

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

November 8, 2023
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Ivan Valentic, Chairman
Brandon Dynes, Member
Todd Golling, Member
Davey Rowan, Member

Also Present:

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

1 CHAIRMAN VALENTIC: Good evening. The Concord
2 Township Board of Zoning Appeals for November 8,
3 2023, is now in session. I would like to introduce
4 the Board. To my left is Brandon Dynes. I'm Ivan
5 Valentic. To my right is Davey Rowan and Todd
6 Golling. To our far right is Heather Freeman, our
7 Zoning Inspector.

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

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

13 CHAIRMAN VALENTIC: Okay, thank you. Please
14 be seated.

15 This evening, when presenting your case, come
16 to the microphone, state your name and address, and
17 please confirm that you've been sworn in for the
18 record, okay?

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

21 MS. FREEMAN: Yes, they were.

22 CHAIRMAN VALENTIC: Perfect.

23 We have one Old Business and two new variance
24 requests this evening. A three vote majority is
25 required to approve or deny your variance. So

1 there's only four of us. You still have to have a
2 three vote majority.

3 As you come up, we'll ask you if you want to
4 move forward with the four of us this evening, or
5 if you want to postpone your variance until next
6 month. So I'll give you a little bit of time here
7 to think about that. But if you want to go forward
8 tonight, you still can with just the four members
9 of the Board. I apologize for the last minute
10 change.

11 So the first thing is that we have Old
12 Business still on the docket. It's Appeal
13 Number 2018-41: Mr. Randy Viviani, of 7757 Concord
14 LLC. He has requested an administrative appeal.

15 This is still going to be tabled for further
16 discussion. Hopefully, we can resolve that Old
17 Business in the next few months. It would be great
18 to have it closed out by the end of the year,
19 right, Heather?

20 MS. FREEMAN: Uh-huh.

21 CHAIRMAN VALENTIC: With that, we move over to
22 our New Business, which is Variance Application
23 2023-139: Mr. Andrew Busch is requesting a
24 variance from Section 34.04(A)(1) to permit the
25 construction of an eight foot fence along the north

1 property line that extends into the front yard, in
2 lieu of the maximum four foot tall permitted fence.
3 This is for the property located at 8360 Ravenna
4 Road, Parcel Number 08-A-001-A-00-008-0.

5 Please come forward.

6 MR. BUSCH: Hello. My name is Andrew Busch.
7 I live at 8360 Ravenna Road, and I have been sworn
8 in.

9 CHAIRMAN VALENTIC: Are you --

10 MS. HAMILTON: I'm just here in case, I guess.
11 Say who I am?

12 CHAIRMAN VALENTIC: Yes.

13 MS. HAMILTON: I'm Tara Hamilton. I live at
14 8360 Ravenna Road. I've been sworn in.

15 CHAIRMAN VALENTIC: Would you like to move
16 forward with the four panel Board this evening?

17 MR. BUSCH: Yes.

18 CHAIRMAN VALENTIC: Okay, great.

19 Go ahead, present your case.

20 MR. BUSCH: Okay. So I'm here for the
21 variance for an eight foot fence. It's going to be
22 from the forward of -- from the front of the house
23 forward, and it would be within 50 feet of the
24 road, which is the minimum setback for a house, as
25 if my house -- if it were 50 foot from the road, it

1 could be from the house, back.

2 My neighbor has a business that's Soothing Dog
3 Touch -- or Soothing Touch Pet Care. And there's a
4 lot of traffic in and out, especially early in the
5 morning, and in the evenings, and throughout the
6 day. And there's a lot of activities. There's
7 clients in and out, you know, throughout the day.
8 There's employees that come and go. And there's
9 lots of dogs that are, you know, going from the
10 cars to the house. So it creates a lot of
11 disturbance, you know, for my house, from the
12 neighbor's. And the eight foot fence would help me
13 kind of separate that, you know, my house from a
14 business next door.

15 CHAIRMAN VALENTIC: On that part of your
16 house, what's over there? Is that your living
17 room, bedroom? What's there?

18 MR. BUSCH: There's the front living room
19 window, yes. When we're sitting in the front
20 living room, you know, we see people come and go
21 all the time. There's a lot of activity.

22 MS. HAMILTON: It's an open floor plan. It's
23 the living room, kitchen, steps going upstairs.
24 You can see right out into her driveway.

25 MR. GOLLING: Is that a pool, too?

1 MS. HAMILTON: Yeah.

2 MR. BUSCH: Yes.

3 CHAIRMAN VALENTIC: What kind of fence are you
4 looking to put in? Vinyl, wood?

5 MR. BUSCH: A wood privacy fence.

6 CHAIRMAN VALENTIC: A wood privacy fence?

7 MR. BUSCH: Yes.

8 MR. DYNES: I assume you get headlights, as
9 well?

10 MS. HAMILTON: Yes.

11 MR. BUSCH: Correct. Early in the morning,
12 there's people with headlights coming directly in
13 the front window.

14 MS. HAMILTON: Especially this time of year,
15 too.

16 CHAIRMAN VALENTIC: Yeah.

17 MR. GOLLING: How many board feet of fence are
18 they putting?

19 MR. BUSCH: Total? 300.

20 MR. GOLLING: Just out of curiosity, what
21 would something like that cost?

22 MR. BUSCH: It's approximately 12,000.

23 MR. GOLLING: Okay.

24 MR. BUSCH: So it's an expensive thing, to
25 separate myself from the business next door. You

1 know, unfortunately, this won't help with the
2 dogs barking and that, but it will help with the
3 disturbances from the people coming in and out,
4 and dogs engaging when we go outside, you know, and
5 barking at us. So it would help separate the
6 business from our home.

7 CHAIRMAN VALENTIC: And the fence, it's in the
8 front yard, up to 50 feet up to the road. And then
9 it looks like there's a section that's going to
10 come and meet the corner of the house?

11 MR. BUSCH: Correct.

12 CHAIRMAN VALENTIC: Okay.

13 Any other -- does anyone else have questions
14 for them?

15 MR. DYNES: No.

16 CHAIRMAN VALENTIC: All right, thank you. You
17 can be seated.

18 MR. BUSCH: Thank you.

19 CHAIRMAN VALENTIC: Is there anyone else
20 that's speaking for this appeal that would like to
21 come up, or against this appeal that would like to
22 come up?

23 Please come up to the microphone.

24 MS. ANKUDA: I'm Shereen Ankuda, owner of
25 Soothing Touch Pet Care, and I have been sworn in.

CHAIRMAN VALENTIC: Can you just state your address for the record, too.

MS. ANKUDA: 8340 Ravenna Road.

CHAIRMAN VALENTIC: Okay. Thank you.

MS. ANKUDA: I've been in business since 1976, and Andrew has lived there for 13 years. Ever since we agreed for the variance for him to put in the gigantic storage building, you know, and the driveway, things have just changed. We've had a really good relationship.

There has never been a complaint against my business since 1976. The business was approved by Concord Township. It's licensed with Lake County. It's licensed with the state.

And the way the properties are -- so yes,
fences make good neighbors.

CHAIRMAN VALENTIC: Yeah. I don't think he has any -- he's in here -- so we're all clear for the record, he would like to add a fence along the property line. We didn't hear anything -- there's no issue, he just wants a little bit more privacy, that's what we heard.

Do you have any objection to him putting the fence in?

MS. ANKUDA: One, there's a property line

1 dispute.

2 CHAIRMAN VALENTIC: Okay.

3 MS. ANKUDA: And my surveyor is not available
4 for three weeks. So I wanted to make sure nothing
5 happens until the property has been surveyed.

6 MR. GOLLING: Well, he's had the property
7 surveyed. Would you be willing to use his survey?

8 MR. DYNES: Well, hold on.

9 CHAIRMAN VALENTIC: Hold on.

10 MR. DYNES: That's not an issue for us. He's
11 before us --

12 MS. ANKUDA: Right, that's --

13 MR. DYNES: -- seeking -- well, hold on. Let
14 me finish, okay? Hold on.

15 MS. ANKUDA: Yeah.

16 MR. DYNES: He's here before us, asking to put
17 up a fence.

18 MS. ANKUDA: Right.

19 MR. DYNES: There's nobody quarreling with
20 your business. No one is seeking to take any
21 action against your business. It's essentially
22 putting in a fence.

23 Surveys and the application of the fence being
24 provided is an issue that comes after this Board --

25 MS. ANKUDA: Right.

1 MR. DYNES: -- makes a decision --

2 MS. ANKUDA: That's right. Yeah.

3 MR. DYNES: -- that you and he -- you can
4 otherwise handle that.

5 So I guess my question is to you, while you're
6 up here, do you have an objection specifically to
7 the fence being applied onto his property?

8 MS. ANKUDA: At eight foot, yes.

9 MR. DYNES: And why do you have that
10 objection?

11 MS. ANKUDA: Everybody else on our sections
12 have six foot. And it gives everybody plenty of
13 privacy.

14 MR. DYNES: So tell us how the eight foot
15 specifically impacts you and your business.

16 MS. ANKUDA: Again, it's going to depend on
17 where it is after the zoning.

18 MR. DYNES: I'm not interested in where the
19 fence is placed. I'm interested in the height of
20 it, and how the height of the fence impacts you.

21 MS. ANKUDA: Visibility --

22 MR. DYNES: Visibility for what?

23 MS. ANKUDA: -- to the south. You know, for
24 traffic, for -- there's -- and I've seen some
25 places who have the eight foot fence, and it's

1 just --

2 MR. DYNES: Well, let me ask you, have you
3 seen the proposed location of the fence?

4 MS. ANKUDA: Yes.

5 MR. DYNES: Okay. I'm looking at it right
6 now, too. I'm not finding any reason -- or any
7 way, shape, or form that that impedes anybody's
8 sight lines towards traffic to the south on Ravenna
9 Road.

10 MS. ANKUDA: I guess I disagree.

11 MR. DYNES: Well, if you can tell us why,
12 that's what we're interested in hearing from you.
13 We're not here to quarrel with you. We want to
14 know why you disagree, and what the issue is that
15 causes you this consternation.

16 MS. ANKUDA: Again, I've had experience with
17 eight foot fences, and it limits visibility.
18 Ravenna is a dangerous road.

19 MR. DYNES: Well, let me understand. You've
20 been there since 1973.

21 MS. ANKUDA: '76.

22 MR. DYNES: 1976. Pardon me.

23 What other eight foot fences along your
24 property line have impeded your vision in that
25 time?

1 MS. ANKUDA: Not mine. Other people.

2 Like I said, I've lived there for a really
3 long time, and in my experience, any time somebody
4 has put in an eight foot fence --

5 MR. DYNES: We're only interested in this
6 particular property. We're not interested in other
7 people's, or other fences, or other eight foot
8 fences other places.

9 MS. ANKUDA: So how am I going to know how
10 much it impedes until it's there?

11 MR. DYNES: Well, if you've looked at the
12 drawings -- I guess that's the question. From
13 what we're looking at, it doesn't seem to be an
14 impediment to any sight lines.

15 I'm asking for you, as you're here
16 representing this causes you a problem, what
17 evidence you have that the sight line is going to
18 be disturbed or otherwise causing a problem for
19 you or any of your visitors?

20 MS. ANKUDA: I -- I mean, I don't know what
21 else to say. That an eight foot fence changes
22 your line of vision.

23 And when they were building the driveway, they
24 often parked vehicles close to the road, and it was
25 very dangerous exiting our driveway. And even ones

1 that were set back caused visibility problems.

2 So I just don't want to say, yeah, an eight
3 foot fence is fine, and then find out I'm in a
4 dangerous situation exiting my driveway.

5 CHAIRMAN VALENTIC: Okay. Any other questions
6 for her?

7 Hold on.

8 Do you guys have anything else?

9 MR. GOLLING: No.

10 MR. ROWAN: No.

11 CHAIRMAN VALENTIC: Okay. Thank you very
12 much. We appreciate you coming in.

13 MS. ANKUDA: You're welcome.

14 CHAIRMAN VALENTIC: Is there anyone else that
15 would like to come up and speak for this appeal, or
16 against this appeal?

17 Does anyone else have any questions for the
18 applicant before we close this to the public?

19 Okay. Thank you.

20 If there's no further questions, the public
21 hearing for Application Number 2023-139 is now
22 closed to the public.

23 Can I get a motion to approve Variance
24 2203-139?

25 MR. ROWAN: So moved.

1 MR. GOLLING: Second.

2 CHAIRMAN VALENTIC: Thank you.

3 Discussion for the Board?

4 You know, I don't know if we want to just kind
5 of go through some of the Duncan Factors to kind of
6 start the discussion. We'll kind of talk through
7 it, and then just add to it. So I'll read them.

8 Will the property yield a reasonable return or
9 can there be a beneficial use of the property
10 without the variance?

11 How do you guys feel about that one?

12 MR. DYNES: Well, there can, clearly.

13 CHAIRMAN VALENTIC: You guys agree? Okay.

14 Is the variance substantial?

15 MR. DYNES: I would argue that it's not
16 substantial, given the circumstances. I understand
17 the height of the fence exceeds it by four feet,
18 it's double what's required in that area. But
19 given the circumstances, I think that particular
20 factor is outweighed.

21 CHAIRMAN VALENTIC: Yeah. It's not very long,
22 either.

23 Will the essential character of the
24 neighborhood be substantially altered or will
25 adjoining properties suffer a substantial detriment

1 if the variance is granted?

2 You know, to your point, it's still 50 feet
3 away from the road, so it's not -- if there was a
4 house there, you know, it could --

5 MR. ROWAN: You'd have a 50 foot setback.

6 CHAIRMAN VALENTIC: Yeah. So, I mean, looking
7 at the map, and what was presented to me, it
8 doesn't feel like it would adversely affect
9 anything. I don't know what you guys think.

10 MR. DYNES: I have not heard anything
11 articulated otherwise. I would agree.

12 MR. GOLLING: I agree.

13 CHAIRMAN VALENTIC: Will the variance
14 adversely affect the delivery of government
15 services?

16 MR. DYNES: No.

17 MR. GOLLING: No.

18 MR. ROWAN: No.

19 CHAIRMAN VALENTIC: Did the property owner
20 purchase the property with knowledge of the zoning
21 restrictions?

22 MR. DYNES: Presumably, yes.

23 CHAIRMAN VALENTIC: Presumably, yeah. We
24 didn't ask that question.

25 Can the problem be revolved by some other

1 manner than the granting of the variance?

2 Potentially.

3 MR. DYNES: I'm not quite sure what you would
4 do.

5 CHAIRMAN VALENTIC: Yeah, I don't know how
6 else you would do it.

7 MR. DYNES: I think in this particular --

8 MR. GOLLING: An earthen mound?

9 MR. DYNES: Yeah. The space doesn't exist to
10 do that, other than fences. Which fences are
11 obviously permitted for these particular reasons,
12 absent the height restriction. I don't see any
13 other manner.

14 CHAIRMAN VALENTIC: Will the variance preserve
15 the "spirit and intent" of the zoning resolution
16 and will "substantial justice" be done by granting
17 the variance?

18 MR. DYNES: I think so. I think it's an
19 accomplishment of substantial justice to protect a
20 homeowner who is next to a business, who has
21 identified some specific concerns for us as to why
22 this becomes a necessity.

23 MR. GOLLING: And when I take into
24 consideration the substantial cost he's going to
25 incur to do this, it kind of tells me that this is

1 something that -- you don't just walk into this
2 lightly and throw down twelve grand because you
3 like a fence. It's got to serve a purpose, and it
4 seems like that that's the purpose he's trying to
5 serve here.

6 Now, to assuage her question there, as I'm
7 looking at the drawing here, the fence will go up
8 no further than the front end of her drive pad, or
9 parking pad. And 50 feet is more than enough to
10 see the northbound traffic if you're trying to go
11 on Ravenna Road.

12 So I do believe that although the spirit
13 intended of the zoning resolution is there, the
14 justice may be served, if not for noise, but maybe
15 to give a little bit more privacy.

16 CHAIRMAN VALENTIC: Yeah. That's what they're
17 looking for, you know, some privacy.

18 Davey, anything to add?

19 MR. ROWAN: Todd said everything I was
20 thinking.

21 CHAIRMAN VALENTIC: Okay. Then the question
22 is on the approval of Variance Number 2023-139. A
23 yes vote approves the variance. A no vote denies
24 the variance.

25 Heather, please call the vote.

1 MS. FREEMAN: Mr. Rowan.

2 MR. ROWAN: Yes.

3 MS. FREEMAN: Mr. Dynes.

4 MR. DYNES: Yes.

5 MS. FREEMAN: Mr. Golling.

6 MR. GOLLING: Yes.

7 MS. FREEMAN: Mr. Valentic.

8 CHAIRMAN VALENTIC: Yes.

9 The ayes have it. Your variance has been
10 approved.

11 Thank you.

12 MR. BUSCH: Thank you.

13 MS. HAMILTON: Thank you.

14 CHAIRMAN VALENTIC: All right, next on our
15 agenda is -- let's see. It is Variance Application
16 2023-140: Mr. James Ettinger is requesting a
17 variance from Section 15.04(A)(2)(d) to allow a
18 shed to be located 16 feet back from the
19 right-of-way, in lieu of the 50 feet required for
20 corner lots. This is for the property located at
21 7450 [sic] Mardon Drive, Parcel Number
22 08-A-032-D-00-051-0.

23 Thank you.

24 Please come forward and present your case.

25 But state your name, your address, and confirm

1 you've been sworn in.

2 MR. ETTINGER: My name is James Ettinger, and
3 I live at 6450 Mardon Drive, and I have been sworn
4 in.

5 CHAIRMAN VALENTIC: And would you like to move
6 forward with the four panel this evening?

7 MR. ETTINGER: Yeah. Yeah, that will be fine.

8 CHAIRMAN VALENTIC: Okay. Thank you.

9 MR. ETTINGER: If it would please the Board,
10 too, I made copies. I actually was able to go on
11 the software on my computer and give a more precise
12 location of where the shed would be.

13 CHAIRMAN VALENTIC: Okay.

14 Do you have a copy for Heather, as well?

15 MR. ETTINGER: Yeah, I do.

16 CHAIRMAN VALENTIC: Okay.

17 MS. FREEMAN: Thank you.

18 CHAIRMAN VALENTIC: We'll enter this into the
19 record for this evening, as well.

20 MS. FREEMAN: Sure.

21 MR. ETTINGER: Would you gentlemen --

22 CHAIRMAN VALENTIC: Yeah, if you would.

23 MR. GOLLING: Sure. Please.

24 CHAIRMAN VALENTIC: You can give it to Todd.
25 He can pass them down.

1 MR. ETTINGER: The last page is the one that I
2 was able to be a little more accurate with, as far
3 as location.

4 CHAIRMAN VALENTIC: Thank you.

5 MR. DYNES: Thank you.

6 MR. GOLLING: This is it right here
7 (indicating)?

8 MR. ETTINGER: Yeah. I've got it blocked out.
9 Do you want one?

10 MR. PETERSEN: Thank you.

11 MR. ETTINGER: I made six copies. I got
12 lucky. Good thing somebody didn't show up.

13 MR. DYNES: Do you have one for yourself?

14 MR. ETTINGER: No.

15 MR. DYNES: You don't need it.

16 MR. ETTINGER: I live there.

17 MR. PETERSEN: You gave me two, if you want
18 one.

19 MR. ETTINGER: In that case, I do need one.
20 Thank you.

21 What we'd like to do is to be able to put the
22 shed in the back corner of the lot, in line with
23 our house, which is not the 50 foot setback that is
24 called for off of Mardon Court.

25 And as you can see, I went to the Auditor's

1 website, and I pulled off dimensions and made
2 sure -- I mean, we're more like 18 feet, you know,
3 off of the actual property line.

4 And I'd also like to note, too, that the two
5 sheds that you see there are gone. They were
6 dilapidated. And since we bought the place, we've
7 been working on cleaning it up and making sure that
8 everything is more up to standard, because it used
9 to be extremely overgrown. So we've been doing a
10 lot of work on the exterior and the interior.

11 But having downsized from a 3,000 square foot
12 house to an 1,800 square foot house has been kind
13 of difficult, and we just really need to put up a
14 shed.

15 But this also helps us, as far as giving us
16 more yard to work with. It's a fenced-in yard. We
17 have dogs, and they like to chase a ball.

18 MR. DYNES: It's Ettinger, is that how you
19 pronounce your name?

20 MR. ETTINGER: Yeah.

21 MR. DYNES: Mr. Ettinger, I think we received
22 support for this variance from one of your
23 neighbors.

24 MR. ETTINGER: Oh, okay.

25 MR. DYNES: Is that correct, Heather?

1 MS. FREEMAN: Yes. I received an email from
2 Mr. Brady Parrish, who -- on November 6th, saying
3 that he had no objections to the variance. In
4 fact, it is his opinion it is a more appropriate
5 location for a shed on that property.

6 MR. DYNES: Thank you.

7 CHAIRMAN VALENTIC: What year was this house
8 built; do you know?

9 A VOICE: '57, maybe. 1957, I believe. I
10 might be wrong.

11 MR. DYNES: Just to be clear, the other sheds
12 are gone.

13 MR. ETTINGER: The other sheds are gone.

14 MR. DYNES: This is going to be one singular
15 shed on the lot.

16 MR. ETTINGER: Yeah. They were dilapidated
17 when we bought the property. When we cleaned up
18 the yard, we took all that down.

19 CHAIRMAN VALENTIC: So along the road, are you
20 planning on -- I think it goes, you have road, tree
21 lawn, then fence, it looks like, potentially.

22 MR. ETTINGER: Uh-huh.

23 CHAIRMAN VALENTIC: Are you putting any
24 landscaping around the shed, or will it just be
25 turf grass around it?

1 MR. ETTINGER: Eventually, landscaping. There
2 used to be a pine tree in the corner, which --
3 well, you can actually still see the pine tree, but
4 it has since been cut down, because it was dead.

5 CHAIRMAN VALENTIC: Okay.

6 MR. ETTINGER: So we're putting it over to
7 that side.

8 CHAIRMAN VALENTIC: Where will the -- do you
9 know where the door is going to be on this shed?

10 MR. ETTINGER: It will be facing the back of
11 the house.

12 CHAIRMAN VALENTIC: Okay.

13 MR. ETTINGER: With two windows on the front
14 side. And I've got the picture in there, the best
15 you can see it from the house.

16 CHAIRMAN VALENTIC: Oh, okay. I gotcha. It's
17 going to kind of go longways. Okay.

18 That answers my questions. Does anyone else
19 have any questions?

20 MR. GOLLING: Is that a pool?

21 MR. ETTINGER: Yes.

22 MR. GOLLING: Is it still a pool?

23 MR. ETTINGER: It's covered up right now.
24 We're eventually going to refurbish it. But we
25 have a two by six plywood deck over the top of it

1 right now, and tarped off, so that we can -- that's
2 our next summer project.

3 MR. GOLLING: Got it.

4 CHAIRMAN VALENTIC: Okay. Any other
5 questions?

6 MR. DYNES: No.

7 CHAIRMAN VALENTIC: Thank you. You can be
8 seated.

9 MR. ETTINGER: All right, thank you.

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

13 If there's no further questions, the public
14 hearing for Application Number 2023-140 is now
15 closed to the public.

16 Can I get a motion to approve Variance
17 2023-140?

18 MR. DYNES: So moved.

19 MR. ROWAN: Second.

20 CHAIRMAN VALENTIC: Thank you.

21 Discussion?

22 MR. ROWAN: Yeah, I think corner lots are
23 tricky. We get them a lot.

24 I think it's a nice shed. It's behind a
25 fence. I think it adds some -- you know, again,

1 you're not right on the road, everybody can see it.
2 You really have to be looking for it. You're going
3 to see above the fence.

4 MR. GOLLING: The house already there, if it's
5 lined up with the house, I mean, I don't know if
6 you call that a grandfather argument. But the line
7 is there, if the shed is on the line with the
8 house, at least it gives it some symmetry.

9 CHAIRMAN VALENTIC: Yeah, yeah.

10 MR. ROWAN: Yeah, I don't really see any
11 concerns or issues for me, personally.

12 MR. DYNES: I think, at the end of the day,
13 it's another crazy corner lot. You're damned if
14 you do, you're -- you're just stuck. I mean, I
15 don't know, you know.

16 CHAIRMAN VALENTIC: Yeah.

17 MR. ROWAN: If it were that that street is not
18 there, it's not an issue, because it's -- as long
19 as it's however many feet from the property line,
20 which I think, what is it --

21 CHAIRMAN VALENTIC: I don't want to open a --
22 but didn't the corner lot setbacks change at some
23 point, too?

24 MS. FREEMAN: Correct. Right.

25 CHAIRMAN VALENTIC: Yes.

1 MS. FREEMAN: So when the house was
2 constructed on Mardon, it was probably the same --
3 it was a reduced 25 foot side yard setback, I'm
4 guessing.

5 CHAIRMAN VALENTIC: Yeah.

6 MS. FREEMAN: But I don't know if this house
7 predates zoning, though. It might. Because what
8 year did we say this was built?

9 CHAIRMAN VALENTIC: '57.

10 MR. DYNES: It was built in '57.

11 MS. FREEMAN: So we adopted zoning in '55. So
12 I'm not even sure if we had a permit on the house.
13 I don't have a record of it.

14 CHAIRMAN VALENTIC: Yeah. I know some of the
15 houses, they come in for variances on those corner
16 lots just to build a house.

17 MR. ROWAN: Yeah, even some of the newer
18 houses have corner lots that we've approved.

19 CHAIRMAN VALENTIC: Yeah.

20 I don't know. I mean, could we just really
21 quick walk through maybe the Duncan Factors --

22 MR. DYNES: The Duncan Factors? We should,
23 yes.

24 CHAIRMAN VALENTIC: -- before we finish up the
25 discussion?

1 Will the property yield a reasonable return
2 or can there be a beneficial use of the property
3 without the variance?

4 MR. DYNES: Yes.

5 MR. ROWAN: Yes.

6 MR. GOLLING: Yes.

7 CHAIRMAN VALENTIC: Is the variance
8 substantial?

9 MR. ROWAN: No.

10 MR. GOLLING: No.

11 CHAIRMAN VALENTIC: Will the essential
12 character of the neighborhood -- will the essential
13 character of the neighborhood be substantially
14 altered or will adjoining properties suffer a
15 substantial detriment?

16 MR. ROWAN: No.

17 CHAIRMAN VALENTIC: No.

18 MR. GOLLING: No.

19 CHAIRMAN VALENTIC: No, it's still pretty far
20 away. And we got support, one of the neighbors was
21 for it.

22 Will the variance adversely affect the
23 delivery of governmental services?

24 MR. ROWAN: No.

25 CHAIRMAN VALENTIC: No.

1 Did the property owner purchase the property
2 with knowledge of the zoning restrictions?

3 Presumably, again. We have to make sure we
4 ask that.

5 Can the problem be resolved by some other
6 manner than granting the variance?

7 I mean, they could move it into the yard, but
8 then it's kind of sitting in the middle of the
9 yard, too.

10 Will the variance preserve the "spirit and
11 intent" of the zoning resolution and will
12 "substantial justice" be done by granting the
13 variance?

14 MR. GOLLING: Sure.

15 CHAIRMAN VALENTIC: Okay.

16 All right, the question then is on the
17 approval of Variance 2023-140. A yes vote approves
18 the variance. A no vote denies the variance.

19 Heather, please call the vote.

20 MS. FREEMAN: Mr. Golling.

21 MR. GOLLING: Yes.

22 MS. FREEMAN: Mr. Dynes.

23 MR. DYNES: Yes.

24 MS. FREEMAN: Mr. Rowan.

25 MR. ROWAN: Yes.

1 MS. FREEMAN: Mr. Valentic.

2 CHAIRMAN VALENTIC: Yes.

3 Your variance has been approved. Thank you.

4 Really quick, next on our agenda is the
5 approval of the minutes. And I don't know if -- I
6 was not here.

7 Do you guys have the minutes from September?
8 Do we have enough people to vote on them?

9 Oh, here it is. Who was here?

10 MR. ROWAN: I was not here, but I did read the
11 minutes and I did watch the video.

12 CHAIRMAN VALENTIC: So you can't vote.

13 So we can. We have Brandon, Todd. We can
14 vote.

15 MR. DYNES: I would only comment that I know
16 Ivy wasn't here. But even in her absence, these
17 minutes appear to be very well done. I don't know
18 if they meet her standards, but I'd say they're
19 still respectable, and very well done and prepared.
20 So I would vote to approve them.

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

22 MR. GOLLING: I have no choice but to second
23 that.

24 CHAIRMAN VALENTIC: Okay. All in favor of the
25 minutes as written, say aye.

1 MR. GOLLING: Aye.

2 MR. DYNES: Aye.

3 CHAIRMAN VALENTIC: Okay. I'm going to
4 abstain.

5 The minutes have been approved from
6 September 2023.

7 Our next meeting is December 13th, 2023. The
8 Concord Township Board of Zoning Appeals for
9 November 8th, 2023 is now closed.

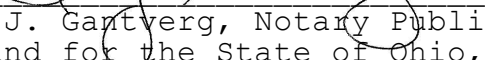
10 (Whereupon, the meeting was adjourned at
11 7:29 p.m.)
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25

1
2 CERTIFICATE

3 State of Ohio,)
4) SS:
5 County of Cuyahoga.)

6 I, Ivy J. Gantverg, Registered Professional
7 Reporter and Notary Public in and for the State of Ohio,
8 duly commissioned and qualified, do hereby certify that
9 the foregoing is a true, correct and complete transcript
10 of my stenotype notes which were taken at the time and
11 place in the foregoing caption specified.

12 I do further certify that I am not a relative or
13 counsel of either party, or otherwise interested in the
14 event of this action.

15
16 
17 Ivy J. Gantverg, Notary Public
18 in and for the State of Ohio,
19 Registered Professional Reporter.
20 My commission expires November 5, 2023.
21
22
23
24
25



A VOICE: [1] 22/9 CHAIRMAN VALENTIC: [76] MR. BUSCH: [14] 4/6 4/17 4/20 5/18 6/2 6/5 6/7 6/11 6/19 6/22 6/24 7/11 7/18 18/12 MR. DYNES: [48] MR. ETTINGER: [23] 19/2 19/7 19/9 19/15 19/21 20/1 20/8 20/11 20/14 20/16 20/19 21/20 21/24 22/13 22/16 22/22 23/1 23/6 23/10 23/13 23/21 23/23 24/9 MR. GOLLING: [25] 5/25 6/17 6/20 6/23 9/6 13/9 14/1 15/12 15/17 16/8 16/23 18/6 19/23 20/6 23/20 23/22 24/3 25/4 27/6 27/10 27/18 28/14 28/21 29/22 30/1 MR. PETERSEN: [2] 20/10 20/17 MR. ROWAN: [17] 13/10 13/25 15/5 15/18 17/19 18/2 24/19 24/22 25/10 25/17 26/17 27/5 27/9 27/16 27/24 28/25 29/10 MS. ANKUDA: [23] 7/24 8/3 8/5 8/25 9/3 9/12 9/15 9/18 9/25 10/2 10/8 10/11 10/16 10/21 10/23 11/4 11/10 11/16 11/21 12/1 12/9 12/20 13/13 MS. FREEMAN: [17] 2/21 3/20 18/1 18/3 18/5 18/7 19/17 19/20 22/1 25/24 26/1 26/6 26/11 28/20 28/22 28/24 29/1 MS. HAMILTON: [7] 4/10 4/13 5/22 6/1 6/10 6/14 18/13 ' ' '55 [1] 26/11 '57 [3] 22/9 26/9 26/10 '76 [1] 11/21 1 1,800 [1] 21/12 12,000 [1] 6/22 13 [1] 8/6 139 [4] 3/23 13/21 13/24 17/22 13th [1] 30/7 140 [4] 18/16 24/14	24/17 28/17 15.04 [1] 18/17 16 feet [1] 18/18 18 feet [1] 21/2 1957 [1] 22/9 1973 [1] 11/20 1976 [3] 8/5 8/12 11/22 2 2018-41 [1] 3/13 2023 [6] 1/10 2/3 30/6 30/7 30/9 31/18 2023-139 [3] 3/23 13/21 17/22 2023-140 [4] 18/16 24/14 24/17 28/17 2203-139 [1] 13/24 25 foot [1] 26/3 3 3,000 [1] 21/11 300 [1] 6/19 34.04 [1] 3/24 4 41 [1] 3/13 44077 [1] 1/8 5 50 feet [5] 4/23 7/8 15/2 17/9 18/19 50 foot [3] 4/25 15/5 20/23 6 6450 [1] 19/3 6th [1] 22/2 7 7229 [1] 1/7 7450 [1] 18/21 7757 [1] 3/13 7:00 [1] 1/10 7:29 [1] 30/11 8 8340 [1] 8/3 8360 [3] 4/3 4/7 4/14 8th [1] 30/9 A able [3] 19/10 20/2 20/21 about [2] 3/7 14/11 above [1] 25/3 absence [1] 29/16 absent [1] 16/12 abstain [1] 30/4 accomplishment [1] 16/19 accurate [1] 20/2 action [2] 9/21 31/13	activities [1] 5/6 activity [1] 5/21 actual [1] 21/3 actually [2] 19/10 23/3 add [3] 8/19 14/7 17/18 address [3] 2/16 8/2 18/25 adds [1] 24/25 adjoining [2] 14/25 27/14 adjourned [1] 30/10 administrative [1] 3/14 adopted [1] 26/11 adversely [3] 15/8 15/14 27/22 advice [1] 2/8 affect [3] 15/8 15/14 27/22 after [2] 9/24 10/17 again [4] 10/16 11/16 24/25 28/3 against [5] 7/21 8/11 9/21 13/16 24/12 agenda [2] 18/15 29/4 agree [3] 14/13 15/11 15/12 agreed [1] 8/7 ahead [1] 4/19 all [8] 5/21 7/16 8/18 18/14 22/18 24/9 28/16 29/24 allow [1] 18/17 along [4] 3/25 8/19 11/23 22/19 already [1] 25/4 also [3] 1/18 21/4 21/15 altered [2] 14/24 27/14 although [1] 17/12 am [3] 4/11 12/9 31/11 Andrew [3] 3/23 4/6 8/6 Ankuda [1] 7/24 another [1] 25/13 answers [1] 23/18 any [16] 7/13 8/18 8/23 9/20 11/6 11/6 12/3 12/14 12/19 13/5 13/17 16/12 22/23 23/19 24/4 25/10 anybody's [1] 11/7 anyone [7] 2/9 7/13 7/19 13/14 13/17 23/18 24/10 anything [5] 8/20 13/8 15/9 15/10 17/18 apologize [1] 3/9 appeal [8] 3/12 3/14	7/20 7/21 13/15 13/16 24/11 24/12 APPEALS [3] 1/2 2/2 30/8 appear [1] 29/17 applicant [1] 13/18 application [5] 3/22 9/23 13/21 18/15 24/14 applied [1] 10/7 appreciate [1] 13/12 appropriate [1] 22/4 approval [3] 17/22 28/17 29/5 approve [4] 2/25 13/23 24/16 29/20 approved [5] 8/12 18/10 26/18 29/3 30/5 approves [2] 17/23 28/17 approximately [1] 6/22 are [12] 4/9 5/9 6/3 6/17 8/15 16/10 21/5 22/12 22/13 22/19 22/23 24/22 area [1] 14/18 argue [1] 14/15 argument [1] 25/6 around [2] 22/24 22/25 articulated [1] 15/11 as [16] 3/3 4/24 6/8 12/15 16/21 17/6 19/14 19/19 20/2 20/3 20/25 21/15 21/15 25/18 25/19 29/25 ask [5] 2/8 3/3 11/2 15/24 28/4 asking [2] 9/16 12/15 assuage [1] 17/6 assume [1] 6/8 Auditor's [1] 20/25 available [1] 9/3 away [2] 15/3 27/20 aye [3] 29/25 30/1 30/2 ayes [1] 18/9 B back [5] 5/1 13/1 18/18 20/22 23/10 ball [1] 21/17 barking [2] 7/2 7/5 be [36] because [5] 17/2 21/8 23/4 25/18 26/7 becomes [1] 16/22 bedroom [1] 5/17 been [17] 2/17 4/7 4/14 7/25 8/5 8/11 9/5 11/20 18/9 19/1 19/3 21/7 21/9 21/12 23/4	29/3 30/5 before [4] 9/11 9/16 13/18 26/24 behind [1] 24/24 being [2] 9/23 10/7 believe [2] 17/12 22/9 beneficial [2] 14/9 27/2 best [1] 23/14 bit [3] 3/6 8/21 17/15 blocked [1] 20/8 board [10] 1/2 2/2 2/4 3/9 4/16 6/17 9/24 14/3 19/9 30/8 bought [2] 21/6 22/17 Brady [1] 22/2 Brandon [3] 1/16 2/4 29/13 build [1] 26/16 building [2] 8/8 12/23 built [3] 22/8 26/8 26/10 Busch [2] 3/23 4/6 business [15] 2/23 3/12 3/17 3/22 5/2 5/14 6/25 7/6 8/5 8/12 8/12 9/20 9/21 10/15 16/20 C call [3] 17/25 25/6 28/19 called [1] 20/24 can [25] 3/8 3/16 5/24 7/17 8/1 10/3 11/11 13/23 14/9 14/12 15/25 19/24 19/25 20/25 23/3 23/15 24/1 24/7 24/16 25/1 27/2 28/5 29/13 29/13 29/21 can't [1] 29/12 caption [1] 31/10 Care [2] 5/3 7/25 cars [1] 5/10 case [5] 2/15 4/10 4/19 18/24 20/19 caused [1] 13/1 causes [2] 11/15 12/16 causing [1] 12/18 CERTIFICATE [1] 31/1 certify [2] 31/7 31/11 Chairman [1] 1/16 change [2] 3/10 25/22 changed [1] 8/9 changes [1] 12/21 character [3] 14/23 27/12 27/13 chase [1] 21/17 choice [1] 29/22 circumstances [2] 14/16 14/19 cleaned [1] 22/17
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<p>C</p> <p>cleaning [1] 21/7 clear [2] 8/18 22/11 clearly [1] 14/12 clients [1] 5/7 close [2] 12/24 13/18 closed [4] 3/18 13/22 24/15 30/9 come [13] 2/15 3/3 4/5 5/8 5/20 7/10 7/21 7/22 7/23 13/15 18/24 24/12 26/15 comes [1] 9/24 coming [3] 6/12 7/3 13/12 comment [1] 29/15 commission [2] 1/15 31/18 commissioned [1] 31/7 complaint [1] 8/11 complete [1] 31/8 computer [1] 19/11 concerns [2] 16/21 25/11 CONCORD [7] 1/2 1/7 1/8 2/1 3/13 8/13 30/8 confirm [2] 2/17 18/25 consideration [1] 16/24 consternation [1] 11/15 constructed [1] 26/2 construction [1] 3/25 copies [2] 19/10 20/11 copy [1] 19/14 corner [9] 7/10 18/20 20/22 23/2 24/22 25/13 25/22 26/15 26/18 correct [5] 6/11 7/11 21/25 25/24 31/8 cost [2] 6/21 16/24 could [4] 5/1 15/4 26/20 28/7 counsel [3] 1/20 2/8 31/12 COUNTY [3] 1/2 8/13 31/3 Court [1] 20/24 covered [1] 23/23 crazy [1] 25/13 creates [1] 5/10 curiosity [1] 6/20 cut [1] 23/4 Cuyahoga [1] 31/3</p> <p>D</p> <p>damned [1] 25/13 dangerous [3] 11/18 12/25 13/4 Davey [3] 1/17 2/5 17/18</p>	<p>day [3] 5/6 5/7 25/12 dead [1] 23/4 December [1] 30/7 December 13th [1] 30/7 decision [1] 10/1 deck [1] 23/25 delivery [2] 15/14 27/23 denies [2] 17/23 28/18 deny [1] 2/25 depend [1] 10/16 detriment [2] 14/25 27/15 did [5] 15/19 26/8 28/1 29/10 29/11 didn't [4] 8/20 15/24 20/12 25/22 difficult [1] 21/13 dilapidated [2] 21/6 22/16 dimensions [1] 21/1 directly [1] 6/12 Director [1] 1/19 Director/Zoning [1] 1/19 disagree [2] 11/10 11/14 discussion [5] 3/16 14/3 14/6 24/21 26/25 dispute [1] 9/1 disturbance [1] 5/11 disturbances [1] 7/3 disturbed [1] 12/18 docket [1] 3/12 doesn't [3] 12/13 15/8 16/9 Dog [1] 5/2 dogs [4] 5/9 7/2 7/4 21/17 doing [1] 21/9 don't [18] 8/17 12/20 13/2 14/4 15/9 16/5 16/12 17/1 20/15 25/5 25/10 25/15 25/21 26/6 26/13 26/20 29/5 29/17 done [4] 16/16 28/12 29/17 29/19 door [3] 5/14 6/25 32/9 double [1] 14/18 down [4] 17/2 19/25 22/18 23/4 downsized [1] 21/11 drawing [1] 17/7 drawings [1] 12/12 drive [3] 17/8 18/21 19/3 driveway [5] 5/24 8/9 12/23 12/25 13/4 duly [1] 31/7 Duncan [3] 14/5 26/21</p>	<p>26/22 Dynes [4] 1/16 2/4 18/3 28/22</p> <p>E</p> <p>early [2] 5/4 6/11 earthen [1] 16/8 eight [12] 3/25 4/21 5/12 10/8 10/14 10/25 11/17 11/23 12/4 12/7 12/21 13/2 either [2] 14/22 31/12 else [10] 7/13 7/19 10/11 12/21 13/8 13/14 13/17 16/6 23/18 24/10 email [1] 22/1 employees [1] 5/8 en [1] 2/12 end [3] 3/18 17/8 25/12 engaging [1] 7/4 enough [2] 17/9 29/8 enter [1] 19/18 especially [2] 5/4 6/14 Esq [1] 1/20 essential [3] 14/23 27/11 27/12 essentially [1] 9/21 Ettinger [4] 18/16 19/2 21/18 21/21 even [4] 12/25 26/12 26/17 29/16 evening [8] 2/1 2/15 2/24 3/4 4/16 19/6 19/19 24/11 evenings [1] 5/5 event [1] 31/13 eventually [2] 23/1 23/24 Ever [1] 8/6 everybody [3] 10/11 10/12 25/1 everything [2] 17/19 21/8 evidence [1] 12/17 exceeds [1] 14/17 exist [1] 16/9 exiting [2] 12/25 13/4 expensive [1] 6/24 experience [2] 11/16 12/3 expires [1] 31/18 extends [1] 4/1 exterior [1] 21/10 extremely [1] 21/9</p> <p>F</p> <p>facing [1] 23/10 fact [1] 22/4 factor [1] 14/20 Factors [3] 14/5 26/21 26/22</p>	<p>far [4] 2/6 20/2 21/15 27/19 favor [1] 29/24 feel [2] 14/11 15/8 feet [10] 4/23 6/17 7/8 14/17 15/2 17/9 18/18 18/19 21/2 25/19 fence [28] 3/25 4/2 4/21 5/12 6/3 6/5 6/6 6/17 7/7 8/19 8/24 9/17 9/22 9/23 10/7 10/19 10/20 10/25 11/3 12/4 12/21 13/3 14/17 17/3 17/7 22/21 24/25 25/3 fenced [1] 21/16 fenced-in [1] 21/16 fences [7] 8/16 11/17 11/23 12/7 12/8 16/10 16/10 few [1] 3/17 find [1] 13/3 finding [1] 11/6 fine [2] 13/3 19/7 finish [2] 9/14 26/24 first [1] 3/11 floor [1] 5/22 foot [20] 3/25 4/2 4/21 4/25 5/12 10/8 10/12 10/14 10/25 11/17 11/23 12/4 12/7 12/21 13/3 15/5 20/23 21/11 21/12 26/3 foregoing [2] 31/8 31/10 form [1] 11/7 forward [8] 3/4 3/7 4/5 4/16 4/22 4/23 18/24 19/6 four [7] 3/1 3/4 3/8 4/2 4/16 14/17 19/6 Freeman [2] 1/19 2/6 front [8] 4/1 4/22 5/18 5/19 6/13 7/8 17/8 23/13 further [5] 3/15 13/20 17/8 24/13 31/11</p> <p>G</p> <p>Gantverg [2] 31/5 31/16 gave [1] 20/17 gentlemen [1] 19/21 gigantic [1] 8/8 give [4] 3/6 17/15 19/11 19/24 given [2] 14/16 14/19 gives [2] 10/12 25/8 giving [1] 21/15 go [10] 3/7 4/19 5/8 5/20 7/4 14/5 17/7 17/10 19/10 23/17 goes [1] 22/20</p>	<p>going [15] 3/15 4/21 5/9 5/23 7/9 10/16 12/9 12/17 16/24 22/14 23/9 23/17 23/24 25/2 30/3 Golling [4] 1/17 2/6 18/5 28/20 gone [3] 21/5 22/12 22/13 good [4] 2/1 8/10 8/16 20/12 got [6] 17/3 20/8 20/11 23/14 24/3 27/20 gotcha [1] 23/16 government [1] 15/14 governmental [1] 27/23 grand [1] 17/2 grandfather [1] 25/6 granted [1] 15/1 granting [4] 16/1 16/16 28/6 28/12 grass [1] 22/25 great [2] 3/17 4/18 guess [4] 4/10 10/5 11/10 12/12 guessing [1] 26/4 guys [5] 13/8 14/11 14/13 15/9 29/7</p> <p>H</p> <p>Hall [1] 1/7 Hamilton [1] 4/13 hand [1] 2/11 handle [1] 10/4 happens [1] 9/5 has [12] 3/14 5/2 8/6 8/11 8/18 9/5 12/4 16/20 18/9 21/12 23/4 29/3 having [1] 21/11 he [7] 3/14 8/17 8/19 8/21 10/3 19/25 22/3 he's [6] 8/18 9/6 9/10 9/16 16/24 17/4 headlights [2] 6/8 6/12 hear [1] 8/20 heard [2] 8/22 15/10 hearing [3] 11/12 13/21 24/14 Heather [8] 1/19 2/6 2/19 3/19 17/25 19/14 21/25 28/19 height [4] 10/19 10/20 14/17 16/12 Hello [1] 4/6 help [4] 5/12 7/1 7/2 7/5 helps [1] 21/15 her [6] 5/24 13/6 17/6 17/8 29/16 29/18 here [17] 3/6 4/10</p>
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[15] 4/20 8/18 9/16 10/6 11/13 12/15 17/5 17/7 20/6 24/10 29/6 29/9 29/9 29/10 29/16</div> <div>hereby [1] 31/7</div> <div>him [2] 8/7 8/23</div> <div>his [3] 9/7 10/7 22/4</div> <div>hold [5] 9/8 9/9 9/13 9/14 13/7</div> <div>home [1] 7/6</div> <div>homeowner [1] 16/20</div> <div>Hopefully [1] 3/16</div> <div>house [23] 4/22 4/24 4/25 5/1 5/10 5/11 5/13 5/16 7/10 15/4 20/23 21/12 21/12 22/7 23/11 23/15 25/4 25/5 25/8 26/1 26/6 26/12 26/16</div> <div>houses [2] 26/15 26/18</div> <div>how [8] 6/17 10/14 10/20 12/9 12/9 14/11 16/5 21/18</div> <div>however [1] 25/19</div> <div>huh [2] 3/20 22/22</div> <div>I</div> <div>I'd [2] 21/4 29/18</div> <div>I'll [2] 3/6 14/7</div> <div>I'm [16] 2/4 4/10 4/13 4/20 7/24 10/18 10/19 11/5 11/6 12/15 13/3 16/3 17/6 26/3 26/12 30/3</div> <div>I've [7] 4/14 8/5 10/24 11/16 12/2 20/8 23/14</div> <div>identified [1] 16/21</div> <div>impacts [2] 10/15 10/20</div> <div>impeded [1] 11/24</div> <div>impedes [2] 11/7 12/10</div> <div>impediment [1] 12/14</div> 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