

1
2 CONCORD TOWNSHIP BOARD OF ZONING APPEALS
3 LAKE COUNTY, OHIO
4 REGULAR MEETING
5
6
7 Concord Town Hall
8 7229 Ravenna Road
9 Concord, Ohio 44077
10
11 August 9, 2023
12 7:00 p.m.
13
14 TRANSCRIPT OF PROCEEDINGS
15
16 zoning Commission members present:
17 Ivan Valentic, Chairman
18 Brandon Dynes, Member
19 Todd Golling, Member
20 Ashley Garcar, Member
21
22 Also Present:
23 Heather Freeman, Planning & Zoning Director/Zoning
24 Inspector
25 Keith Petersen, Esq., Legal Counsel

1 you can file an appeal.
2 As you can see, we only have four members of
3 the board tonight. So as you come up, I'm going to
4 ask if you want to continue with your appeal this
5 evening, or if you'd like to table it to next
6 month, when we hopefully have a five member board.
7 But with the four of us, a three vote majority is
8 still required, okay? So I'll let you think about
9 that for a second, and we're going to get started.
10 The first is Variance Application 2023-131,
11 Steven and Rachel Siegel are requesting a variance
12 from Section 15.04(B), Table 15.04-1, to allow a
13 shed to have a 4 foot side yard clearance in lieu
14 of the minimum 10 foot required, for the property
15 located at 7114 Brightwood Drive, parcel number
16 08-A-029-0-00-015-0.
17 Mr. and Mrs. Siegel, please come up.
18 MR. SIEGEL: Sorry, my wife wasn't able to
19 make it. We have four kids at home, and she drew
20 the short straw.
21 CHAIRMAN VALENTIC: Yeah.
22 MR. SIEGEL: I guess -- I've never done this
23 before.
24 CHAIRMAN VALENTIC: So just your name, your
25 address, and confirm you've been sworn in. And

1
2 CHAIRMAN VALENTIC: Good evening. The
3 Concord Township Board of Zoning Appeals meeting
4 for August 9th, 2023, is now in session. I would
5 like to introduce my board. To my far left is
6 Ashley Garcar, and Brandon Dynes. I'm Ivan
7 Valentic. And to my right is Todd Golling. To our
8 far right is Heather Freeman, our Zoning Inspector.
9 Under the advice of counsel, we ask that
10 anyone speaking tonight must be sworn in. So if
11 you plan on speaking, please stand right now and
12 raise your right hand.
13 (Whereupon, the speakers were sworn en masse.)
14 CHAIRMAN VALENTIC: Thank you. Please be
15 seated.
16 When presenting your case or commenting
17 tonight, it all has to be done up at the
18 microphone. And state your name and your address,
19 and please confirm that you've been sworn in.
20 Heather, were the legal notices published in a
21 timely manner?
22 MS. FREEMAN: Yes, they were.
23 CHAIRMAN VALENTIC: Okay, perfect.
24 We have three variance appeals tonight. A
25 three-vote majority is required to either approve
or deny your appeal. If your request is denied,

1 then let us know if you want to proceed this
2 evening, or if you want to wait until next month.
3 MR. SIEGEL: My name is Steve Siegel. I
4 reside at 7114 Brightwood Drive, Concord Township,
5 Ohio. Yes, I was sworn in, and yes, I'm fine
6 proceeding this evening.
7 CHAIRMAN VALENTIC: Okay. Go ahead and
8 present your case. And after you present, we'll
9 follow up with some questions.
10 MR. SIEGEL: Okay, sure. So as you can see in
11 the documentation I provided, my wife and I moved
12 to our residence about 13 years ago now. We bought
13 it as an old foreclosure, and over the time we've
14 been slowly remodeling the house to try to bring it
15 up to the best possible standards we can. During
16 that time we had four children and have needed a
17 lot more space.
18 A couple of years ago I needed a little more
19 room for garden tools, lawnmower, other yard tools.
20 We used to have a small two-car garage, and with
21 four kids, we had kind of an overflow. So I
22 contacted someone about building a shed. I met
23 with the Brightwood Lakes president at the time,
24 had him come to my property. He walked my
25 property. Because we are on the edge of what was

1 Brightwood Lake, and we have the flood zones, and I
2 guess you could say that the slope of our yard
3 really was a disadvantage to us, a location where
4 we put the shed.

5 The president at the time -- I apologize, I do
6 forget his name -- we agreed that on the far
7 right-hand side of my property would be a perfect
8 location for the shed. I couldn't put it any
9 further forward because it would be considered in
10 my front yard, so I had to push it back as far as
11 possible. From the pictures provided, you can see
12 it's right on the edge of the dropoff before it
13 goes down to the water. I believe that was one of
14 the photos.

15 Upon contacting -- I actually came to the
16 Zoning office, talked about a permit, and right
17 away the Zoning office said that a permit would
18 be denied because it's within 10 feet of my
19 neighbor's property. Upon relaying that
20 information, they said I could apply for a
21 variance. I inquired about the cost.

22 When I was talking about the person that was
23 going to do the shed for me, honestly, I relied on
24 bad advice. He said, nobody is going to come by,
25 you know, nobody is going to come through. He

1 said, you don't need to get a permit or variance,
2 we'll just put it in for you, it will be okay.

3 So I went ahead and did it, and then I
4 received this letter a couple of months ago. It
5 was like, okay, I need to remedy my mistake. So I
6 came through to get the permit, it got denied, and
7 now I'm applying for the variance to make sure it's
8 okay.

9 Also included in the letter, which I didn't
10 mention, I did contact my neighbors on both sides
11 of the property asking if it was okay if I put the
12 shed in the location. The letter, I believe, was
13 provided by Gary Rosenthal and his wife. And as
14 they said previously a couple of years ago, they
15 were happy to write a letter for me saying that
16 they had no problem. Though they did call my shed
17 a shack in the letter, I was quite okay with their
18 letter.

19 And so I guess now I'm just asking permission
20 to help you -- help me remedy my mistake in not
21 applying for the variance earlier.

22 CHAIRMAN VALENTIC: So between, you know --
23 you're only 4 feet off of their property line. And
24 looking from the picture, and from looking online,
25 it looks like there's a good amount of screening on

1 that side already. Is that why they're okay with
2 it?

3 MR. SIEGEL: So their house is set back
4 hundreds of feet off the property. So there's just
5 woods.

6 CHAIRMAN VALENTIC: A drive?

7 MR. SIEGEL: Yeah, a driveway, and wooded area
8 on both sides of the drive. And they have no
9 issues at all. And I've actually helped take care
10 of that area for them, and cleaned it up for them,
11 and took down a couple of trees for them, made it
12 look kind of nice.

13 CHAIRMAN VALENTIC: Did you plant the stuff in
14 front of the shed?

15 MR. SIEGEL: That was one of the agreements
16 with the president at the time, if I planted a
17 hedge row in front of it, to try to hide it a
18 little bit more, to make it less obvious. So that
19 was something we agreed upon prior.

20 CHAIRMAN VALENTIC: How long has that shed
21 been there for?

22 MR. SIEGEL: Two years, I believe, give or
23 take.

24 CHAIRMAN VALENTIC: Do you guys have any other
25 questions?

1 MR. DYNES: I don't.

2 MS. GARCAR: I do.

3 What sparked --

4 CHAIRMAN VALENTIC: Go ahead, Ashley.

5 MS. GARCAR: -- filing for the -- I'm sorry --
6 for the variance? I know you applied for the
7 permit and it was denied. But what sparked you
8 applying?

9 MR. SIEGEL: So a couple of months ago I
10 received a letter saying that my shed was in
11 violation. I have no idea where it came from.
12 I'm assuming it was from Heather.

13 MS. GARCAR: Was it just like a drive-by kind
14 of saw it, or was there a complaint from a neighbor
15 that started it?

16 MS. FREEMAN: Heather Freeman, I have been
17 sworn in.

18 I drove by, saw the shed in that location,
19 thought, I haven't seen that there before, came
20 back and checked our records, as to which we didn't
21 have a permit on file.

22 MS. GARCAR: So no complaints from a neighbor?

23 MS. FREEMAN: Yeah, there was no complaint.

24 MS. GARCAR: And HOA completely approved of
25 it, and still does? There's no problems through

1 your HOA on this?
 2 MR. SIEGEL: Correct.
 3 CHAIRMAN VALENTIC: Todd, anything?
 4 MR. GOLLING: No questions.
 5 CHAIRMAN VALENTIC: Okay. Thank you. You can
 6 be seated.
 7 MR. SIEGEL: Thank you.
 8 CHAIRMAN VALENTIC: Are you good, Ashley?
 9 MS. GARCAR: I'm good.
 10 CHAIRMAN VALENTIC: Thank you.
 11 Is there anyone else here this evening that is
 12 speaking for this appeal that would like to come
 13 up?
 14 Or anyone speaking against this appeal that
 15 would like to come up?
 16 Okay, if there's no further questions, the
 17 public hearing for Variance Number 2023-131 is now
 18 closed to the public.
 19 Can I get a motion to approve Variance
 20 2023-131?
 21 MR. DYNES: So moved.
 22 MR. GOLLING: Second.
 23 CHAIRMAN VALENTIC: Thank you.
 24 Discussion for the Board? Any thoughts?
 25 MR. DYNES: It's a unique property. He's

1 CHAIRMAN VALENTIC: Okay. All right, I'm
 2 good. I don't need to add anything to the
 3 discussion. Thanks, Brandon.
 4 Okay, then the question is on the approval of
 5 Variance Appeal Number 2023-131. A yes vote is for
 6 the approval of the variance. A no vote denies the
 7 variance.
 8 Heather, please call the vote.
 9 MS. FREEMAN: Ms. Garcar.
 10 MS. GARCAR: Yes.
 11 MS. FREEMAN: Mr. Dynes.
 12 MR. DYNES: Yes.
 13 MS. FREEMAN: Mr. Golling.
 14 MR. GOLLING: Yes.
 15 MS. FREEMAN: Mr. Valentic.
 16 CHAIRMAN VALENTIC: Yes.
 17 Your variance has been approved. Thank you.
 18 MR. SIEGEL: Thank you.
 19 CHAIRMAN VALENTIC: All right. Next --
 20 MR. DYNES: You're free to leave, unless you
 21 find this riveting.
 22 MR. SIEGEL: Thank you, again. I appreciate
 23 your time.
 24 MS. FREEMAN: I'll touch base with you.
 25 MR. SIEGEL: Thank you.

1 got -- I mean, it's a tough spot. I don't think
 2 any of us prefer the idea of maybe, you know, the
 3 bad advice, or whatever. A little mea culpa here
 4 tonight, so I appreciate that.
 5 I think this might be the first time in more
 6 than a decade I've been on this board where an
 7 applicant actually went through the Duncan factors
 8 and wrote them all down for us. That's impressive.
 9 When I look at it, it's a nice shed. It seems
 10 to be a completely different piece of property than
 11 what we're accustomed to. It's a little bit
 12 unique. The Rosenthals, the neighbors directly
 13 next door, seem to have no problem and have
 14 provided us with evidence that they don't have a
 15 problem.
 16 I think we could go through the Duncan
 17 factors, if necessary, for the record. But I would
 18 just simply -- I don't know, I guess I would say
 19 that when you go through each one of them, whether
 20 it's on the record or not, I don't find any
 21 problems with any of them, and I would personally
 22 seek to approve it.
 23 CHAIRMAN VALENTIC: Okay. Ashley?
 24 MS. GARCAR: I don't have a statement.
 25 MR. GOLLING: Nothing further.

1 CHAIRMAN VALENTIC: Okay, so next on the
 2 agenda is Variance Application 2023-132, Samuel T.
 3 Ocampo, Jr. is requesting a variance from Section
 4 17.07(A) and Section 17.04(B)(4) to allow an above
 5 ground swimming pool to have a 9 foot riparian
 6 setback in lieu of the 25 foot required, for the
 7 property located at 7290 Southmeadow Drive, parcel
 8 number 08-A-029-H-00-045-0.
 9 Please come up.
 10 MR. OCAMPO: Sam Ocampo, address, 7290
 11 Southmeadow Drive, Concord. I've been sworn.
 12 CHAIRMAN VALENTIC: Thank you, sir.
 13 MR. OCAMPO: I'm here because I'm applying for
 14 a variance for our swimming pool, above ground.
 15 It's not the steel one, it's a plastic one.
 16 The way our backyard sits, it's weird. We
 17 have a creek that cuts across in the middle of our
 18 backyard. And the only flat spot that's ideal for
 19 a swimming pool is closer to the house. Across the
 20 creek, it's kind of wooded, and it slopes down
 21 towards the creek. So I don't have a machine that
 22 can cross the creek to flatten that area back that
 23 way. So it's kind of impossible for me.
 24 CHAIRMAN VALENTIC: I guess, do you -- so the
 25 riparian setback -- I mean, did Heather or anyone

13
1 explain to you what those are?
2 MR. OCAMPO: I didn't know about the riparian
3 setback until she mentioned it.
4 CHAIRMAN VALENTIC: Yeah. So again, this
5 house has been here for some time.
6 MR. OCAMPO: Correct.
7 CHAIRMAN VALENTIC: So it's really challenging
8 when we get existing properties coming in.
9 MR. OCAMPO: Yeah.
10 CHAIRMAN VALENTIC: And we've adopted these
11 riparian setbacks. But really, we're trying to
12 avoid any kind of development within that riparian
13 zone.
14 MR. OCAMPO: Okay.
15 CHAIRMAN VALENTIC: So that includes patios,
16 fire pits, walls, steps.
17 MR. OCAMPO: Okay.
18 CHAIRMAN VALENTIC: And kind of letting the
19 creek be able to do what it wants to do, because
20 any development within that riparian zone really
21 just impacts our community.
22 MR. OCAMPO: Okay.
23 CHAIRMAN VALENTIC: That's the reason for
24 them. And that's why we've established the zone,
25 so you're trying to keep a distance away from the

15
1 apparently that's not there anymore?
2 MR. OCAMPO: No. That was one of those
3 carports. I moved it a couple weeks ago --
4 MR. GOLLING: It fell down.
5 MR. OCAMPO: -- and it's a metal frame. I
6 bent it during moving it, and now it's just
7 collapsed, it's --
8 MR. GOLLING: Got it.
9 MR. OCAMPO: It's garbage.
10 CHAIRMAN VALENTIC: And what was there before
11 the pool? Was it just grass or patio?
12 MR. OCAMPO: Just grass.
13 CHAIRMAN VALENTIC: Yeah. Okay.
14 MR. DYNES: It's a 21 foot -- the diameter is
15 21 foot?
16 MR. OCAMPO: Correct.
17 MS. GARCAR: Some pools get taken down every
18 year. Does this one, or does it stay up all year
19 round?
20 MR. OCAMPO: We leave it all year round.
21 MS. GARCAR: You leave it all year, okay.
22 MR. OCAMPO: I mean, we can collapse it. I
23 mean, it's a collapsible pool.
24 MR. GOLLING: You could take it apart. So
25 it's got a liner, it's got a plastic --

14
1 creek, so the creek can function naturally, and not
2 impact your property or any other properties in the
3 neighborhood.
4 MR. OCAMPO: Okay.
5 CHAIRMAN VALENTIC: But we do recognize that
6 you have a special kind of condition here.
7 MR. OCAMPO: Yeah. The only one -- the only
8 backyard in that neighborhood that the creek kind
9 of runs across it.
10 CHAIRMAN VALENTIC: Yeah.
11 MR. DYNES: Mr. Ocampo, there's a pool there
12 now, right?
13 MR. OCAMPO: Yes, yes.
14 MR. DYNES: And the picture we have, that's
15 the plastic pool that you have?
16 MR. OCAMPO: Correct.
17 MR. DYNES: Do you have decking around that?
18 MR. OCAMPO: No, I don't. No.
19 CHAIRMAN VALENTIC: Is that a patio? It looks
20 like -- is it a patio around there?
21 MR. OCAMPO: There was a patio before. So I
22 just kind of brought it close to the pool. It's
23 just a little small section, maybe 10 by 10.
24 MR. GOLLING: And I understand that the
25 structure that's to the left of the pool,

16
1 MR. OCAMPO: Metal frame around it.
2 MS. GARCAR: Okay, so it's metal frame. It's
3 not the one like the top of it blows up?
4 MR. OCAMPO: It's not -- no.
5 MS. GARCAR: Okay.
6 MR. GOLLING: I built pools for years. But
7 it's not a permanent structure.
8 MS. GARCAR: Okay.
9 MR. OCAMPO: Correct.
10 MR. GOLLING: So you basically have a sand
11 base --
12 MR. OCAMPO: Correct.
13 MR. GOLLING: -- and you build the metal frame
14 around it, you drape the liner in it.
15 MR. OCAMPO: Correct.
16 MR. GOLLING: It's got some composite walls,
17 potentially. But worst case scenario, I mean,
18 they're generally not seen as permanent structures.
19 Like if you have an inground pool, it goes with the
20 house. If he moves, he can take this with him.
21 MS. GARCAR: Okay.
22 MR. OCAMPO: Correct.
23 MR. GOLLING: And they generally don't have a
24 good lifespan, meaning that -- less than ten years,
25 if you're lucky.

17
1 MS. GARCAR: Okay.
2 CHAIRMAN VALENTIC: Any other questions,
3 Ashley?
4 MS. GARCAR: No. I'm good.
5 CHAIRMAN VALENTIC: Todd?
6 MR. GOLLING: No.
7 CHAIRMAN VALENTIC: All right, thank you. You
8 can be seated.
9 MR. SIEGEL: Thank you.
10 CHAIRMAN VALENTIC: Is there anyone else here
11 this evening that's speaking for this appeal that
12 would like to come up?
13 Is there anyone here that would like to speak
14 against the appeal?
15 Okay, if there's no further questions, the
16 public hearing for Variance Number 2023-132 is now
17 closed to the public.
18 Can I get a motion to approve Variance Number
19 2023-132?
20 MR. GOLLING: I have one more question.
21 CHAIRMAN VALENTIC: Okay.
22 MR. GOLLING: Have we heard from Chad on this?
23 CHAIRMAN VALENTIC: No.
24 MR. GOLLING: Is this a Chad thing?
25 MS. FREEMAN: I met Chad on the site initially

19
1 MS. FREEMAN: -- based on the way the creek
2 was eroding there over time that --
3 MR. GOLLING: Would fall in.
4 MS. FREEMAN: -- that was going to fall into
5 the creek.
6 MS. GARCAR: So that was a concern. But the
7 pool --
8 MS. FREEMAN: Yes, but --
9 MS. GARCAR: -- other than Zoning said not to
10 do it.
11 MS. FREEMAN: Yeah, he didn't make any direct
12 comments regarding the impact if the stream would
13 then erode with the pool.
14 MS. GARCAR: Okay.
15 CHAIRMAN VALENTIC: Okay. Are you good, Todd?
16 MR. GOLLING: Yeah.
17 CHAIRMAN VALENTIC: Can we get a motion to
18 approve Variance Number 2023-132?
19 MR. GOLLING: So moved.
20 CHAIRMAN VALENTIC: Second?
21 MS. GARCAR: I'll second.
22 CHAIRMAN VALENTIC: Thank you.
23 Discussion? Anyone want to start?
24 MR. GOLLING: I suppose I would have more
25 deeper misgivings if it were an inground pool. I

18
1 to establish the riparian setback distance.
2 MR. GOLLING: Right.
3 MS. FREEMAN: But he did not submit a letter.
4 I did request him to give some comments, but it was
5 not received.
6 MR. GOLLING: I know it's hearsay, but did he
7 have any input one way or the other?
8 MS. FREEMAN: We looked at the backyard to
9 determine, you know, if we shifted the pool south a
10 little bit, would that get that a little bit --
11 MR. GOLLING: Right.
12 MS. FREEMAN: -- further away, more like where
13 the patio is, but it didn't.
14 MR. GOLLING: Okay.
15 MS. FREEMAN: So based on what we saw there,
16 there really was no location to have this pool on
17 the property that would probably meet that setback.
18 MR. GOLLING: Got it.
19 MS. GARCAR: Did he express any concerns about
20 it causing negative effects -- seeing negative
21 effects being caused to the creek river as of right
22 now?
23 MS. FREEMAN: No. There was a concern if that
24 carport remained --
25 MR. GOLLING: Yeah.

20
1 see this, in my eyes, as like a trampoline. You
2 can get rid of it.
3 Which then again, the other part of it is,
4 we have a unique property. Sam is trying to do
5 something good for his family and his kids, so they
6 can go enjoy the two and a half months of summer we
7 normally get anyway.
8 I really would have loved to hear from Chad,
9 if he's like, yeah, this thing is pushing the -- I
10 realize -- I understand the riparian setback, and I
11 realize that it's 9 feet from the 25 foot high
12 mark. But it's 27 feet from the actual water. Was
13 that what I understood? I could be screwing this
14 up completely.
15 MS. FREEMAN: The pool is, at its closest
16 point, 9 feet away from the ordinary high water
17 mark.
18 MR. GOLLING: Gotcha.
19 MS. FREEMAN: I believe when we were out
20 there -- you know, and that's not necessarily the
21 water's edge, where the water was that day.
22 CHAIRMAN VALENTIC: Yeah.
23 MS. FREEMAN: That is typically outside of
24 that. So it's a little bit further away from the
25 actual water.

21
1 CHAIRMAN VALENTIC: Yeah. It's like the bank
2 a little bit. Yeah.
3 MR. GOLLING: Okay. So I don't -- I don't
4 have heartache over it, primarily because, to use
5 Sam's words, it's a plastic pool. And not like
6 it's a kiddie pool. I know they could be a couple
7 thousand dollars. But it's not a permanent
8 structure. And just like the carport fell down,
9 this might fall down, too, and then the problem is
10 gone.
11 CHAIRMAN VALENTIC: I think if this was like a
12 new subdivision, this would probably be a buildable
13 lot.
14 MR. GOLLING: Right, right.
15 CHAIRMAN VALENTIC: Just avoid this even lot.
16 So I think that's part of it for me, is that
17 he's kind of inherited the situation. We've added
18 the riparian setbacks. And the reason we've added
19 those setbacks is so this doesn't happen with the
20 new construction, to avoid --
21 MR. GOLLING: Right.
22 CHAIRMAN VALENTIC: -- this condition or this
23 situation. So, I mean, yeah, there may be some
24 impact to that pool on that river, but we don't
25 know what that is, if there is.

23
1 approve it, as well.
2 MS. GARCAR: I do have a question, if we do
3 approve it, that would be only this pool. Meaning,
4 as you said, this, if lucky, is ten years.
5 MR. GOLLING: Yes.
6 MS. GARCAR: So go get a new pool, would have
7 to file, to put a new pool?
8 MR. GOLLING: Right. Well, that being --
9 MS. GARCAR: This is verifying this one
10 physical pool structure, and that's it.
11 MR. GOLLING: So, like, if this one breaks,
12 he's not putting another one up --
13 MS. GARCAR: Okay.
14 MR. GOLLING: -- is that what you're saying?
15 Yeah.
16 MS. GARCAR: Okay. Yeah. That's what I'm
17 asking.
18 MR. GOLLING: Yeah. I mean, he would have to
19 apply to put a pool up, because --
20 MS. GARCAR: For a new pool.
21 MR. GOLLING: -- according to the paperwork,
22 he got caught, because they were out there looking
23 for a fence, I think, if I recall.
24 MR. OCAMPO: I filed a permit to put up a
25 fence.

22
1 Yeah, you know, I think I'm okay with it. I
2 mean, it's not great, but there's no really other
3 place for him to put it, either.
4 MR. GOLLING: I suppose I'd feel differently
5 if I did have some sort of input from Chad at Lake
6 Soil and Water that said it is negatively
7 impacting, it's a bad thing. But I don't have
8 anything to go on. So for me, I'd just like to
9 bunt.
10 CHAIRMAN VALENTIC: And it was lawn. It's not
11 like he cut down a forested part of the yard, and
12 flattened it, and put in a pool, either.
13 MR. GOLLING: Right.
14 MR. DYNES: I think we've hit on it. It's an
15 above ground pool. It's not permanent. It's a
16 unique parcel of property. There is really no
17 other location for it. The house itself is
18 practically in the riparian zone. There's no
19 neighbors speaking against here complaining.
20 Although it doesn't necessarily pass the Duncan
21 test, I think we're able to make exceptions beyond
22 that, and I think they're not always fully
23 applicable.
24 So I think, based on all those factors and the
25 considerations, it's pretty unique. I would

24
1 MR. GOLLING: A fence. And while they were
2 looking for the fence, they said, what's the pool
3 doing here, that type of thing.
4 MS. GARCAR: Okay.
5 MR. GOLLING: I don't -- he would have to
6 apply.
7 MS. GARCAR: A second time for a new pool.
8 MR. GOLLING: A second time.
9 MS. GARCAR: Okay.
10 MR. GOLLING: But, you know, obviously he
11 knows what he's going up against now, and how long
12 this lasts --
13 MR. DYNES: Can I ask --
14 CHAIRMAN VALENTIC: You go ahead. I was going
15 to ask legal counsel.
16 MR. DYNES: Go ahead.
17 Legal Counsel, I was going to ask a question.
18 If it's the same size pool in the same location,
19 would he really have to file another variance, or
20 could he just replace it in kind if it's the same
21 spot and the same size pool? Because that's what
22 the variance is, to stay 9 feet away.
23 MR. PETERSEN: I would probably defer to
24 Heather. In that situation, would someone need to
25 apply for another zoning permit to have a pool, if

25
1 they took one down -- an above ground pool was
2 taken down and just replaced in the same area,
3 would another application be needed?
4 CHAIRMAN VALENTIC: I don't believe so.
5 MS. FREEMAN: Well, you know, that's a good
6 question. I don't think a new application. I
7 mean, if it was the exact same pool, height,
8 diameter, I would probably not require a zoning
9 permit.
10 But as far as the variance, I think the
11 variance would run with the land in perpetuity, for
12 that exact location and size of the pool. So I
13 think that would allow them to replace it without
14 having to come back to the BZA.
15 MR. DYNES: Or at least for the period of time
16 in which the homeowner owns the land in fee simple,
17 then perpetuity might be -- we're up against the
18 rule against perpetuities, which might be a
19 problem.
20 MS. FREEMAN: Oh. Okay.
21 MS. GARCAR: For this particular situation,
22 could we have an amendment to the motion that
23 states that this is for this one particular pool?
24 And just state it now, that if he does get a new
25 pool in ten years to replace it, it needs to be

27
1 MR. GOLLING: Thank you.
2 CHAIRMAN VALENTIC: I think we're good.
3 All right, then next, the question is on the
4 approval of Variance Appeal Number 2023-132. A yes
5 vote approves the variance. A no vote denies it.
6 Heather, please call the vote.
7 MS. FREEMAN: Mr. Dynes.
8 MR. DYNES: Yes.
9 MS. FREEMAN: Mr. Golling.
10 MR. GOLLING: Yes.
11 MS. FREEMAN: Ms. Garcar.
12 MS. GARCAR: Yes.
13 MS. FREEMAN: Mr. Valentic.
14 CHAIRMAN VALENTIC: Yes.
15 Your variance has been approved. Thank you.
16 MR. OCAMPO: Thank you. Thank you very much.
17 Have a good night.
18 CHAIRMAN VALENTIC: All right, next on the
19 agenda is Variance Application 2023-133, Cody
20 Armillie, on behalf of the property owner Susan
21 Armillie, is requesting a variance from Section
22 29.10(B)(4) and Section 29.10(B)(5) to allow a
23 recreational vehicle to be parked or stored
24 outside, not behind the building setback line nor
25 screened from the adjacent properties in lieu of

26
1 looked at it again, because then we could look at
2 what the land looks like, is there actually
3 erosion, that kind of thing, and it gives us the
4 ability of kind of a stop point.
5 MR. GOLLING: So a sunset clause.
6 CHAIRMAN VALENTIC: I would be okay with him,
7 if he replaced -- I personally don't think we need
8 to.
9 MR. DYNES: I'm with you.
10 MS. GARCAR: Okay.
11 CHAIRMAN VALENTIC: That's up to you guys. I
12 think if we're allowing it now, it's the same size
13 pool, put it back. Nature might move that pool on
14 its own.
15 MR. DYNES: Right.
16 CHAIRMAN VALENTIC: Good point, though.
17 MS. GARCAR: I'm good with it, then.
18 MR. GOLLING: All right.
19 MR. DYNES: Being that it's an above ground,
20 non-permanent structure -- you know, it's different
21 if he's digging out an inground pool and then
22 replacing it, in my estimation. But this is -- I
23 would not personally have any trouble.
24 MR. GOLLING: All right. No more questions.
25 CHAIRMAN VALENTIC: Okay.

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1 the requirements set forth in the above sections
2 of the Zoning Resolution. This is for the property
3 located at 7491 Mountain Park Drive, parcel number
4 10-025-D-00-018-0.
5 Ms. Armillie, please come up.
6 MS. ARMILLIE: Hello. My name is Cody
7 Armillie, and I have been sworn in. And I have
8 thought about your offer, and I would like to ask
9 for a continuance.
10 CHAIRMAN VALENTIC: To table it until -- I'm
11 sorry, it was a little hard to hear. To table it
12 until the next --
13 MS. ARMILLIE: I would like to request a
14 continuance.
15 CHAIRMAN VALENTIC: Okay.
16 MS. ARMILLIE: Yes. And I have been sworn in.
17 CHAIRMAN VALENTIC: Yes.
18 MS. ARMILLIE: Yes.
19 CHAIRMAN VALENTIC: Okay.
20 THE WITNESS: That's what I was saying --
21 CHAIRMAN VALENTIC: Do we need a vote from the
22 board?
23 MS. ARMILLIE: -- if that's possible, please.
24 MR. PETERSEN: A motion to table.
25 CHAIRMAN VALENTIC: Okay.

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1 MR. DYNES: I would move to table it based
 2 upon the applicant's request.
 3 CHAIRMAN VALENTIC: Second?
 4 MR. GOLLING: Second.
 5 CHAIRMAN VALENTIC: All in favor, say aye.
 6 MR. GOLLING: Aye.
 7 MR. DYNES: Aye.
 8 MS. GARCAR: Aye.
 9 CHAIRMAN VALENTIC: Aye.
 10 MS. ARMILLIE: Thank you.
 11 MS. GARCAR: I was going to ask a question, if
 12 there's anything about the fact we have other
 13 people here, are they allowed to speak now so they
 14 don't have to come another month --
 15 CHAIRMAN VALENTIC: No.
 16 MS. GARCAR: -- or it has to wait until next
 17 month?
 18 CHAIRMAN VALENTIC: It has to wait until next
 19 month.
 20 MS. ARMILLIE: Thank you. I appreciate it.
 21 CHAIRMAN VALENTIC: All right, thank you.
 22 MS. ARMILLIE: And I get a letter, I guess,
 23 with the date, the new date and time?
 24 MS. FREEMAN: I can communicate that to you.
 25 CHAIRMAN VALENTIC: Heather will take care of

1 that.
 2 MS. ARMILLIE: We'll get that worked out.
 3 Okay.
 4 MS. FREEMAN: It's September 13th.
 5 MS. ARMILLIE: Okay.
 6 MS. FREEMAN: At 7:00 p.m. But I can email
 7 you, or if you want to email me.
 8 MS. ARMILLIE: Thank you very much.
 9 A VOICE: So do we keep doing this every
 10 month?
 11 CHAIRMAN VALENTIC: We can't take questions.
 12 You can talk to Heather, she can answer any
 13 questions afterwards, or we're happy to answer
 14 questions as soon as we're done.
 15 All right, next on the agenda is the approval
 16 of minutes from June 14th, 2023. I believe Todd
 17 and Ashley were here at this meeting. And I was,
 18 as well.
 19 Can I get a motion to approve the minutes from
 20 June 2023?
 21 MS. GARCAR: I make a motion.
 22 MR. GOLLING: Second.
 23 CHAIRMAN VALENTIC: Any additions or revisions
 24 to the minutes?
 25 MR. DYNES: I'll just note, before your vote,

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1 my abstention from Mindy's swan song of minutes.
 2 I read them, and I'm sure they are as remarkable as
 3 all her past minutes, for the record.
 4 CHAIRMAN VALENTIC: Thank you.
 5 MR. GOLLING: Her best work yet.
 6 MR. DYNES: Exactly.
 7 CHAIRMAN VALENTIC: Okay, so a vote for the
 8 approval of the minutes for June 2023. A yes vote
 9 approves the minutes. A no vote does not.
 10 All in favor say aye.
 11 MR. GOLLING: Aye.
 12 MS. GARCAR: Aye.
 13 CHAIRMAN VALENTIC: Anyone abstaining?
 14 MR. DYNES: Abstain.
 15 CHAIRMAN VALENTIC: Thank you. All right, the
 16 Concord Township Board of Zoning Appeals for August
 17 2023 is now closed.
 18 (Whereupon, the meeting was adjourned at 7:28
 19 p.m.)
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 21
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 25

CERTIFICATE

2 State of Ohio, }
 3 county of Cuyahoga. } ss:
 4
 5 I, Ivy J. Gantverg, Registered Professional
 6 Reporter and Notary Public in and for the State of Ohio,
 7 duly commissioned and qualified, do hereby certify that
 8 the foregoing is a true, correct and complete transcript
 9 of my stenotype notes which were taken at the time and
 10 place in the foregoing caption specified.
 11 I do further certify that I am not a relative or
 12 counsel of either party, or otherwise interested in the
 13 event of this action.
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Ivy J. Gantverg
 Ivy J. Gantverg, Notary Public
 in and for the State of Ohio,
 Registered Professional Reporter.
 My commission expires November 5, 2023.

