

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

June 6, 2023
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Rich Peterson, Chairman
Andy Lingenfelter, Vice Chairman
Hiram Reppert, Member
Frank Schindler, Member
Rich Iafelice, Member

Also Present:

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

Melton Reporting
11668 Girdled Road
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1 7:00 p.m.

2 CHAIRMAN PETERSON: Good evening. I would like to
3 call to order the Concord Township Zoning Commission meeting
4 for Tuesday, June 6, 2023.

5 Heather, could you call the roll, please.

6 MS. FREEMAN: Yes, I will.

7 Mr. Lingenfelter?

8 MR. LINGENFELTER: Here.

9 MS. FREEMAN: Mr. Reppert?

10 MR. REPERT: Here.

11 MS. FREEMAN: Mr. Schindler?

12 MR. SCHINDLER: Here.

13 MS. FREEMAN: Mr. Iafelice?

14 MR. IAFELICE: Here.

15 MS. FREEMAN: And Mr. Peterson?

16 CHAIRMAN PETERSON: Here.

17 The first item on our agenda is the approval of the
18 minutes from the May 2nd meeting. Any discussion on those
19 minutes?

20 MR. REPERT: None here, Mr. Chairman. I have no
21 comment.

22 MR. LINGENFELTER: What?

23 MR. REPERT: Yeah.

24 MR. LINGENFELTER: It is her last meeting.

25 MR. REPERT: I know.

26 MR. LINGENFELTER: I thought for sure you were going
27 to just bring the hammer down.

28 MR. REPERT: No. Thank her, I'm going to thank
29 Mindy for her excellent work, excellent work.

30 CHAIRMAN PETERSON: Okay. Do I have a motion to

1 approve those minutes?

2 MR. REPPERT: I will so move.

3 MR. IAFELICE: I will second.

4 CHAIRMAN PETERSON: I have a motion and a second.
5 All in favor say aye.

6 (Five aye votes, no nay votes.)

7 CHAIRMAN PETERSON: Before we go into the actual
8 agenda tonight, which is rather short, I'd just like to
9 publicly recognize -- and I know I am not supposed to do
10 this -- that it's Mindy's last meeting. She is retiring. And
11 I'd like to thank her for her outstanding service over the
12 years and wish her a long and happy and healthy retirement.

13 THE REPORTER: Thank you.

14 (Applause.)

15 MR. LINGENFELTER: Well done.

16 CHAIRMAN PETERSON: Okay. Correspondence, first of
17 all, any correspondence? I will start with Frank. Did you
18 have anything?

19 MR. SCHINDLER: No, Mr. Chairman.

20 MR. REPPERT: None here, Mr. Chairman.

21 CHAIRMAN PETERSON: Okay. Andy?

22 MR. LINGENFELTER: Yes. I met with a gentleman a
23 couple weeks ago after our last meeting. We talked about
24 some, he's got a business opportunity and he's going to be
25 acquiring some space here in Concord and we talked about what
26 he was planning and things to do and I was, it was a very nice
27 meeting and very, I think it's a great opportunity for the
28 township. I don't want to get into talking too much about it
29 because I don't want to take, steal his thunder.

30 CHAIRMAN PETERSON: Sure.

1 MR. LINGENFELTER: Obviously, at some point, I am
2 sure the gentleman is going to want to make an announcement
3 but, yeah, it's, I think it's going to be really nice for the
4 township if it all falls into place like he is anticipating.

5 CHAIRMAN PETERSON: Great.

6 MR. LINGENFELTER: But that was it for me.

7 CHAIRMAN PETERSON: Okay. Thank you, Andy.

8 Rich, anything?

9 MR. IAFELICE: I had nothing, Mr. Chairman.

10 CHAIRMAN PETERSON: And I had nothing.

11 So we do have one piece of official correspondence
12 in writing here and this is a memorandum from Heather to us,
13 the Zoning Commission, and it's rather short. So I will read
14 it into the record but it has four items.

15 The Zoning -- And this is dated May 25, '23, and it
16 says, "The Zoning Department staff would like the Zoning
17 Commission to consider some small updates to the zoning
18 resolution text as follows."

19 The first item is Section 31, Swimming Pools. "Text
20 should be revised to make sure that the required fence
21 enclosure is made of sturdy construction that prevents a child
22 from accessing the pool. As written currently, there are no
23 specific construction requirements other than a minimum fence
24 height." And there is an enclosed draft that we can take a
25 look at showing that proposed change in red.

26 The second item on the memo is Section 15,
27 Residential Districts. "The text should be revised to limit
28 the size of any private garage that is attached to a dwelling.
29 There used to be a maximum of the 25 percent of the gross
30 floor area of the principal building that could be used toward

1 the private garage that is attached to the principal building,
2 in this case the dwelling. See the attached text," and that
3 will be highlighted in yellow.

4 Then the third item, which is I think something that
5 we'll be discussing in the future, and this is the
6 Agricultural Use in Section 6. We talked a few months ago
7 about chickens. It says, "As discussed a few months ago when
8 we looked at potentially allowing smaller lots to have
9 chickens, staff believes that the existing regulations should
10 be updated to put some additional restrictions in place
11 regarding location, size, number of poultry and so forth
12 allowed on the lots between 1 and 5 acres."

13 And then the fourth item, which is a brand new item
14 and we've got quite a bit of supporting documentation for
15 future discussion, and that's EV charging stations. "The
16 Zoning staff and Fire Prevention have some, had some
17 preliminary discussion regarding these uses and think that the
18 zoning text should be updated to include regulations for
19 these. Staff will continue to work with them to put some
20 recommended regulations in place and bring those back to the
21 Zoning Commission at a future meeting. Enclosed is a white
22 paper and two sample ordinances for reference." And she gave
23 us ordinances from Willoughby and Mentor.

24 So those are certainly items that are worthy of
25 future discussion. I think though for tonight, just to get
26 these taken care of, the first item on swimming pools, if we
27 take a look at our handout and we go to the back side of the
28 handout, the recommendation here in Section B where it says
29 "Permanent Pool, Above-Ground or In-Ground Pool," basically
30 has some revised wording here that states, "Permanent pools,

1 both in-ground and above-ground, shall be enclosed on the
2 property by a fence of sturdy construction," which was added,
3 "not less than 4 feet in height as measured," and the addition
4 is, "from the level of the ground grade where -- or the ground
5 where located, which shall be of such design and construction
6 to effectively prevent a child from crawling or otherwise
7 passing through or under such fence."

8 And then Item 2 says, "Each gate," assuming there
9 are multiple gates, "in such fences shall be equipped with a
10 suitable locking device to prevent unauthorized access."

11 And then the final change would be, "A fence
12 enclosure is not required for above-ground pools if the pool
13 has a nonclimbable, nonclimbable vertical sides not less than
14 4 feet in height as measured from the level of the ground at
15 the base of the wall, and provided any access steps or ladders
16 are removed when the pool is not in use."

17 So any discussion on these changes?

18 THE REPORTER: Mr. Chairman.

19 CHAIRMAN PETERSON: Yes, ma'am.

20 THE REPORTER: May I have a moment. Sorry to
21 interrupt. I need to plug in.

22 CHAIRMAN PETERSON: Oh, sure.

23 (Whereupon, brief discussion was held off the
24 record.)

25 THE REPORTER: Thank you. My apologies.

26 CHAIRMAN PETERSON: We're good? Okay. No problem.

27 Any discussion on this wording? It seems to me that
28 it certainly makes common sense. Anybody have any thoughts on
29 this?

30 MR. SCHINDLER: No. I think the changes spelled it

1 out in more detail and I think it's good.

2 CHAIRMAN PETERSON: Any other comments? It seems to
3 me that anybody that's thinking of putting in a pool and looks
4 at the regulation, this just clarifies, like Frank said, it
5 just makes it a little more detailed as to what we expect in
6 the way of accident prevention, really. So I think that, as
7 far as I am concerned, do we want to take a motion to approve
8 that particular change, Heather?

9 MR. LINGENFELTER: Are we in a work session?

10 CHAIRMAN PETERSON: Hum?

11 MR. LINGENFELTER: Are we in a work session?

12 CHAIRMAN PETERSON: I don't know. Well, I guess we
13 are or we could be.

14 MR. LINGENFELTER: I would think we would want to
15 put this on the agenda and have that because --

16 CHAIRMAN PETERSON: You want to do that in the
17 future?

18 MR. LINGENFELTER: Because there may be some public
19 interest. I wouldn't want to just charge into --

20 CHAIRMAN PETERSON: Oh, I see what you are saying.

21 MR. IAFELICE: Yeah.

22 MR. LINGENFELTER: This is correspondence at this
23 point.

24 CHAIRMAN PETERSON: Valid point, valid point.

25 MR. LINGENFELTER: I don't want to get too -- I
26 don't want to put the horse too far out in front of the cart.

27 CHAIRMAN PETERSON: No, okay. So, certainly, we, I
28 think we are in agreement with this and we can add that next
29 month, if you want to do it that way.

30 MS. FREEMAN: Sure, yeah. And if there's any other

1 items that the board would want to --

2 MR. LINGENFELTER: Right.

3 MS. FREEMAN: -- potentially start looking at next
4 month, we can just --

5 CHAIRMAN PETERSON: Yeah, if there's any other
6 additional change we might recommend. The same thing then
7 would be true but let's just take a look at the other one
8 which is the other handout that we have under B-2, "Accessory
9 uses located within the main or principal building of the lot
10 shall not occupy more than 25 percent of the gross floor area
11 of the principal building in which such use is located,
12 including but not limited to home office or occupation of
13 private -- or private garages." And that could be in the same
14 category. The idea is to prevent big garages, small house?

15 MS. FREEMAN: Well, I can give you a little
16 background as to why I am even bringing that up because
17 usually something happens to trigger an amendment, right?
18 Okay. So, first of all, I think that this got omitted
19 probably in 2015 inadvertently when we merged together several
20 of the residential chapters into one. If you recall, prior
21 to -- maybe not everybody -- but we used to have a separate
22 section for R-1, R-3, R-4, 6 and 8 and a lot of it was
23 duplicated, and so we merged them all together and crafted up
24 what we have right now, which is Section 15.

25 But fast forward to currently, last summer a person
26 applied for a permit to do an addition onto an existing home.
27 And with the addition, they were doing, adding on some living
28 area but also adding on a 3,000 square foot attached garage.
29 This house is on Prouty Road currently between Ravenna and
30 Morley on the north side. I've gotten some calls from an

1 adjacent neighbor who says it looks commercial, some things
2 like that.

3 So I believe the garage is larger than the house
4 itself, and that worries me because, what is someone going to
5 do with that big of a garage, especially with unusually large
6 garage doors? I was told that they're going to store some
7 RVs, stuff like that in there. But we tend to see a lot of
8 people using their residence for, like, other type of
9 businesses and, you know, commercial kind of construction
10 vehicles and things like that.

11 I don't know if 25 percent would still be the right
12 percentage per se, you know, because if someone wanted to do a
13 1,200 square foot ranch and a two-car attached garage, I don't
14 think that number works. I think you're at 35 percent when I
15 just looked at that. But we might want to look at some kind
16 of limit on the size in relationship to the living area of the
17 home. It's not anything that I really looked into for any
18 kind of examples or anything.

19 MR. REPERT: Is that footprint of the house?

20 MS. FREEMAN: No, it was floor area.

21 MR. REPERT: First floor?

22 MS. FREEMAN: Gross floor area.

23 MR. REPERT: First floor area?

24 MS. FREEMAN: Gross, gross floor area.

25 MR. LINGENFELTER: Gross.

26 MS. FREEMAN: So whatever the gross floor area is of
27 the first floor and the second floor if there is one.

28 CHAIRMAN PETERSON: Oh, okay.

29 MS. FREEMAN: Yeah.

30 CHAIRMAN PETERSON: What about a person that had a

1 collection, they just wanted to collect antique cars in there
2 and not run a business.

3 MS. FREEMAN: Right.

4 CHAIRMAN PETERSON: Would that be a problem?

5 MR. REPPERT: Yes, yes.

6 MS. FREEMAN: Well, I mean, if we had something in
7 place that limited the size of the attached garage, you know,
8 that could be problematic, but we have other possibilities to
9 do a detached garage, depending on where you're located as
10 well.

11 CHAIRMAN PETERSON: Oh, okay.

12 MS. FREEMAN: What I am referring to is like your
13 home, you know. So you have a nice ranch with a three-car
14 attached garage but someone might live not in a development
15 like that where they don't have any kind of deed restrictions.
16 They might have a large lot and do something larger than even
17 the main house.

18 CHAIRMAN PETERSON: So the detach garage would just
19 fall under our accessory building.

20 MS. FREEMAN: Right. I wasn't suggesting that we
21 change anything with that right now.

22 CHAIRMAN PETERSON: Yeah, I understand.

23 MS. FREEMAN: So maybe possibly look at this.

24 CHAIRMAN PETERSON: Okay, very good. Well, that can
25 be included in the work session then next month, also. Do you
26 want to do it next month?

27 MS. FREEMAN: If the board would like to discuss
28 that a little bit.

29 MR. LINGENFELTER: Heather, let me ask you a
30 question on this accessory use --

1 MS. FREEMAN: Yeah.

2 MR. LINGENFELTER: -- that you have highlighted in
3 yellow.

4 MS. FREEMAN: Yes.

5 MR. LINGENFELTER: Is this currently in the text or
6 this is what you're proposing to put in the text?

7 MS. FREEMAN: This was what used to be in the text
8 that is no longer there.

9 MR. LINGENFELTER: Used to be.

10 MS. FREEMAN: Right.

11 MR. LINGENFELTER: It's no longer there. It's gone.

12 MS. FREEMAN: This is not in the text at all right
13 now.

14 MR. LINGENFELTER: So there's nothing in the text
15 right now to prevent any --

16 MS. FREEMAN: There's nothing in there limiting --

17 MR. LINGENFELTER: There is no limitation at all.

18 MS. FREEMAN: On the size of an attached garage,
19 correct, yeah.

20 MR. LINGENFELTER: So this is, so what we're doing
21 is contemplating putting something back in.

22 MS. FREEMAN: Correct.

23 MR. LINGENFELTER: That was previously in there.

24 MS. FREEMAN: Yes, or some version of it,
25 potentially.

26 MR. LINGENFELTER: I just want to make sure
27 I understood what --

28 MS. FREEMAN: Yeah. I mean, we do have something in
29 there regarding like a home occupation, and if you have a home
30 occupation, we limit that to no more than 25 percent of the

1 house; but that's not anything that we've ever really looked
2 at or enforced really because we don't even require a permit
3 for a home occupation, so, but that part of that.

4 MR. LINGENFELTER: Where is this located, this one
5 specific?

6 MS. FREEMAN: On Prouty Road.

7 MR. LINGENFELTER: It's on Prouty?

8 MS. FREEMAN: Yeah. I brought the permit and the
9 plans. I could --

10 MR. LINGENFELTER: Between, between Morley and
11 Ravenna?

12 MS. FREEMAN: I am sorry. What?

13 MR. LINGENFELTER: Auburn, Auburn and Morley or
14 where is it?

15 MS. FREEMAN: Between Ravenna and --

16 MR. LINGENFELTER: Ravenna and Auburn?

17 MS. SOTKA: So it's between Ravenna and Auburn.

18 MS. FREEMAN: Oh, and Auburn, is that what it is?
19 Oh, I'm sorry. Yeah, Ravenna and Auburn.

20 MR. LINGENFELTER: So it's between --

21 MS. FREEMAN: We've both been there.

22 MR. LINGENFELTER: -- Ravenna and Auburn?

23 MS. SOTKA: If you are going north on Ravenna and
24 you take a left onto --

25 MR. LINGENFELTER: Right, Prouty.

26 MS. SOTKA: -- Prouty.

27 MR. LINGENFELTER: Right.

28 MS. SOTKA: It will be on the right side.

29 MR. LINGENFELTER: Now far?

30 CHAIRMAN PETERSON: Near one of the newer houses

1 that were built? I thought I saw something going back.

2 MS. FREEMAN: The address is 1157.

3 MS. SOTKA: It's hard to miss, now that you are
4 aware that it's there, if you look.

5 MS. FREEMAN: They just put blue siding on it.

6 CHAIRMAN PETERSON: I think I saw that when it
7 was --

8 MS. FREEMAN: They put blue vertical siding on it.

9 MS. SOTKA: Yes, which stands out because the rest
10 of the siding of the surrounding house is horizontal.

11 MR. LINGENFELTER: 1157 Prouty?

12 MS. FREEMAN: Have you seen that?

13 MR. IAFELICE: Yeah. As soon as you said blue, I
14 remember.

15 MS. FREEMAN: Yes, the blue vertical vinyl siding,
16 yeah.

17 CHAIRMAN PETERSON: Interesting.

18 MR. LINGENFELTER: And this just occurred?

19 MS. FREEMAN: Last year, the permit was approved.

20 MR. LINGENFELTER: And it happened because we don't
21 really have any --

22 MS. FREEMAN: We didn't have a way to say no.

23 MR. LINGENFELTER: We didn't have a way to stop it.

24 MS. FREEMAN: The structure of the building met all
25 the setbacks, all the height restrictions, correct.

26 MR. LINGENFELTER: Gotcha.

27 MS. FREEMAN: Complied with all the regulations in
28 the zoning, yeah.

29 MR. LINGENFELTER: Slipped one past the goalie.

30 MS. FREEMAN: I don't know. It could just be a

1 one-time deal or it could come up again in the future. I
2 don't know. I don't know, but something just to bring up.

3 MR. LINGENFELTER: It may give others ideas.

4 MS. FREEMAN: Right, exactly, yes, right.

5 CHAIRMAN PETERSON: Well, we'll put these both on
6 for a work session next month and we'll discuss those.

7 MS. FREEMAN: Okay, all right.

8 CHAIRMAN PETERSON: And as far as the items on the
9 agriculture issue and the EV, I don't think that's something
10 we can really discuss tonight.

11 MS. FREEMAN: Right.

12 CHAIRMAN PETERSON: But it's certainly something
13 that we can also put into a future work session, whether it's
14 next month or in the coming months. I think the EV is
15 particularly important with all the changes going on. I just
16 saw where Willoughby okayed an EV station in --

17 MS. FREEMAN: At Sheetz.

18 CHAIRMAN PETERSON: At Sheetz, yeah. So they're
19 coming and we will have to deal with it.

20 Okay. Having no other correspondence, Public
21 Participation, and it appears that we have none tonight. So
22 we will pass that.

23 And no Business, New Business is vacant always.

24 Old Business, we do have a work session to review
25 the PUD and Residential Conservation District and we've tabled
26 that for now.

27 So having said that, we have no other business for
28 this evening. Any discussion? Any further discussion or --

29 MR. IAFELICE: I have only a question, Mr. Chairman.
30 I don't recall why we have it continued to be tabled, the PUD

1 and --

2 CHAIRMAN PETERSON: I know.

3 MR. IAFELICE: I can't remember. Are we waiting for
4 something?

5 MR. LINGENFELTER: I thought we were waiting for
6 legal.

7 MS. FREEMAN: Correct.

8 MR. LINGENFELTER: Yeah, we're waiting for legal.

9 MS. FREEMAN: Yes, we're still waiting on --

10 MR. LINGENFELTER: And we all know how they work.
11 No offense.

12 MS. FREEMAN: Yes, yes.

13 CHAIRMAN PETERSON: But it is on the docket.

14 MR. IAFELICE: This has been most, the better part
15 of this year.

16 MS. FREEMAN: Well, right. I met with them fall of
17 last year and was told I was going to, you know, Mr. Lucas was
18 looking into some things and would get back to me. I have
19 asked him for some updates on that a few times but have not
20 heard anything yet.

21 CHAIRMAN PETERSON: Does that answer your question?

22 MR. IAFELICE: Well, that's a concern, yes. It
23 shouldn't be.

24 CHAIRMAN PETERSON: It is. We've carried that for
25 several months now.

26 MS. FREEMAN: I have talked to a trustee about that
27 one, too, so he is aware, if he can help.

28 MR. SCHINDLER: I would like to see us move along on
29 that, to be honest with you.

30 MR. IAFELICE: Yeah, with or without.

1 MR. SCHINDLER: Because of the issue that's happened
2 on Hoose.

3 MS. FREEMAN: Yeah, yeah.

4 MR. IAFELICE: Yes.

5 MR. SCHINDLER: That bugs me every time I go by
6 there.

7 MS. FREEMAN: Well, I would be happy to reach out to
8 Mr. Lucas again this week.

9 CHAIRMAN PETERSON: Okay.

10 MR. SCHINDLER: Would you, please, with the emphasis
11 let's get something going here, please?

12 MS. FREEMAN: Yeah.

13 CHAIRMAN PETERSON: You look at that a lot, I am
14 sure, where you're at.

15 MR. SCHINDLER: All the time, not only me but my
16 neighbors.

17 MR. REPERT: I go past it almost every day.

18 MR. SCHINDLER: My neighbors keep saying, "Why the
19 heck are you guys still allowing" -- It just looks terrible,
20 for one thing.

21 MR. REPERT: Well, they planted some trees, right,
22 and grass.

23 CHAIRMAN PETERSON: It's a road.

24 MR. SCHINDLER: Oh, yeah, four trees and there's one
25 pine tree, you know, that's it.

26 CHAIRMAN PETERSON: Well, any other items for
27 tonight, gentlemen?

28 MR. SCHINDLER: Not from me, Mr. Chairman.

29 CHAIRMAN PETERSON: Nothing. Having said that, our
30 next meeting is scheduled for July 11, 2023. And if there are

1 no further items, we will adjourn for the evening.

2 (Whereupon, the meeting was adjourned at 7:19 p.m.)

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1 STATE OF OHIO)
2 COUNTY OF LAKE) CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 12th day of June 2023.

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

22 Notary Public within and for the
23 State of Ohio

24 My Commission Expires:
25 February 4, 2028

