

21 MS. FREEMAN: Yes, they were.

22 CHAIRMAN VALENTIC: All right. Thank you.

23 So we have one old variance, Old Business, and we
24 have three new variances this evening. A three-vote majority
25 is required to approve the variance.

26 All right. So first is we have to do Old Business.
27 I need a vote to, per the applicant's request, we need to
28 table Variance Appeal Application 2023-124, Kimberly Perry and
29 James Perry, requesting the following for the property located
30 at 11190 Spear Road, current parcel number 08-A-018-A-00-

1 049-0. They have three variance requests but we'd like to get
2 that tabled. Can I get a motion to table this?

3 MR. HACH: So moved.

4 CHAIRMAN VALENTIC: Second?

5 MR. SWEENEY: Second.

6 CHAIRMAN VALENTIC: Heather, do you want to call the
7 vote?

8 MS. FREEMAN: Sure.

9 Mr. Golling? I am sorry. Mr. Sweeney?

10 MR. SWEENEY: Yes.

11 MS. FREEMAN: Mr. Dynes?

12 MR. DYNES: Yes.

13 MS. FREEMAN: Mr. Rowan?

14 MR. ROWAN: Yes.

15 MS. FREEMAN: Mr. Hach?

16 MR. HACH: Yes.

17 MS. FREEMAN: Mr. Valentic?

18 CHAIRMAN VALENTIC: Yes.

19 Thank you. That's been tabled.

20 Next is New Business. First is Variance Application
21 2023-125, David and Christine Rako, on behalf of the property
22 owner 20th Century Construction, Inc., are requesting a
23 variance from Sections 15.04(A)(2)(d) and 15.04(B)(2), Table
24 15.04-1 to allow a single-family dwelling to have a 25 foot
25 front building setback from Hoose Road, in lieu of the minimum
26 50 feet required, for the property located at 7440 Thatchum
27 Lane, current parcel number 08-A-026-J-00-001-0.

28 Please come up and present your case.

29 MR. MULCHIN: My name and address all that?

30 CHAIRMAN VALENTIC: Yeah, your name, address and

1 confirm you've been sworn in.

2 MR. MULCHIN: Okay. Chris Mulchin, 7922 Ironwood
3 Court, Concord Township, Ohio. I confirm I've been sworn in.
4 I am with 20th Century Construction, the owner of the
5 property, and we will be building the house for the Rakos.
6 Dave and Christine are here. We are asking for the variance
7 so that we have a better siting on the lot. The lot is
8 sloping pretty substantially from left to right as you're
9 facing the lot and there is a retention basin along the back.
10 By pushing this over this amount, it gives us more room to
11 grade the lot out to the side between us and the future
12 neighbor. It also, personally, probably looks a little bit
13 better where it's sited. It's where that lot was originally,
14 the house was originally platted to be built.

15 I do have some notes from neighbors who have their,
16 we have three neighbors voicing their support for the siting
17 the house this way. And the neighbor across the street, we
18 built their house. I believe we finished in 2020. We asked
19 for the same variance. We were granted it. It is sited the
20 same way with 25 foot side yard.

21 CHAIRMAN VALENTIC: Because the neighborhood was
22 originally platted with 50 foot side yards?

23 MR. MULCHIN: The zoning was changed several years
24 back, many years after the subdivision was platted.

25 CHAIRMAN VALENTIC: Okay.

26 MR. MULCHIN: So it kind of was caught in, you know,
27 it was originally laid out to be a 25 foot side yard. This
28 lot in particular has a retention basin on the back of it, so
29 there is not a whole lot of extra room to move the lot, the
30 house around on the lot.

1 But, yeah, I don't remember the year they changed
2 the zoning. Heather, you probably would know but I feel like
3 it was 2008, somewhere around there.

4 MS. FREEMAN: I'm not sure.

5 MR. MULCHIN: It was many years. Like the
6 subdivision went in in the late '80s, so it was many years
7 down the road that the zoning was actually changed.

8 CHAIRMAN VALENTIC: Okay.

9 MR. MULCHIN: Do you have copies of the neighbors'
10 letters? I think everything was emailed in.

11 CHAIRMAN VALENTIC: I do not. Do you have a copy of
12 the letter?

13 MR. MULCHIN: I only have one set.

14 CHAIRMAN VALENTIC: If you want to start on one end
15 and we can pass it around.

16 MR. MULCHIN: One is double sided and one is the
17 bottom.

18 MR. SWEENEY: Thank you.

19 CHAIRMAN VALENTIC: But they're in support of the
20 setback?

21 MR. MULCHIN: Yes, especially Benz, who voiced his
22 support. Mr. Benz is the homeowner that I built his house and
23 he had the same exact variance.

24 CHAIRMAN VALENTIC: Any questions on this end?

25 MR. ROWAN: I am assuming the retention pond,
26 obviously, was a requirement for that when this was put in
27 originally?

28 MR. MULCHIN: Yeah.

29 MR. ROWAN: There is really no feasible way, I am
30 assuming, to like adjust that and make it work?

1 MR. MULCHIN: We actually pushed the retention basin
2 back several years ago. It was quite a bit forward.

3 MR. ROWAN: Okay.

4 MR. MULCHIN: So we moved it back on the lot as far
5 as we could, and that was all done with Lake County's guidance
6 and supervision and Concord Township Service Department.

7 MR. ROWAN: This is the property line here, correct?
8 This would be where potentially another --

9 MR. MULCHIN: That's subplot 2. That is the property
10 line.

11 MR. ROWAN: Okay, thank you.

12 CHAIRMAN VALENTIC: You got any questions?

13 MR. SWEENEY: Are these half acre lots?

14 MR. MULCHIN: (Nodding.)

15 MR. SWEENEY: Yeah.

16 CHAIRMAN VALENTIC: It's a tough spot there, the
17 setback. How many square feet is the house going to be?

18 MR. MULCHIN: Just over 24, almost 25 hundred square
19 feet.

20 MR. SWEENEY: Is the lot next to it vacant?

21 MR. MULCHIN: It is now. It was recently sold. I
22 don't know when they plan on doing anything on it.

23 MR. SWEENEY: So these lots, these two parcels have
24 been vacant since the '80s?

25 MR. MULCHIN: Yeah. The lot didn't look that, like
26 that up until a few years ago when we moved that retention
27 basin.

28 MR. SWEENEY: I noticed that, yeah.

29 MR. MULCHIN: It was full of -- It was overgrown.

30 MR. SWEENEY: I drive past it, yeah, yeah.

1 MR. MULCHIN: Once we cleared it down and pushed it
2 back, all of a sudden we started getting a lot more phone
3 calls.

4 MR. SWEENEY: Had some interest, yeah, good for you.

5 CHAIRMAN VALENTIC: The house isn't, it's not like
6 they're trying to put 3,000 square feet on there.

7 MR. SWEENEY: Right. That's tough.

8 CHAIRMAN VALENTIC: It fits in there.

9 Okay. Any other questions?

10 Thank you. You can be seated.

11 MR. MULCHIN: Thank you.

12 CHAIRMAN VALENTIC: Is there anyone else here
13 speaking for or against this appeal?

14 MR. RAKO: Yes, good evening. My name is David
15 Rako, currently located at 1384 Oakwood Trail in Painesville,
16 and I am here to get support for my variance for our forever
17 home.

18 CHAIRMAN VALENTIC: You've been sworn in, sir?

19 MR. RAKO: And I have been sworn in, thank you.

20 CHAIRMAN VALENTIC: Thank you.

21 MR. RAKO: Yes, yes. So, again, you've seen the
22 letters of support from the neighbors. Sorry it took us this
23 long, since 1980, to get the lot but it's somewhere we want to
24 be. We're building a very, I think, appropriate ranch-style
25 home. And as Chris said, the way the lot is sloped, I think
26 the only way to really put the house there is to have that 25
27 foot setback, and I think it also aligns real nice with the
28 house on the other side of the development. So it's really
29 going to add synergy when you, just from a cosmetic aspect, to
30 the whole neighborhood.

1 Did you have any questions for me?

2 CHAIRMAN VALENTIC: Any questions?

3 MR. SWEENEY: No.

4 CHAIRMAN VALENTIC: No, we're good. Thank you very
5 much.

6 MR. RAKO: All right, thanks.

7 CHAIRMAN VALENTIC: You can be seated.

8 Is there anyone else here this evening that would
9 like to speak for or against this appeal?

10 (No response.)

11 Okay. If there is no one else, then can I get a
12 motion to approve Variance Number 2023-125?

13 MR. HACH: So moved.

14 MR. SWEENEY: Second.

15 CHAIRMAN VALENTIC: Thank you. Any discussion,
16 anything we want to add?

17 MR. DYNES: This looks like a no-brainer to me.
18 It's a difficult lot, difficult situation.

19 MR. ROWAN: Those lots have been vacant for a long
20 time, obviously, since the '80s. I've driven past them for
21 years and they've just been sitting there vacant.

22 CHAIRMAN VALENTIC: Yeah.

23 MR. ROWAN: It would be nice to see something there.

24 CHAIRMAN VALENTIC: Yeah. I think they've done a
25 good job trying to fit it on there.

26 MR. SWEENEY: Yeah.

27 MR. ROWAN: Can't take the retention pond out.

28 MR. DYNES: Especially when it meets all the
29 criteria of the Duncan Factors and all the other standards by
30 which we render a decision. So I would recommend that we

1 approve it based upon all the factors outlined by Mr. Mulchin
2 and Mr. Rako and the facts presented to us by the staff.

3 CHAIRMAN VALENTIC: Okay. Heather, please call a
4 vote for the approval of the variance.

5 MR. SWEENEY: I concur.

6 MS. FREEMAN: Okay.

7 Mr. Hach?

8 MR. HACH: Yes.

9 MS. FREEMAN: Mr. Rowan?

10 MR. ROWAN: Yes.

11 MS. FREEMAN: Mr. Dynes?

12 MR. DYNES: Yes.

13 MS. FREEMAN: Mr. Sweeney?

14 MR. SWEENEY: Yes.

15 MS. FREEMAN: And Mr. Valentic?

16 CHAIRMAN VALENTIC: Yes.

17 Your variance has been approved. Congratulations.

18 Thank you.

19 MR. MULCHIN: Thank you very much.

20 MS. RAKO: Thank you.

21 MR. HACH: Good luck.

22 CHAIRMAN VALENTIC: All right. Next on the agenda
23 is Variance Application 2023-126, Thomas F. Murphy, III, is
24 requesting a variance from Section 15.03(A)(6), Table 15.03-1,
25 to allow a lot less than two acres to have two accessory
26 buildings, in lieu of the maximum one permitted, for the
27 property located at 10833 Tanglewood Trail, current parcel
28 number 08-A-016-B-00-026-0.

29 Mr. Murphy, if you want to come up.

30 MR. MURPHY: Hi. I'm Thomas Murphy,

1 10833 Tanglewood Trail. I was sworn in.

2 CHAIRMAN VALENTIC: Thank you.

3 MR. MURPHY: I am a new homeowner. We're very new
4 to this whole world of variances and permits and things like
5 that. We bought the house maybe a couple years ago. My dad's
6 renovating on it. We have not a lot of room to store things.
7 We have a detached garage, which we were naive knowing that
8 was considered an accessory building. I just kind of figured
9 it was my garage. We always kind of were thinking about
10 getting a shed or something, so my next-door neighbor actually
11 gifted us a shed. No one thought about it and I didn't know I
12 needed a permit. We put it on an existing concrete pad and
13 it's like, so I figured there was something there before it.
14 We went through the permit process and the variance now and I
15 received permission from all my neighbors. I even got some
16 signatures there saying they don't mind it being there and
17 stuff like that.

18 It's just kind of come to a point where I don't have
19 anywhere to put my things and I can't park both my cars in the
20 garage and I have lawn mowers. And up until I had the shed,
21 I've been kind of having to like either only be able to put
22 one car in there or halfway out so I can keep my lawn mower in
23 there and can't shut the door behind it. I guess what I am
24 asking is permission to keep my shed so that I have a place to
25 keep my things. It's 10 feet off the property line from the
26 side there. And that's really all I can say.

27 MR. SWEENEY: Is it that? (Showing.)

28 MR. MURPHY: Yeah, it's where I put the little
29 square.

30 MR. SWEENEY: The box?

1 MR. MURPHY: Yeah, the box there. There is another
2 concrete pad that's adjacent to it randomly. So I got
3 confused, I guess, thinking I could put something there. I
4 don't know. But now I know the processing and I am going to
5 call you guys before I do anything.

6 CHAIRMAN VALENTIC: Yeah, call Heather before you do
7 anything.

8 MR. MURPHY: Yeah.

9 CHAIRMAN VALENTIC: And that's your, so your garage,
10 so you kind of swing back and your garage is in the back?

11 MR. MURPHY: Yeah, the garage is kind of weird.
12 It's like I have to go around the whole house to get to it.
13 At one point, it was attached, I think, and then they, way
14 before we bought the house, they made an addition, turned that
15 into a room, and so they had forced the garage into the back
16 yard there.

17 CHAIRMAN VALENTIC: Gotcha.

18 MR. MURPHY: Just made it detached.

19 MR. ROWAN: So this used to be the garage?

20 MR. MURPHY: Yeah, right there up front.

21 MR. ROWAN: Okay.

22 MR. MURPHY: That's why the driveway is so wonky.
23 It goes around there like that. And that was done in like the
24 '90s or something, I guess. I don't know. That was before we
25 bought the place.

26 MR. DYNES: What's the distance between the detached
27 garage and the home? It looks pretty close. Is it a couple
28 of feet?

29 MR. MURPHY: Maybe 4 or 5 feet, the detached garage.

30 CHAIRMAN VALENTIC: So that's why he ends up in this

1 is because the garage is --

2 MR. MURPHY: Yeah, it's just not a good spot for it,
3 you know. I'm in a position where I am at a wall here with
4 what to do. Now I am kind of worried there's not much I can
5 do with the property based on having the detached garage as
6 far as adding more things for storage and stuff like that.

7 MR. DYNES: And the neighbor directly to the side of
8 where the shed is --

9 MR. MURPHY: That's --

10 MR. DYNES: What's that neighbor's name?

11 MR. MURPHY: Bill Landers.

12 MR. DYNES: Landers.

13 MR. MURPHY: Yeah.

14 MR. ROWAN: Have you looked into what it would take
15 to attach the garage? Like, then it would be --

16 MR. MURPHY: I know. I've looked at it. Just
17 financially it's just really, right now, it's not something I
18 can do. I mean, like, I would hate to have to remove the shed
19 just to make that process happen, you know. And it's just, I
20 don't know when that could happen for us because, financially,
21 that's just something I wasn't planning on. I was just
22 planning on having the storage, you know, just to help me out.
23 That's all, yeah.

24 MR. ROWAN: Yeah.

25 CHAIRMAN VALENTIC: Okay. Any questions on this
26 end.

27 MR. SWEENEY: No.

28 CHAIRMAN VALENTIC: Any other questions?

29 MR. HACH: No.

30 CHAIRMAN VALENTIC: You can be seated.

1 MR. MURPHY: Thank you.

2 CHAIRMAN VALENTIC: Is there anyone else this
3 evening speaking for or against this appeal that would like to
4 come up?

5 (No response.)

6 If not, then I will -- Can I get a motion to approve
7 Variance Number 2023-126?

8 MR. DYNES: So moved.

9 MR. SWEENEY: Second.

10 CHAIRMAN VALENTIC: Discussion from the board, any
11 thoughts? I mean, I get where you are coming from.

12 MR. ROWAN: Right. I mean, I think --

13 CHAIRMAN VALENTIC: They're so closed.

14 MR. ROWAN: Right. But I also understand like the
15 cost factor. You know, it's like how much is it going to cost
16 to attach the house to say that we're going to have a shed?
17 Is it, you know, it's the Duncan Factors. What kind of -- Is
18 this an extreme cost? Is it not? So that's, for me, I just
19 want to understand what options are out there, have they
20 investigated.

21 I actually am for this variance. I think, again, I
22 appreciate that the homeowner understands the process now. I
23 think I've been in, I was in his shoes when I bought a house.
24 I didn't realize how many things you need a variance for. So
25 I am in support of this.

26 CHAIRMAN VALENTIC: All right.

27 MR. DYNES: I think it's unique. I think he's
28 expressed a hardship. I think we try to evaluate these
29 carefully and I think, considering all the factors, what he's
30 presented, the neighbors don't disagree, there is nobody

1 objecting to it, it's a unique lot, unique circumstances, and
2 I think that's what puts me over the hump on this one. It
3 meets the threshold by which I would be in favor of it.

4 MR. SWEENEY: I concur.

5 CHAIRMAN VALENTIC: Okay. Then the question is on
6 the approval of Variance 2023-126. Heather, please call a
7 vote.

8 MS. FREEMAN: Mr. Sweeney?

9 MR. SWEENEY: Yes.

10 MS. FREEMAN: Mr. Dynes?

11 MR. DYNES: Yes.

12 MS. FREEMAN: Mr. Rowan?

13 MR. ROWAN: Yes.

14 MS. FREEMAN: Mr. Hach?

15 MR. HACH: Yes.

16 MS. FREEMAN: Mr. Valentic?

17 CHAIRMAN VALENTIC: Yes.

18 Your variance has been approved.

19 MR. MURPHY: Thank you very much.

20 CHAIRMAN VALENTIC: Thank you.

21 MR. SWEENEY: Good luck.

22 MR. MURPHY: Appreciate it. Thank you.

23 CHAIRMAN VALENTIC: All right. Next is Variance
24 Application 2023-127, Steve Kostur is requesting a variance
25 from Section 15.03(A)(2) to allow an accessory building to be
26 located on a vacant lot for the property located on Achilles
27 Drive, current parcel number 08-A-001-C-00-005-0.

28 MR. KOSTUR: Steve Kostur, 8219 Ravenna Road. I've
29 been sworn in today.

30 I'm looking to get a variance. I guess I was

1 informed by Zoning, when I got my fence permit, that you can't
2 have an accessory structure on a vacant lot. I would like to
3 get a variance because the, when I purchased the property a
4 couple years ago, my son didn't start driving. He now drives,
5 so we all have, you know, three cars. So the attached garage,
6 pretty much, takes all that up. We do have two cars we don't
7 drive in the winter. We want to put that in a storage,
8 storage building, along with the lawn equipment and all that.

9 It would still be under the square footage of the
10 principal building. I don't have any other decks or pools,
11 houses. And I look at the shed as it's a semi permanent
12 structure. It's on a gravel bed. If I were to sell the
13 property, I would remove it from that said lot.

14 MR. SWEENEY: There's a water tower.

15 MR. KOSTUR: One of the lots behind is Painesville
16 City Water, it's a water tower, and the other two lots are
17 vacant.

18 CHAIRMAN VALENTIC: Yeah, across the street, those
19 are vacant.

20 MR. KOSTUR: Yeah, those are. I believe you sent
21 the mailers but they're --

22 MR. SWEENEY: So you live in the corner lot right
23 next to this?

24 MR. KOSTUR: Yeah, I live on Ravenna there.

25 MR. SWEENEY: How long have you lived there?

26 MR. KOSTUR: I purchased the house in 2017, except
27 my son wasn't driving at the time. Now we all drive. The
28 winters are pretty bad. We kind of like to use the, you know,
29 garage.

30 MR. SWEENEY: Right.

1 MR. KOSTUR: The garage is detached. To attach the
2 garage back, it's an old brick house. It would probably cost
3 50 grand and then it would cover up that garage. So I don't
4 know how we would do that.

5 MR. SWEENEY: Right.

6 MR. KOSTUR: Again, this is just for lawn equipment.
7 It would be tucked in the back there.

8 MR. SWEENEY: Right. Did you -- So, and then the
9 lot that's in question here today, did you buy that at some
10 point after?

11 MR. KOSTUR: Yeah. No, I purchased it with, with
12 the main property thinking I could do something. It's only
13 .38 acres or .35, and I guess to build a house you need three-
14 quarters anyway. So it's, really, I don't think there is
15 anything you can do with the lot. It's not like it's worth
16 value to resell it or anything.

17 MR. SWEENEY: And then the vacant lot across the
18 street, has that been vacant? I assume it's still vacant.

19 MR. KOSTUR: Yeah, I don't, since I lived there and
20 some neighbors here will --

21 MR. SWEENEY: Do you know who owns that?

22 MR. KOSTUR: No.

23 MR. SWEENEY: Have you ever seen a person out there?

24 MR. KOSTUR: No. It's pretty quiet back there
25 except for the two people that live in the cul-de-sac.

26 MR. SWEENEY: How often is there water activity back
27 there?

28 MR. KOSTUR: For maintenance and stuff?

29 MR. SWEENEY: Yeah. I assume they've got to keep it
30 up, right?

1 MR. KOSTUR: Yeah. I know they cut the grass. They
2 dump all the grass in my lot back there when they cut the
3 grass, whoever does that. But other than that, there,
4 probably, there is a water truck there maybe once a week that
5 comes back there, makes sure nothing is leaking, I guess.

6 MR. SWEENEY: Okay.

7 MR. ROWAN: How big is your lot?

8 MR. KOSTUR: My lot is, I think it's .85, yeah.

9 MR. ROWAN: So even if you combined those
10 properties, it still wouldn't meet the criteria for having
11 more than one accessory building.

12 MR. KOSTUR: It would still be under 2 acres, yeah.

13 MR. ROWAN: So that's not an option. Where are you
14 placing it? It looks fairly wooded around there.

15 MR. KOSTUR: Yeah, it's basically all wooded. I
16 would tuck it as far back in the woods as possible and just
17 have a little gravel. It's a little, it's a little wet back
18 there, so I would do a little grading and it's just a gravel
19 pad, you know, to get stuff in and out. It's, I have the
20 permit for the fence. It's going to go along Achilles, so you
21 probably wouldn't even see it from the street once all that's
22 done.

23 CHAIRMAN VALENTIC: So you're not keeping vehicles
24 in there, this is just for like your equipment?

25 MR. KOSTUR: No, I plan on putting two vehicles in
26 there. They can't be driven in the winter. They just don't
27 make parts for them. So I want, that's why it's fairly large,
28 it's 14 by 32. It's, you know, it's enough to hold two cars
29 and then all the lawn equipment, yeah.

30 CHAIRMAN VALENTIC: Okay.

1 MR. ROWAN: So would there be a driveway then?

2 MR. KOSTUR: I'd probably just put a little gravel
3 there. Like I say, they're just going in in the winter.

4 MR. ROWAN: So it would be straight from here to
5 there, essentially?

6 MR. KOSTUR: Yeah, yeah, parallel to the trees
7 there.

8 CHAIRMAN VALENTIC: Any other questions? Anything
9 from this side of the table?

10 MR. ROWAN: No. I mean, you said that, if you sold
11 the property, you would remove it.

12 MR. KOSTUR: Yeah. I'd say, it would be on a gravel
13 pad. If, you know, if that comes with the stip, stipulation,
14 I could remove it from there, you know.

15 MR. ROWAN: Yeah. I mean, I think for me, it seems
16 like a big building to move. I mean, are they building it on
17 site or are they --

18 MR. KOSTUR: This one, this one they're building on
19 site but they're, normally, they're delivered. They're Amish
20 built and they just, they deliver. But, again, I can -- I
21 don't planning on selling the house because I like, I love the
22 area but stipulation, if I do sell it, I will get it off the
23 property.

24 MR. ROWAN: So maybe this is a question for legal
25 counsel. Can we stipulate that anything related to the
26 building if it's, I guess, so let's say he wanted to sell that
27 property. We could say, "Well, if that's sold, the building
28 has to come down or go away?" Or if they sell, if he were to
29 sell his primary residence and this property, I guess, is
30 there anything we can do with that or --

1 MR. PETERSEN: I don't know.

2 MR. ROWAN: I don't know if we need to. I am just
3 trying to see what options are feasible.

4 MR. PETERSEN: I am trying to think through all the
5 different options of like, if you just sold the home, would
6 the, this accessory structure still be permitted? If we could
7 put in a stipulation if, make a stipulation to like sell the
8 two properties together.

9 MR. DYNES: We could have it run with the current
10 ownership. It would expire upon sale, the variance.

11 MR. ROWAN: Okay. I guess, I guess my only concern
12 would be, like, are you selling a property -- because I guess
13 the intent of the Zoning Resolution here is that you don't
14 want to have just a shed or a building and then you can just
15 sell it to somebody else. Like, I mean, I guess is that what
16 everybody else is understanding? So I am fine if we can do
17 something like that to say, all right, property changes
18 ownership, then --

19 CHAIRMAN VALENTIC: The variance expires.

20 MR. ROWAN: -- the variance expires. Again, I don't
21 -- It's really a question for legal how we do that.

22 MR. PETERSEN: I think, with these variances, you're
23 granted a lot of authority to add in stipulations, so I think
24 you could add that as a stipulation.

25 MR. DYNES: Let me ask you. We're still in the
26 public section. I can ask you questions. So you're putting
27 gravel down. It's not a permanent base, right? There's no
28 concrete base?

29 MR. KOSTUR: No, there is no, yeah, no poured pad,
30 there's no, no utilities. I mean, because we're all on septic

1 back there anyways. As I say, it's almost semi permanent but
2 I don't, as I say, I don't plan on moving but, you know,
3 I think that's the most tucked back spot, you know.

4 MR. DYNES: Do you own the home with -- Who do you
5 own the home with now, you and your wife?

6 MR. KOSTUR: Yeah, yeah.

7 MR. DYNES: Joint and severally, no other owners?

8 MR. KOSTUR: No, yeah, just me. My name is on the
9 deed. My son --

10 MR. DYNES: Just you on the deed or is she on the
11 deed?

12 MR. KOSTUR: No, I am on the deed.

13 MR. DYNES: Just you.

14 MR. KOSTUR: Yeah, she's not on it.

15 MR. DYNES: Do you have -- You don't have any kind
16 of transfer on death designation affidavit in place or
17 anything else?

18 MR. KOSTUR: No, nothing on file. I probably
19 wouldn't sell the lot myself anyways because, again, I don't
20 think it's worth -- You can't build nothing on there anyways.
21 So --

22 CHAIRMAN VALENTIC: It's not a buildable lot.

23 MR. KOSTUR: Yeah. It's kind of, I didn't know that
24 when I bought it because, like I said, my son, it would be
25 nice for him to get the property but it's not doable.

26 MR. DYNES: Have you considered consolidating the
27 lots into one? I know there is a little bit of expense,
28 surveying and otherwise, but is that something you would
29 consider?

30 MR. KOSTUR: I mean, it would still be under the 2

1 acres.

2 MR. DYNES: Oh, no, I am not asking for the purposes
3 of establishing a variance. I am asking just in general.

4 MR. KOSTUR: Yeah, I bought it, I bought the two
5 lots thinking I could do something with the one. I mean, I
6 guess it's possible but I assume, I don't want to have to do a
7 refi. I don't know how rezoning something like that is, you
8 know, the lien.

9 MR. DYNES: Sure. So both lots, where your house is
10 situated and this lot, are they both only in your name?

11 MR. KOSTUR: Yeah, yeah, I own both those lots.

12 CHAIRMAN VALENTIC: Any other questions? You guys
13 good?

14 MR. DYNES: Yeah.

15 CHAIRMAN VALENTIC: Okay. Thank you, sir. You can
16 be seated.

17 Is there anyone else that would like to come up to
18 either speak for or against this appeal?

19 MS. LONG: Hi. Karen Long, I live at 11789 Achilles
20 Drive, directly across the street on Achilles. I have been
21 sworn in.

22 CHAIRMAN VALENTIC: Thank you.

23 MS. LONG: I have absolutely no problem with him
24 putting a shed on the lot that's attached to his main
25 property. I don't see why there would be an issue at all.
26 There is nothing there. The water tower is there. It's
27 unusable land. He maintains his property perfectly fine. I
28 see no issue with it at all. I don't know why there would be
29 an issue. That's all I have to say.

30 CHAIRMAN VALENTIC: Okay, thank you.

1 MR. DYNES: Thank you.

2 Can I ask one more? Mr. Kostur, it's a wooded lot
3 right now?

4 CHAIRMAN VALENTIC: Mr. Kostur, can you come up?

5 MR. KOSTUR: Yeah.

6 MR. DYNES: Or is it partially wooded?

7 MR. KOSTUR: It's, pretty much, half of it's wooded
8 lot. It's connected to my current lot.

9 MR. DYNES: Are you clearing all the trees from the
10 lot?

11 MR. KOSTUR: No. I would like to have more trees
12 back there. I am probably going to plant --

13 MR. DYNES: Let me ask you this. I will try not to
14 talk over you -- I am sorry -- because I always make it
15 difficult on her. So your intention is to clear whatever you
16 need just for the purpose of this structure and then leave all
17 the remaining trees?

18 MR. KOSTUR: Where I am putting it, I won't clear
19 anything. It will tuck in between two big maple trees. It's,
20 where I measured it, I kind of put some stakes there and
21 measured where it would fit in between the two trees. I don't
22 have to clear anything down, tear any woods down. It's, yeah.

23 MR. DYNES: Thank you.

24 CHAIRMAN VALENTIC: Oh, really quick, what about the
25 drive? Can you sneak a driveway, that gravel drive you want
26 to put in for the shed, would that, would you need to clear
27 for that?

28 MR. KOSTUR: No. It would be right in front of it,
29 so it would be perpendicular to the woods there, again, 6 feet
30 wide. Wouldn't tear, I wouldn't tear any brush down or

1 anything.

2 CHAIRMAN VALENTIC: Okay.

3 MR. KOSTUR: Yeah, I want to preserve that as much
4 as I can so I don't see the, you know, water tower and
5 whatnot.

6 CHAIRMAN VALENTIC: All right. I'm good.

7 Is there anyone else that would like to come up?

8 MS. HENSLEE: Hi. Mary Henslee, I live at
9 11855 Achilles Drive, the end of the street from Steve. I
10 have been sworn in. I don't have any problem whatsoever with
11 what he's requesting. I drive by his house every day to get
12 to mine. There is his house, the lot where he wants to put
13 this, the water tower with three-quarters of a million gallons
14 of water -- I think about that often -- there is myself and
15 another neighbor down there and then the vacant lot that you
16 guys were talking about across from where Steve wants to put
17 his thing, and then these folks on the corner.

18 It would be nice for him to have something to put
19 the extra vehicles in. He doesn't have a very big house,
20 doesn't have a very big driveway in front of his house. So
21 everything is there. And it's not -- He keeps his place
22 immaculate. I've got to give him credit for that. He really
23 mows more than I do. So I don't have the least bit of
24 problem. I think it would be a very good idea. Like I say,
25 it's not going to detract from the home whatsoever with that
26 water tower there. I mean, that's the big elephant in the
27 room. So, okay?

28 CHAIRMAN VALENTIC: All right. Thank you.

29 Is there anyone else that would like to come up?

30 (No response.)

1 If there's no further questions, the public hearing
2 for Application Number 2023-127 is now closed. Can I get a
3 motion to approve Variance Number 2023-127?

4 MR. DYNES: So moved.

5 MR. HACH: So moved -- second.

6 CHAIRMAN VALENTIC: Okay. I'll let you figure --
7 okay. Discussion?

8 MR. DYNES: Well, I will start. You know, reading
9 the Duncan Factors, I think this is unique. Will the property
10 yield a reasonable return or can there be a beneficial use of
11 the property without the variance? I would say no, by what we
12 know, right, by the staff analysis, by what our zoning text
13 provides.

14 Is the variance substantial? I'd argue that, no, I
15 don't think it's substantial, in light of the size of it and
16 looking at the diagram and where he is going to put it. I
17 think it's notable that the trees are going to remain,
18 providing a bit of a buffer.

19 Will the essential character of the neighborhood be
20 substantially altered or will adjoining properties suffer a
21 substantial detriment if the variance is granted? I would say
22 no, and the adjoining landowners are here to say and provide
23 their support. There is a water tower next to it.

24 Will the variance adversely affect the delivery of
25 government services? I would say no. It's no way, shape or
26 form going to inhibit or impact the Painesville City water
27 tower or anything else.

28 Did he purchase the property with knowledge of the
29 zoning restrictions? Maybe yes, maybe no.

30 And then can it be resolved by some other manner

1 other than the granting? I am not sure that it can. Again,
2 it is unique. He's got these two properties here, and even
3 combining them together doesn't form enough for him to do what
4 he wants to do. I think, in situations like this, our
5 particular board has been one that tries to help homeowners in
6 our township. I don't think that we're particularly like
7 Shaker Heights or some other communities that try to find ways
8 to say no to everybody. I think we try to find ways to say
9 yes to help them. I think this is a situation that I don't
10 know if there is another manner to service to do what he wants
11 to do, and I don't think it's such a detriment or such an
12 eyesore to the community that it should be disregarded.

13 And then, finally, will it preserve the spirit and
14 intent of our Zoning Resolution and will substantial justice
15 be done by granting it? It's arguable either way but I think,
16 in light of what he intends to do and what he wishes to do, I
17 don't think that necessarily poses a problem at all.

18 So in consideration of the Duncan Factors, I would
19 be in support of this variance.

20 CHAIRMAN VALENTIC: Thank you. Anyone want to add
21 anything to that?

22 MR. SWEENEY: Did the Water Department get notice of
23 this?

24 MS. FREEMAN: Yes.

25 MR. SWEENEY: Did they?

26 MS. FREEMAN: The City of Painesville, yes.

27 MR. ROWAN: Yeah, I think, I mean, I agree with
28 everything you just said but what I would add is just I think
29 it wouldn't change, to the homeowner's point, if the
30 properties were combined, it really wouldn't change the

1 variance. So, again, I think either way I am in support of
2 this. I think, for some reason, I feel like, if the property
3 were made one, I think it would have been slightly easier
4 because now we're not dealing with a vacant property that you
5 can't really build on anyways. But, you know, I think either
6 way I agree with everything you said. So --

7 MR. DYNES: Well, I want to state, too, I don't want
8 to belabor the point or talk too much -- I tend to do that --
9 but I think it's appropriate that we deliberate for purposes
10 of the record and I think that's important and so these things
11 are discussed in some fashion. Maybe I talk too much but --

12 MR. SWEENEY: No.

13 MR. DYNES: I think, I think a good point was
14 brought up about the ownership of it. As I thought about that
15 as you were saying that, I thought that's an excellent point
16 but, then again, I don't know that we necessarily need to
17 provide that restriction. If he sells it, he's the sole
18 owner. He doesn't own it joint and survivor with his wife. If
19 he does, I think whoever buys it is going to be happy to have
20 it. If he sells it, it's just a singular piece of property.
21 Again, it's a moveable structure. It's not permanent. I
22 don't know. I was trying to weigh that after you brought it
23 up because I think it's an excellent point. Personally, I
24 don't see that that's necessary but I don't know how everybody
25 else feels.

26 MR. ROWAN: Well, again, I brought it up for
27 discussion purposes because --

28 MR. DYNES: Yeah, it's a good point.

29 MR. ROWAN: I don't know if it's something that we
30 needed to account for or not but, again, talking through it, I

1 don't think it's really necessary.

2 CHAIRMAN VALENTIC: Skip, anything?

3 MR. SWEENEY: No.

4 CHAIRMAN VALENTIC: Good?

5 MR. HACH: Yeah.

6 CHAIRMAN VALENTIC: Okay, all right. With that,
7 Heather, can you please call a vote to approve Variance
8 Application 2023-27?

9 MS. FREEMAN: Mr. Hach?

10 MR. HACH: Yes.

11 MS. FREEMAN: Mr. Rowan?

12 MR. ROWAN: Yes.

13 MS. FREEMAN: Mr. Dynes?

14 MR. DYNES: Yes.

15 MS. FREEMAN: Mr. Sweeney?

16 MR. SWEENEY: Yes.

17 MS. FREEMAN: And Mr. Valentic?

18 CHAIRMAN VALENTIC: Yes.

19 Your variance has been approved.

20 MR. KOSTUR: Thank you.

21 MR. SWEENEY: Good luck.

22 CHAIRMAN VALENTIC: Next on the agenda is the
23 election of chairperson and vice chairperson.

24 MR. SWEENEY: I am sorry. What?

25 MR. DYNES: Well, this is --

26 MR. SWEENEY: Four more years.

27 MR. DYNES: In light of that, I would move this
28 board to certainly consider the effective leadership that
29 we've been provided by Mr. Valentic, Mr. Sweeney at times of
30 his absence, Mr. Valentic's absence that is, has been more

1 than capable and competent in further leading this board in
2 keeping on the path that it desires and needs to be upon by
3 virtue of our zoning rules and also for the benefit of the
4 township residents and for the other board members. I would,
5 therefore, move to nominate Mr. Valentic as chair and
6 Mr. Sweeney as alternate chair or vice chair.

7 MR. ROWAN: Second.

8 MR. SWEENEY: I would, I would concur with the, with
9 the nomination for another term for Mr. Valentic. However, I
10 would urge the board to consider another choice for the vice
11 chair to get a new perspective on the board, or no.

12 CHAIRMAN VALENTIC: Or no. Well, we don't have a --
13 Davey, I mean, would you be interested in being the vice
14 chair?

15 MR. ROWAN: Can we nominate Todd since he's not
16 here? I mean, I am interested but I feel like maybe --

17 MR. SWEENEY: Well, having said that, I would be
18 happy to serve another term.

19 CHAIRMAN VALENTIC: Okay.

20 MR. SWEENEY: As vice chair.

21 CHAIRMAN VALENTIC: I will do my best to attend more
22 meetings this coming year.

23 MR. DYNES: Mr. Valentic, I think you have done a
24 remarkable job over your years of service. And whether you're
25 here or not, I think Mr. Sweeney still remains a capable and
26 competent fill-in in your absence. And not hearing otherwise,
27 I think I heard Mr. Sweeney relent and indicate that he would
28 be so willing to continue to serve in that role. Mr. Rowan is
29 certainly capable and a very fine member of the board who can
30 serve as well but I would move to keep the board as it's

1 situated with our leadership.

2 CHAIRMAN VALENTIC: Okay. Can I get a second?

3 MR. HACH: Second.

4 MR. ROWAN: Second.

5 MR. DYNES: I just wanted to add that since we were
6 in discussion.

7 CHAIRMAN VALENTIC: All in favor say aye.

8 (Five aye votes, no nay votes.)

9 CHAIRMAN VALENTIC: All right. Next is the approval
10 of minutes from March 2023. Can I get a motion to approve the
11 minutes?

12 MR. ROWAN: So moved.

13 CHAIRMAN VALENTIC: Second?

14 MR. SWEENEY: Second.

15 CHAIRMAN VALENTIC: Any changes to the minutes,
16 additions, deletions?

17 MR. DYNES: Ms. Melton has, once again, done a fine
18 job. No changes, no additions, no deletions.

19 CHAIRMAN VALENTIC: All right. Then the question is
20 on the approval of the minutes from March 2023. A yes vote
21 approves the minutes, a no vote does not. All in favor say
22 aye.

23 MR. HACH: I am going to abstain. I was not here.

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

25 CHAIRMAN VALENTIC: Thank you. The minutes have
26 been approved as written.

27 The Concord Township Board of Zoning Appeals meeting
28 for April, for April is now closed.

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

30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

STATE OF OHIO)
)
COUNTY OF LAKE)

CERTIFICATE

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

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

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

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

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2028

