

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

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

September 13, 2023  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Appeals Board members present:

- Francis Sweeney, Chairman
- TR Hach, Member
- Brandon Dynes, Member
- Ashley Garcar, Member
- Todd Goling, Member

Also Present:

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

1 address, and confirm that you've been sworn  
 2 in. That will help a lot.  
 3 Heather, were all the legal notices  
 4 published in a timely manner?  
 5 MS. FREEMAN: Yes, they were.  
 6 CHAIRMAN SWEENEY: As I mentioned,  
 7 tonight we have an old business variance and  
 8 is the applicant prepared to proceed tonight?  
 9 Cody Armillie, this is Application 2023-133.  
 10 MS. ARMILLIE: Here.  
 11 CHAIRMAN SWEENEY: Okay. Come on up.  
 12 This is variance application 2023-133.  
 13 Cody Armillie, is that it?  
 14 MS. ARMILLIE: Speaking, yes.  
 15 CHAIRMAN SWEENEY: Cody Armillie on  
 16 behalf of the property owner, Susan Armillie,  
 17 is requesting a variance from Section  
 18 29.10(B)(4) and Section 29.10(B)(5), to allow  
 19 a recreation vehicle to be parked or stored  
 20 outside, not behind the building setback line,  
 21 nor screened from the adjacent properties in  
 22 lieu of the requirements set forth in the  
 23 above sections of the zoning resolution. Is  
 24 for the property located at 7491 Mountain Park  
 25 Drive, parcel number 10-025-D-00-018-0.

PROCEEDINGS

1 CHAIRMAN SWEENEY: Good evening.  
 2 Welcome to the Board of Zoning Appeals meeting  
 3 for September 13th. My name is Francis  
 4 Sweeney. I am the substitute Chair serving  
 5 tonight.  
 6 To my far left is Board Member TR Hach.  
 7 To my immediate -- or to my far left TR Hatch.  
 8 To my immediate left is Brandon Dynes. To my  
 9 right is Ashley Garcar. To her right is Todd  
 10 Goling. To the far right is Heather Freeman,  
 11 our Township Zoning Inspector. To my far left  
 12 is Keith Petersen, Township Legal Counsel.  
 13 Under advice of our legal counsel we  
 14 ask that anyone speaking tonight be sworn in.  
 15 If you plan on speaking please stand now and  
 16 raise your right hand. Full house tonight.  
 17 (Speakers sworn in)  
 18 CHAIRMAN SWEENEY: Please be seated.  
 19 Thank you.  
 20 We have one matter of old business  
 21 tonight and four matters of new business.  
 22 When you come up to present your case, please  
 23 come up to the podium, speak into the  
 24 microphone, please state your name, your home

1 All right, good evening.  
 2 MS. ARMILLIE: Hello.  
 3 CHAIRMAN SWEENEY: Go ahead.  
 4 MS. ARMILLIE: I have been sworn  
 5 in. Actually I've come to new progress since  
 6 our time, our previous meeting.  
 7 CHAIRMAN SWEENEY: I'm sorry, I  
 8 can't hear.  
 9 MS. ARMILLIE: Since our last  
 10 meeting, I've actually made some progress in  
 11 my plans for the vehicle. I couldn't find a  
 12 mechanic, but I was able to become the  
 13 mechanic and fix the vehicle. So I'm planning  
 14 on getting it out of the property's location  
 15 within the next month or so, or two. Granted  
 16 everything is still --  
 17 CHAIRMAN SWEENEY: So the  
 18 representation to the Board this evening is  
 19 that the plan is --  
 20 MS. ARMILLIE: To just get the  
 21 variance for the meantime, next month or so  
 22 until I can get --  
 23 CHAIRMAN SWEENEY: Before we get that.  
 24 It's your intention to move the vehicle off  
 25 the property; is that correct?

1 MS. ARMILLIE: Yeah, that was always  
 2 the intention. Just didn't work out.  
 3 CHAIRMAN SWEENEY: What kind of time  
 4 frame are we talking about?  
 5 MS. ARMILLIE: Like a month or  
 6 two.  
 7 CHAIRMAN SWEENEY: Like a month?  
 8 MS. ARMILLIE: Yeah. As long as  
 9 everything goes well, it should be a month.  
 10 Sometimes things don't always go as planned.  
 11 As long as everything goes as planned, which  
 12 is what is in motion, everything is set for a  
 13 month.  
 14 CHAIRMAN SWEENEY: So 30 days from  
 15 today?  
 16 MS. ARMILLIE: Yeah. Yes. As  
 17 long as, like I said, everything stays, which  
 18 it should. Everything is lined up. I can't  
 19 be in control of everything.  
 20 CHAIRMAN SWEENEY: So what is your  
 21 request at this time?  
 22 MS. ARMILLIE: My request is to  
 23 seek a variance for a temporary permit. If it  
 24 was permanent, it would negate the possibility  
 25 of things happening that might complicate it

1 then being in the situation down the road,  
 2 having to have further discussions, which I'm  
 3 trying to prevent. If it was permitted, that  
 4 would negate that possibility. However, that  
 5 being said, my intentions are to have it out  
 6 within a month. I just don't want to be if  
 7 something happens, heaven forbid, something  
 8 else comes along, which I can't control. If  
 9 it was permanent, then it would eliminate any  
 10 further discussions, but it should be gone  
 11 within the next month, because of the further  
 12 progress I made since last meeting. That's  
 13 where I stand right now.  
 14 CHAIRMAN SWEENEY: Before we have  
 15 discussion, is there anything else that you  
 16 want -- so the request, I'm a little bit  
 17 confused about the request. You want to  
 18 request the variance but for a limited period  
 19 of time?  
 20 MS. ARMILLIE: If it's permanent  
 21 then it's easier that, you know, just on the  
 22 paperwork. But if you guys feel like you want  
 23 to restrict it, that's your call. I'm just  
 24 letting you know where I stand right now.  
 25 That I've resolved the situation as much as I

1 could. And I'm planning on moving it. But,  
 2 if you did request the variance, it would at  
 3 least eliminate any further complications on  
 4 us down the road and, you know, it would help  
 5 things run smoother at least on your end, but  
 6 if you want to limit it, that's your option.  
 7 I want to say that's where I stand.  
 8 CHAIRMAN SWEENEY: You also have other  
 9 options, are you aware of that?  
 10 MS. ARMILLIE: No.  
 11 CHAIRMAN SWEENEY: Well, I don't know  
 12 that we can give advice.  
 13 MR. DYNES: May I?  
 14 CHAIRMAN SWEENEY: Sure.  
 15 MR. DYNES: You understand you  
 16 are applying for a variance, right?  
 17 MS. ARMILLIE: Correct.  
 18 MR. DYNES: You've asked this  
 19 Board to provide for you a variance to allow  
 20 this recreational vehicle to stay on the  
 21 property.  
 22 MS. ARMILLIE: That's correct.  
 23 MR. DYNES: You're telling us now  
 24 that you're leaving it up to us in a sense to  
 25 decide if we want to make it permanent, or if

1 in fact we want to restrict you to a month or  
 2 some other time period.  
 3 MS. ARMILLIE: My intentions are to  
 4 have a permanent one, yes, that would be the  
 5 smoothest, easiest option.  
 6 MR. DYNES: Do you have anything  
 7 else you want to tell us? You are kind of  
 8 hedging your bets here what you want to do.  
 9 Is there something you want to tell this Board  
 10 specifically that gives you a permanent  
 11 variance as you applied?  
 12 MS. ARMILLIE: Of course, yeah. I  
 13 apologize for the inconvenience. Basically my  
 14 hands were kind of tied. I got this thing,  
 15 what turned out to be, an investment turned  
 16 out to be fairly a nightmare to be frank.  
 17 So in terms of the reasoning why I was  
 18 requesting permanent variance before was  
 19 because I physically couldn't move the  
 20 vehicle. I couldn't get it out of park.  
 21 There was a whole bunch of other issues in  
 22 terms of like relocating it to the side of the  
 23 house, which would be in the zoning district's  
 24 regulations.  
 25 In terms of the shrubbery, there is a

1 basketball hoop that has a very sturdy  
 2 foundation, a concrete foundation that was  
 3 right next to that, would have to be remove.  
 4 There's a whole bunch of shrubbery on the  
 5 side. It's not level, so it would have to get  
 6 some kind of concrete, I'm guessing some kind  
 7 of concrete. I'm not a finisher, concrete  
 8 finisher, but some kind of concrete pathway so  
 9 that -- because of the weight, you know, and  
 10 to make sure it was safe. There was a whole  
 11 bunch of complications with that.

12 On top of that, I physically couldn't  
 13 even get it out of park to shift. I was  
 14 having some other issues in terms of like  
 15 starting it, charging it, et cetera.

16 MR. DYNES: How long has it been  
 17 there?

18 MS. ARMILLIE: A while. Months.  
 19 All year.

20 MR. DYNES: When was it first  
 21 there?

22 MS. ARMILLIE: Yeah, I think it was  
 23 January maybe.

24 MR. DYNES: 2023 or 2022?

25 MS. ARMILLIE: '23. So all year,

1 you know, I've been working on this. I was  
 2 living in California at the time. I wasn't  
 3 able to -- I was handling, I was paying  
 4 mechanics to come and take care of it, and  
 5 making phone calls, and they weren't.

6 MR. DYNES: Are you living in the  
 7 RV?

8 MS. ARMILLIE: No.

9 MR. DYNES: Did you ever at any  
 10 time consider paying a tow truck to tow it off  
 11 the property?

12 MS. ARMILLIE: Yeah, of course. It  
 13 got towed there. That's why it won't shift.  
 14 I think they damaged it when it was towed, to  
 15 be honest. That kind of put a wrench in  
 16 everything too.

17 Like I said, I've been able to get it  
 18 shifting in gears, and charging, so that it's  
 19 road worthy, so I can get it out of there.

20 MR. GOLING: Does it move now?

21 MS. ARMILLIE: Yes, but it didn't  
 22 before. That's the difference between now  
 23 versus the last time we met.

24 MR. GOLING: So it's stuck in park  
 25 and wouldn't start?

1 MS. ARMILLIE: Yeah. Yeah. There  
 2 was a whole bunch of issues.

3 MR. GOLING: Now it starts?

4 MS. ARMILLIE: Yeah.

5 MR. GOLING: It runs?

6 MS. ARMILLIE: Yeah.

7 MR. GOLING: Does it move?

8 MS. ARMILLIE: Yes.

9 MR. GOLING: Like if you could  
 10 drive it down the street, right now you could  
 11 do that?

12 MS. ARMILLIE: Yeah. That's the  
 13 difference. If you guys just give me some  
 14 time pretty much to get it out.

15 MR. GOLING: What's stopping you  
 16 from driving it down the street right now, and  
 17 finding like a long-term storage parking?

18 MS. ARMILLIE: Well, I'm having  
 19 issues with the insurance because I wasn't  
 20 aware of this, apparently it's got at state  
 21 issued VIN number, which I didn't know was a  
 22 thing to be honest. I'm having a lot of  
 23 issues trying to get full coverage to make the  
 24 trip.

25 Apparently there is not a lot of

1 companies that will offer full coverage. I  
 2 haven't found any that will offer full  
 3 coverage to get from A to B, with a state  
 4 issued VIN number.

5 MR. GOLING: Where do you want  
 6 to take it?

7 MS. ARMILLIE: To California.

8 MR. GOLING: Oh, to California.  
 9 So temporary, to fix our problem now, to get  
 10 it out of the driveway. Is there anyplace --

11 MS. ARMILLIE: It will be gone  
 12 forever.

13 MR. GOLING: Could you store it  
 14 some other place now, to make this problem go  
 15 away now?

16 MS. ARMILLIE: No, because the  
 17 insurance and I also I'm waiting for my Social  
 18 Security card in the mail, so I can get plates  
 19 and all that.

20 MR. GOLING: I know Bob's,  
 21 Vitalone's, SSS, all have heavy-duty wreckers  
 22 and could move it out right now.

23 MS. ARMILLIE: But it needs plates.

24 MR. GOLING: You don't need plates  
 25 to tow it.

1 MS. ARMILLIE: I'm not really  
2 sure on that.  
3 MR. GOLING: I guess the solution  
4 is, what I'm trying to offer here is --  
5 MS. ARMILLIE: I just need a little  
6 more time is what I'm trying to say, to work  
7 out all the little details that are still  
8 lingering now that I got it fixed. I wasn't  
9 really focusing on that part. I was just  
10 trying to get it fixed. Now that that's done,  
11 I'm trying to get the other logistics part.  
12 That's why I'm asking for a little bit more  
13 extension and it should be gone.  
14 MR. GOLING: Just for your own  
15 information, if you tow it, you don't need  
16 plates, you don't need insurance. It becomes  
17 part of the tow truck problem at that point.  
18 So if you need to move it, it can be moved.  
19 MS. ARMILLIE: Okay.  
20 MR. GOLING: Without having to  
21 worry about the VIN or the insurance or  
22 anything.  
23 MS. ARMILLIE: That's interesting.  
24 California is different. California they  
25 require all that, you know. At least that's

1 been my experience.  
2 MR. GOLING: It's a freebie here.  
3 MS. ARMILLIE: Okay. Good to know.  
4 CHAIRMAN SWEENEY: Heather, what happens  
5 if the variance is heard tonight, and it's  
6 granted, and if there are restrictions put on  
7 it, which I assume there will be because the  
8 applicant themselves is suggesting as much,  
9 but if there are, she does not comply with the  
10 variance and its specification, what happens  
11 then? Does she get a notice? How does that  
12 work? I don't know think we've ever addressed  
13 this issue.  
14 MS. FREEMAN: I don't know if legal  
15 counsel would want to chime in on that.  
16 CHAIRMAN SWEENEY: What would happen,  
17 do they get notice that you are in violation  
18 of a variance granted on such and such a date,  
19 you must immediately --  
20 MS. ARMILLIE: I'm trying to avoid  
21 that.  
22 MR. PETERSEN: So if Heather said,  
23 oh, whatever it was, one month variance had  
24 expired, the vehicle was still there, and  
25 there was no other conditions involved, it was

1 just basically a one-month variance, we would  
2 probably just proceed like a regular zoning  
3 violation.  
4 CHAIRMAN SWEENEY: And we start all  
5 over from the beginning?  
6 MS. ARMILLIE: See, that's what  
7 I'm trying to avoid. I'd rather not have to  
8 repeat this if possible.  
9 CHAIRMAN SWEENEY: I don't have any  
10 other questions. Anybody have any other  
11 questions for the applicant?  
12 MS. ARMILLIE: I do apologize for  
13 the inconvenience. It was never my intention  
14 to, you know, get to this point. Just  
15 sometimes things don't work out like you hope  
16 they do.  
17 MS. GARCAR: With your plans to move  
18 the trailer, the RV, does that also include  
19 plans of I saw there is a flatbed trailer  
20 there now, next to the RV.  
21 MS. ARMILLIE: Oh, no, that's --  
22 ironically that's just timing coincidence  
23 because we are having the roof redone. The  
24 trailer is there to help the guys. I think  
25 they are coming tomorrow morning as a matter

1 of fact.  
2 MS. GARCAR: So that's a  
3 contractor's trailer, not your trailer?  
4 MS. ARMILLIE: Right. That has  
5 nothing to do with me. That should be gone in  
6 the next few days. Just timing. Everything  
7 is happening at once. You know how that goes.  
8 CHAIRMAN SWEENEY: Any other questions  
9 for the applicant? Is there anyone else here  
10 speaking for or against this variance?  
11 Let's start with those who are in favor  
12 of the variance. Anybody here to support the  
13 variance, other than yourself?  
14 So those who are against, we'll  
15 probably start in the front here and go up.  
16 Come on up, sir.  
17 MR. BURKHART: My name is Fred  
18 Burkhardt. I have been sworn in. My wife,  
19 Linda, is there. We live at 7501 Mountain  
20 Park Drive. We're the Armillies next door  
21 neighbor.  
22 CHAIRMAN SWEENEY: And we do have your  
23 letter.  
24 MR. BURKHART: I sent you a  
25 letter.

1 CHAIRMAN SWEENEY: Yup.  
 2 MR. BURKHART: It's easier for  
 3 me to read. I'm here to protest giving  
 4 Ms. Armillie the variance. I've also sent you  
 5 an email protesting the problems of the RV.  
 6 Nine months ago Susan Armillie called  
 7 us from Florida, saying the RV was going to be  
 8 delivered and at that time she told us it  
 9 would only be there for a few weeks.  
 10 When it arrived it was being towed.  
 11 She never told us it was broken down, and what  
 12 I call an eye sore. It has sat in the same  
 13 place since that day nine months ago. Four  
 14 seasons have gone by.  
 15 There have been nights the RV has had  
 16 lights and curtains drawn. Lights on and  
 17 curtains drawn. A power cord is strung to the  
 18 RV from the house, for many months, and still  
 19 is today.  
 20 I've heard that they've been told in  
 21 January, June, July to remove it from the  
 22 property. They have not. By giving this  
 23 variance with no end date, they would be able  
 24 to keep this RV in the drive indefinitely.  
 25 They would not have to fix it, keep it up or

1 move it ever, deteriorating even more as time  
 2 goes by.  
 3 They towed it here I heard all the way  
 4 from Columbus, Ohio, instead of towing it to a  
 5 repair shop close to where it broke down. In  
 6 their statement they said no mechanic was able  
 7 to repair it after numerous times. Nine  
 8 months of time.  
 9 The street is zoned residential. It  
 10 should not be a repair shop or a junkyard. If  
 11 the Armillies cannot fix it correctly and make  
 12 it safe to put on the road, they cannot live  
 13 in it according to the zoning regulations,  
 14 what would be the reason to or purpose to  
 15 store it indefinitely?  
 16 In my opinion it's old, broken and in  
 17 poor shape. Its condition is going to get  
 18 worse in time, not better.  
 19 In my opinion it is a fire hazard and a  
 20 safety hazard. It limits our vision when  
 21 pulling out of the driveway. We can't see the  
 22 cars coming down the road in enough time to  
 23 pull out.  
 24 If by chance my grandchildren are in  
 25 the front yard and ran towards the street,

1 they, or whom is watching them at the time, or  
 2 the driver coming down the street, might not  
 3 have enough vision time to prevent a tragedy.  
 4 If my older grandchildren went for a  
 5 walk up the road, then we could not keep an  
 6 eye on them, keeping them in our view. This  
 7 is a wall that limits our view from looking up  
 8 the road from our yard. Imagine not looking  
 9 to the right from your yard for nine months.  
 10 These is a basic right of me being a  
 11 homeowner that is denied to me. I sit out in  
 12 my front yard, I look up, I see a 30 some foot  
 13 wall there. You can't see nothing.  
 14 The condition and the size of the RV is  
 15 not good. Rear bumper and back engine panels  
 16 are off much of the time and on the ground.  
 17 Large accident damage on the right side,  
 18 two-toned faded paint, and the back sides are  
 19 stained dark and greenish color with what  
 20 looks like to me like a mold or a mildew.  
 21 Please, don't take my word for it. Come down,  
 22 take a look. I'm telling the truth. See for  
 23 yourself the damage, the appearance, and the  
 24 safety hazard aspects of it.  
 25 In closing, I feel the variance should

1 not be approved. I do not want, in my  
 2 opinion, this eye sore and potential safety  
 3 hazard to affect my property value or my basic  
 4 rights as a homeowner any longer. Please deny  
 5 this variance and get the RV removed and the  
 6 problem corrected. Don't give Mrs. Armillie  
 7 more time for more excuses. Nine months, in  
 8 my opinion, is enough time. That's how I  
 9 feel. Nine months is a long time. It's been  
 10 there since January. People come down the  
 11 road, they stop and say what's going on with  
 12 that. I say, I don't want to talk about it.  
 13 MR. DYNES: I can tell you --  
 14 thank you -- we've all been there to look at  
 15 it. We're all fatally familiar with what  
 16 exists.  
 17 CHAIRMAN SWEENEY: We all know.  
 18 MR. DYNES: We are very well  
 19 aware. Thank you for telling us that.  
 20 CHAIRMAN SWEENEY: You had some  
 21 comments, sir? Come on up, sir. Thank you,  
 22 sir.  
 23 MR. SHRODEK: My name is Larry  
 24 Shrodek, I live at 7475 Mountain Park Drive,  
 25 the property directly adjacent to where the

1 Armillies live and this RV has been there for  
 2 nine months. Just real quick --  
 3 CHAIRMAN SWEENEY: Have you been sworn  
 4 in?  
 5 MR. SHRODEK: I'm sorry?  
 6 CHAIRMAN SWEENEY: Have you been sworn  
 7 in?  
 8 MR. SHRODEK: Yes, I have. I'm  
 9 sorry.  
 10 We bought our house about two years  
 11 ago. When I bought my house, the RV was not  
 12 there. I can look each and every one of you  
 13 in the face and say I would absolutely not  
 14 even consider buying a home with a derelict RV  
 15 parked in the driveway next to us. Especially  
 16 knowing it's trying to forever.  
 17 This past year I put a lot of money  
 18 into my house; new roof, new siding, did some  
 19 drainage work, a fence, a little bit of  
 20 landscaping with the intent of improving my  
 21 property value. Having this RV is definitely  
 22 not helping the cause. That's an obvious.  
 23 For the record, this homeowner  
 24 willingly brought this RV on to the property,  
 25 knowing that it was in a state of disrepair.

1 So as far as I'm concerned, that is not my  
 2 problem, or any other neighbor's problem.  
 3 That's their problem. That problem should be  
 4 addressed elsewhere than on the property where  
 5 it is being stored right now. That's the way  
 6 I look at it. It's being stored.  
 7 Once again, as Mr. Burkhart said, there  
 8 is an extension cord. I have seen it with my  
 9 own two eyes. I've seen lights go on and off.  
 10 To say nobody has been living in there I think  
 11 is not 100 percent truthful. I've seen lights  
 12 go off at night. I've seen persons go in and  
 13 out of that RV.  
 14 On that note, or a long time, I had no  
 15 idea who that person even was. My family  
 16 lives 100 feet from this RV. Now there is a  
 17 stranger using it as a hangout, or a place to  
 18 sleep. I was never informed who this person  
 19 was. That, to me, is not good in this current  
 20 environment. Pretty much I'm on the same page  
 21 here as Fred here that I completely believe  
 22 this should not be granted for anymore time.  
 23 I leave my driveway in the morning, I  
 24 see this RV. I come down the road, I see this  
 25 RV. I mow my yard, I see this RV. I can't

1 enjoy my yard without staring at this eye  
 2 sore. That's exactly what it is. I'm pretty  
 3 confident any of you have this next to you,  
 4 you would want it gone as well. That's really  
 5 all I have to say.  
 6 CHAIRMAN SWEENEY: Thank you.  
 7 Next? Anybody over on this side of the  
 8 room speaking against? Let's start with this  
 9 side of the room, in the front, anyone here to  
 10 speak?  
 11 MS. ARMILLIE: For or against?  
 12 CHAIRMAN SWEENEY: We're on the against  
 13 now. There was anybody else for. Anybody  
 14 else have anything they want to say?  
 15 Does the Board have any further  
 16 questions or comments?  
 17 At this point I will close the public  
 18 session. There is no discussion -- if there  
 19 is discussion. Any discussion?  
 20 MR. DYNES: I'll start. Try to  
 21 succinctly help if I can. I think we've heard  
 22 enough. We got a lot of letters from  
 23 residents and everyone else. I don't think  
 24 any of the testimony has provided us with any  
 25 evidence whatsoever by which we would grant

1 this variance. I think it's quite simple. I  
 2 don't think there's one thing that's been  
 3 provided by the applicant that shows us a  
 4 hardship or anything else sufficient to  
 5 overcome.  
 6 MR. HACH: I would like to make  
 7 a motion to vote.  
 8 CHAIRMAN SWEENEY: Do I have a second?  
 9 MR. GOLING: Second.  
 10 CHAIRMAN SWEENEY: Just to be sure, the  
 11 motion is to approve or deny the variance. I  
 12 received that motion and a second.  
 13 So, the question is, on the approval of  
 14 variance number 2023-133, a yes vote is for  
 15 the approval of the variance. A no vote  
 16 denies the variance. A minimum of three Board  
 17 members must vote either in favor or against  
 18 for it to carry.  
 19 Heather, take the roll.  
 20 MS. FREEMAN: Ms. Garcar.  
 21 MS. GARCAR: No.  
 22 MS. FREEMAN: Mr. Hach.  
 23 MR. HACH: No.  
 24 MS. FREEMAN: Mr. Dynes.  
 25 MR. DYNES: No.

1 MS. FREEMAN: Mr. Goling.  
 2 MR. GOLING: No.  
 3 MS. FREEMAN: Mr. Sweeney.  
 4 CHAIRMAN SWEENEY: No.  
 5 Your application has been denied. We  
 6 appreciate you coming in tonight. Thank you.  
 7 On to the next variance under new  
 8 business. We have a variance application  
 9 2023-134, Jessica L. Edwards.  
 10 MR. DYNES: Just for the record,  
 11 I'm going to recuse myself. Mr. Markowitz is  
 12 a law partner of mine. So I will step out.  
 13 CHAIRMAN SWEENEY: So noted.  
 14 (Mr. Dynes exited the room)  
 15 CHAIRMAN SWEENEY: I'm just going to  
 16 read the application, Mr. Markowitz, if you  
 17 don't mind.  
 18 Jessica L. Edwards as represented by  
 19 counsel, Mr. Markowitz, requesting a variance  
 20 per Section 9.03(B), from Section 15.02 Use  
 21 Regulations to allow for the storage of four  
 22 motor vehicles to deliver potable water, to  
 23 use a storage shed to service the vehicles and  
 24 water tanks, and provide employee parking for  
 25 four vehicles. This is for the property

1 located at Carter Road, parcel number  
 2 08-A-009-0-00-008-0.  
 3 Mr. Markowitz, good evening.  
 4 MR. MARKOWITZ: Thank you, good  
 5 evening. Dale Markowitz, 100 Seventh Avenue,  
 6 Suite 150, Chardon, Ohio 44024. I have been  
 7 sworn in.  
 8 I would first like to hand a packet of  
 9 exhibits that we are going to use tonight to  
 10 each of you and Mr. Petersen I have one for  
 11 you as well. I'm going to go through this as  
 12 I'm talking.  
 13 MS. FREEMAN: Mr. Markowitz, I'm  
 14 sorry to interrupt.  
 15 Mr. Chairman, do we want to insure he  
 16 would like to move forward with only four  
 17 members, instead of five?  
 18 CHAIRMAN SWEENEY: Yes, thank you.  
 19 Would you like to move forward?  
 20 MR. MARKOWITZ: Sure. We will move  
 21 ahead with four.  
 22 CHAIRMAN SWEENEY: You understand the  
 23 ramifications?  
 24 MR. MARKOWITZ: Yes, and I explained  
 25 to my client we need three out of four yes

1 votes to sustain a variance.  
 2 CHAIRMAN SWEENEY: All right. Thank  
 3 you.  
 4 MR. MARKOWITZ: I'll go through the  
 5 exhibits in a minute.  
 6 My client, Jessica Edwards is here,  
 7 sitting next to me. She is surrounded by some  
 8 of her neighbors, and some of her customers,  
 9 many of them who have a passionate desire to  
 10 be here tonight to help her.  
 11 It's kind of interesting the two  
 12 gentlemen who were talking about how would you  
 13 like to have that RV next to your home. I  
 14 sort of have the same question for you, which  
 15 is how would you like to live in a house that  
 16 doesn't have water. That's what confronted my  
 17 client a number of years ago, which we will go  
 18 into in a little bit. As well as many of the  
 19 people who are here tonight, who are  
 20 supporting my client.  
 21 My client suffered through a period of  
 22 time where there was no water that was potable  
 23 that they could live on in their home. They  
 24 live on Route 86. That is adjacent -- sorry,  
 25 just south, across the street from the two

1 acre parcel which is the subject of the  
 2 variance.  
 3 Very short period of time after they  
 4 moved in, they found out their water was  
 5 eating away all of their appliances. The salt  
 6 contamination from ODOT was so high, they had  
 7 to replace appliances, faucets, whatever.  
 8 They had to stop using their well. As did  
 9 some of the other people in the neighborhood.  
 10 As a result of that experience, which  
 11 she will go into more detail on, because it's  
 12 pretty amazing, she got into the business of  
 13 trying to haul water for her family, and then  
 14 for some of her neighbors. Now it's grown to  
 15 the point where she has four water tank  
 16 trucks, and she has extra water tanks, which  
 17 she moved to this two acre parcel after she  
 18 bought it last year.  
 19 We determined that we needed to get a  
 20 variance because that property is zoned R4.  
 21 It's not zoned for storage of these vehicles.  
 22 I'll go into all that in a minute.  
 23 I spoke with Mike Lucas, your legal  
 24 counsel. We agreed and entered into a  
 25 forbearance agreement where my client was

1 given until the end of November to accomplish  
2 obtaining the variance, or she would have to  
3 move everything off the site. That's been  
4 signed by the Board of Trustees and my client.  
5 We're all living by it.

6 My client acquired the two acre parcel  
7 from the Manley family, because she wanted to  
8 move these trucks she had parking at her house  
9 off her property, and put it onto another  
10 parcel.

11 This parcel was appropriate in her  
12 view, as well as mine, because it's a property  
13 that cannot be used for residential. It has  
14 no water. It is right by the freeway. The  
15 way the topo sits on this particular lot, it's  
16 very high up. There is lot of noise from the  
17 freeway. When Jessica and I went out there on  
18 the lot it was pretty amazing to me how loud  
19 the noise was. Pretty disruptive to anybody  
20 who wants to live there.

21 There are some other homes in Concord  
22 as well as elsewhere that are subject to  
23 noise. But in this particular area, there is  
24 no sound barriers on Interstate 90 to protect  
25 that area.

1 More importantly, that property was  
2 owned by the Manleys since about 1957. They  
3 never were able to put a house on it or sell  
4 it because there's no water.

5 They, like many other people in that  
6 part of Concord, were waiting for the county  
7 or somebody else to bring a water line to that  
8 property, which hasn't happened. Probably  
9 will not happen, probably not during my  
10 lifetime.

11 My client said I can use that property  
12 to store my trucks, move them away from my  
13 house, so they would be further away from my  
14 other neighbors.

15 She had spoken with people who are  
16 neighbors to that particular lot who are --  
17 one of the families to the east, the West  
18 family that are here to support her. They had  
19 no problem with what she was doing.

20 It wasn't until after she put the  
21 trucks on the property that Heather made her  
22 aware that she was in violation of zoning.  
23 Then she contacted me. Hence, we're here for  
24 a variance.

25 The reason why we think you're entitled

1 to grant the use variance, which you have to  
2 prove a non-necessary hardship for use  
3 variance unlike a practical difficulties test.  
4 If we were saying we're only 10 feet from the  
5 line and you need to be 20, we have  
6 practicality difficulties give us really.

7 The standard here is a little harder.  
8 We have to prove to you that we have no way to  
9 use that property for which it's zoned. She,  
10 Jessica, will testify to that. I have well  
11 logs in the packet here, which we can show  
12 you. I'm sure it's well known in the  
13 community now, you'll see there are well logs  
14 that we presented of the homes and parcels  
15 right around where there is either no water  
16 and they drilled wells and had to shut down  
17 the operations, because they couldn't get a  
18 well, or the well collapsed because the  
19 aquifer's so bad.

20 In addition to that the wells don't  
21 work very well because there is contamination  
22 that has occurred for a long time from ODOT  
23 putting too much road salt down in that area.  
24 Because of the nature of the aquifer and the  
25 geology in that area, the salt gets into the

1 aquifer very quickly, causes a high  
2 concentration of sodium.

3 This particular parcel, the two acres,  
4 is also one of those where you couldn't drill  
5 a well. My client contacted Fredebaugh about  
6 it. They said it's not worth drilling a well,  
7 you're not going to get water there. We went  
8 and looked at all the well logs, which you  
9 will see here, and at best the wells have  
10 maybe two gallons per minute. A couple of  
11 them were one, one and a half. Some of them  
12 were 40 gallons per hour, which is less than  
13 one gallon per minute. The draw down was  
14 significant.

15 I'm not sure all of you know what the  
16 draw down means. I know some of you do. But  
17 in aquifers in northeast Ohio you have what is  
18 called a cone of influence. Think of it as an  
19 ice cream cone. The top part is the water  
20 part, the bottom is the funnel as it narrows.  
21 The water draws down from the top and gets to  
22 a narrow point, now you are past the point  
23 where your well is able to get water, you're  
24 sucking air, and your pump is doing nothing  
25 for you because it can't get to the water.



1 So you will see that in a very short of  
2 period of time, in one hour for example on one  
3 of these, the Urbansic's property, which is  
4 next door to my client's property, they have a  
5 50 foot draw down in one hour, which is  
6 enormous. That tells you how bad that is.

7 So, it could take you weeks and weeks  
8 and weeks to be able to pump your well to get  
9 enough water in reserve to be able to survive  
10 over the course of let's say a month. Which  
11 is why my client went into the business of  
12 getting water from Lake County, and Geauga  
13 County, where she first provided to her home  
14 and then her neighbors asked her to provided  
15 it. She did. She started adding more people  
16 in Concord. Now she's added some other people  
17 in Geauga County as well.

18 The water comes from the Bacon Road  
19 facility that Lake County owns. There is  
20 another on that Geauga County owns, across  
21 from UH Geauga, and the new County  
22 Administration Building. There is a source of  
23 water for her down there as well.

24 The majority of people that she serves  
25 are residents right around here. Some of

1 their wells are listed in my well logs there.  
2 They are people who are going to speak  
3 tonight, tell you why it's not only important  
4 for her to be in business, but it's important  
5 for her to be in business right there.  
6 Because you go to take a shower and your hot  
7 water, and you've got friends coming over for  
8 dinner, you can't boil water, what are you  
9 going to do? Sort of like Ghost Busters, you  
10 are going to call Jessica. If Jessica's  
11 trucks are right there, she's going to be able  
12 to go in her truck and take it right to your  
13 house, give you water. That is why she picked  
14 that lot.

15 In addition to the fact that it had  
16 lain fallow for -- probably forever. Now  
17 you've got an opportunity to use it, just for  
18 storage. Not going to have commercial  
19 operations there. You are going to park the  
20 vehicles there. She parked those same  
21 vehicles on her lot for five years, nobody  
22 ever had an issue with it. But she got to the  
23 point where she said I think I should move  
24 these vehicles, put them on a lot. So she  
25 made an agreement with the Manleys and bought

1 the property.

2 We have agreed as part of the  
3 conditions of our variance, we would ask you  
4 to put that into your motion if you are so  
5 willing, that she would not have more than  
6 four water trucks parked there. She would not  
7 have other vehicles parked there other than  
8 employee vehicles.

9 There is a little shed there you will  
10 see from the site photos that Jessica took,  
11 she'll testify to. That she would have the  
12 shed there and there is a couple small, little  
13 small plastic water tanks she uses to be able  
14 to fill up and be able to supply her  
15 neighborhood.

16 We would also ask you to understand  
17 because this is water, it's potable water,  
18 which is in very short supply in that part of  
19 the township, it's a very important function  
20 that she serves. It's another reason why, in  
21 our view, this would support a use variance.  
22 In addition to the fact that you can't use  
23 that property for a house. There is a reason  
24 why it never had anybody build on it since the  
25 Manleys bought it about 67 years ago. I'll

1 come back at the end for anything else you  
2 might want to know about. Jessica will speak  
3 and some other folks. If you have any  
4 questions, I'd be happy to entertain those  
5 now.

6 CHAIRMAN SWEENEY: Thank you.

7 MS. EDWARDS: Hi. I'm Jess  
8 Edwards. I live at 12275 Painesville-Warren  
9 Road. I own the property on Carter Road that  
10 we're discussing now. I have been sworn in.

11 My husband and I started our water  
12 hauling business in 2018. I'll give you the  
13 Cliff Notes version because I could really  
14 write a book from what we've gone through.

15 We bought our house in 2010, our dream  
16 home. Started a family. I'll try not to cry.  
17 It's a lot bringing it all up.

18 Got pregnant right away. In May of  
19 2011 I ended up with preeclampsia.  
20 Unbeknownst to us, our well was contaminated  
21 with road salt. We were drinking the water,  
22 cooking with the water, bathing. We were  
23 living in our house. My daughter was born a  
24 month premature. She was 4 pounds. I breast  
25 fed. She never latched because she was so

1 small. We came home after 10 days of being in  
 2 the hospital, I had to pump continuously.  
 3 Wash all of my parts. So within less than a  
 4 year a brand new stainless steel dishwasher  
 5 rusted out. Leaking all over. What happened?  
 6 Our brand new stainless steel sink rusted out.  
 7 Then it was our hot water tank, our washing  
 8 machine. I'm trying to raise my daughter, I  
 9 was still working. I went on early maternity  
 10 leave so I was running the senior center I  
 11 worked at, trying to figure what was going on  
 12 with my home.

13 I contacted every agency in the state.  
 14 I came to the Concord Trustees for help. The  
 15 Lake County Health Department told me to  
 16 contact ODNR because there had been a well  
 17 that was drilled by us, to see if there was  
 18 fracking that had caused our salt in our  
 19 water. ODNR determined it was road salt.

20 We drilled another well to find out it  
 21 was also contaminated. The aquifer on our  
 22 property was contaminated. We cut off using  
 23 the water. I carried my dirty dishes back and  
 24 forth to work every day for two years. I  
 25 brought home gallons and gallons of water to

1 bathe my daughter. I did everything to fight  
 2 for my family.

3 With the help of Congressman Joyce  
 4 putting pressure on ODOT, they finally did an  
 5 investigation to help us. They took 283 soil  
 6 samples to find out that it was contaminated.  
 7 If I wanted them to do anything to help me, I  
 8 had to sue them. So we did.

9 We set a precedent in the state that  
 10 they are not maintaining the road ditches and  
 11 the salt is contaminating aquifers. If you do  
 12 a Google search you will find it is happening  
 13 all over the country, but other states are  
 14 taking responsibility.

15 In the meantime our lawyer had us cut  
 16 off all of our water to our house. We bought  
 17 tanks and put in a holding tank system in our  
 18 garage. The company that we had delivering  
 19 our water went out of business.

20 So then I spent another two and a half  
 21 years driving back and forth every Saturday of  
 22 my life with a 300 gallon tank in my pickup  
 23 truck to my father's house, to get my own  
 24 water. It got old. It took me eight to nine  
 25 hours every Saturday. It's what I did. I

1 packed up my daughter and went to see my dad  
 2 to get our water. Came home, pumped it in our  
 3 tank, went back.

4 So, there were very little options to  
 5 get water delivered. There was a company in  
 6 Geauga that was crazy expensive. Another  
 7 couple of guys in Leroy that were not  
 8 certified at the time for household water.  
 9 Obviously that was very important to me that  
 10 someone does it the way it's supposed to be  
 11 done.

12 So my husband and I discussed getting a  
 13 water truck for our own house. I, in the  
 14 middle of the lawsuit had taken a position at  
 15 the state. I worked downtown Cleveland. My  
 16 husband actually works somewhere very close to  
 17 this building.

18 We started hauling water to our  
 19 neighbors and ourselves nights and weekends.  
 20 We continued to grow. We now have four  
 21 trucks. For five years my trucks have been in  
 22 broad sight in our back service driveway.

23 It was getting -- we were causing  
 24 trouble with traffic by trying to shuffle  
 25 trucks in and out of the driveway. So we

1 decided to buy that property because it had  
 2 been for sale the entire time that we've been  
 3 living there.

4 I can tell you I've had probably 10 to  
 5 15 calls, people that were looking at buying  
 6 that property. They were asking me because  
 7 they saw my trucks out there about the water  
 8 situation. What to do. I explained to them  
 9 the same thing I talk to any new customer that  
 10 calls me on what to do, because I don't know  
 11 about all of you, but until you don't have  
 12 water, it's hard. It's very hard.

13 No one ever bought it. Then we decided  
 14 to purchase it, to move the trucks over there.  
 15 Again, I never knew I couldn't have them at my  
 16 house because they've been there for five  
 17 years. Now we moved them across the street.

18 You cannot even see them now. Now they  
 19 are completely in the woods, out of sight.  
 20 They leave in the morning and they come back  
 21 at night. We leave water on the trucks on the  
 22 weekends and evenings because the water plant  
 23 is not open on Sundays. They close at eight  
 24 o'clock at night.

25 So any one of these people call me at

1 nine o'clock, and they know they can, hey,  
2 somebody left the toilet running, Jess, I need  
3 to shower tomorrow, I have a busy appointment.  
4 I'm there at six o'clock in the morning so  
5 they can take a shower, so they can go to  
6 work.

7 I'm asking that you consider this  
8 variance because we've invested so much money  
9 now on property that no one is going to buy  
10 back from us, so I could continue to keep  
11 serving the customer that I serve. We haul  
12 almost five million gallons of water a year.

13 In the last eight months, over 100  
14 residents in Concord alone. We do all of Lake  
15 County. We service all of Fredebaugh, and  
16 Ayres Well Drilling's emergencies. When they  
17 have an emergency, they call me. If they are  
18 putting in a temporary system for anybody.

19 I cannot even tell you how many  
20 businesses in this area that I am listed on  
21 their emergency prepared plan if something  
22 happens and there is no water, they call me at  
23 3:00 in the morning.

24 We just hauled 130,000 gallons of water  
25 three weeks ago so a company could flush out

1 We have an area here where our  
2 employees park. We have four trucks. I'm the  
3 main driver. In the Winter it's usually just  
4 me. There is not even many days that there is  
5 three other cars there.

6 Again, we have that even designed where  
7 you can't see it. It still looks secluded and  
8 in the woods. If you look at the next few  
9 pictures, all four of our trucks are parked  
10 back there. You can't see them from the road.  
11 That's the photo that's from the road, all  
12 four trucks parked up there. That's how they  
13 are all parked up there. Behind the truck  
14 with the greener tank, there is a barn, which  
15 is actually the Wests' barn for their horse  
16 barn. So we are closest to them.

17 We have it all -- we just spent almost  
18 \$10,000 in gravel to build this driveway  
19 before any of this even happened. Not only  
20 did we purchase the property, we have all this  
21 other money invested. You can still see this  
22 picture here, if you are standing at the road,  
23 there's four trucks up there, four big trucks  
24 you cannot see.

25 MR. GOLING: They are parked there

1 the Dominion gas lines, so we all have heat,  
2 whoever has natural gas this Winter.

3 It's just unbelievable that my whole  
4 life has been consumed by water since we  
5 bought this house. All I'm asking is that I  
6 can continue to keep serving my customers.

7 We have done everything to respect all  
8 of our customers. They all knew before we  
9 bought this property what we planned on doing.  
10 We put the trucks back in the middle of  
11 nowhere, so they are not seen. They are not  
12 excuse me, an RV sitting there blocking  
13 someone's view.

14 I have a whole list of things I'm  
15 supposed to say.

16 MR. MARKOWITZ: Can you go through  
17 the site photos and site plans.

18 MS. EDWARDS: Yes. So the site  
19 photos, you can see the property. I don't  
20 know the one that -- I don't have that with  
21 me. The first one can you see the property is  
22 very narrow, straight back. Actually these  
23 back here, we are almost -- I can see Route 90  
24 where we stand, where our trucks are parked.  
25 It's as loud as can be up there.

1 now?

2 MS. EDWARDS: They are parked  
3 there, in the picture.

4 MR. GOLING: Oh, I don't see  
5 them.

6 MS. EDWARDS: If you look at this  
7 little tiny part right there.

8 MR. GOLING: Got it.

9 MS. EDWARDS: You can see in the  
10 packet there is also a letter from Ayres,  
11 about how we do all their emergency services.

12 The Jacobs, who are next to our  
13 property and that property. I guess I don't  
14 need to go through all this.

15 Anyway, I'm asking to continue serving  
16 this community.

17 MR. GOLING: Do all the houses on  
18 Carter, like when you go up Carter that  
19 parallel the interstate, none of those have  
20 good water?

21 MS. EDWARDS: Most of them are here  
22 and I serve their water.

23 MR. GOLING: I had no idea.

24 MS. EDWARDS: There is also newer  
25 houses on Breezewood that have just been

1 recently built, that are also now contaminated  
2 with road salt.

3 MR. GOLING: So they have  
4 cisterns now?

5 MS. EDWARDS: Um-hum, yeah. The  
6 ones that -- there are many customers that we  
7 have that have holding tanks in their  
8 basements. Luckily this Summer was very  
9 rainy, so we didn't have that much of a  
10 drought. Typically we're running hoses  
11 through people's basements to fill 300 gallons  
12 just so they have enough water to get through  
13 a couple of days. There is very little water  
14 in that area of Concord and Leroy. I know  
15 more about water than I ever wanted to know  
16 about in my entire life. I was the director  
17 of a senior center.

18 I truly believe now the universe put me  
19 where I'm supposed to be. That I was given  
20 this burden because I was able to carry it.  
21 And now I can help others. That's all I'm  
22 asking, because if we can't keep them there,  
23 no one is going to buy this property, and  
24 we're out. I don't even know what we will do.

25 Did I forget anything else, Dale?

1 MR. MARKOWITZ: You're good.

2 MR. GOLING: How's your daughter  
3 doing?

4 MS. EDWARDS: She's good now. She  
5 is good now. 12 going on 20. Who has no  
6 idea.

7 CHAIRMAN SWEENEY: Thank you.

8 MS. EDWARDS: I could show you  
9 videos of what the water was coming out as  
10 black as that.

11 MR. MARKOWITZ: Is it okay if  
12 Mr. West goes next?

13 CHAIRMAN SWEENEY: Yes. Can we take a  
14 short break?

15 (Recess taken.)

16 CHAIRMAN SWEENEY: Ready to reconvene.  
17 Thanks for allowing me to take a break.

18 Again, thank you for your  
19 participation. Is there anyone else that is  
20 speaking on behalf of this?

21 MS. GARCAR: Can we do against  
22 first?

23 CHAIRMAN SWEENEY: Is there anyone that  
24 is against this? Let's start with those who  
25 are against this variance. Doesn't look like

1 there are any.

2 Let's start with those who are in  
3 favor. Let's start from the front. We will  
4 go, work our way to the back.

5 Does someone need to go first? Then  
6 we'll go in order from front to back.

7 MR. COOK: My name is Harry  
8 Cook. I live at 12135 Huntoon Road, Concord.  
9 And yes, I've been sworn in.

10 I was a former driver for JCE Water.  
11 All I want to do is really say that they are  
12 an asset to the community. They are not a  
13 company you are going to go by their place and  
14 find junk laying all over the place, like a  
15 trucking company, sometimes you go by and it  
16 looks like a junkyard, right. They keep their  
17 equipment maintained. They are state  
18 certified, so they are not just a hillbilly  
19 type outfit. They are a top-notch outfit.  
20 Working for Jess, there were so many times  
21 when she would say we've got somebody out of  
22 water. Bam, there we go. They always take  
23 priority. I just think they would be a great  
24 asset to the community, should be allowed.

25 CHAIRMAN SWEENEY: Thank you.

1 MR. COOK: I just live around  
2 the corner from them, so.

3 CHAIRMAN SWEENEY: Yeah, Huntoon, yeah,  
4 sure.

5 MR. COOK: That's all for me.

6 CHAIRMAN SWEENEY: Next?

7 JUST to be sure, sir, you are speaking  
8 in favor?

9 MR. SMITH: I'm speaking in  
10 favor.

11 CHAIRMAN SWEENEY: Of granting the  
12 variance. Thank you.

13 MR. SMITH: My name is Richard  
14 Smith.

15 CHAIRMAN SWEENEY: I'm sorry, sir, I  
16 can't hear you.

17 MR. SMITH: My name is Richard  
18 Smith. My wife and I live at 6257 Conley  
19 Road. We are about a quarter of a mile across  
20 the other side of the freeway from the  
21 property in question.

22 We bought our property -- we've been  
23 there for 28 years. When we first bought the  
24 property, there was a notice of disclose, as  
25 all sales have, that there was some issues

1 with the property. One the issues was water.  
2 So, when I got into the house, did a tour of  
3 it, I found out there was so little water from  
4 the well --

5 CHAIRMAN SWEENEY: Sir, we're speaking  
6 about the property that is the subject of the  
7 variance.

8 MR. SMITH: Yes. The point is,  
9 we needed to have water delivery, because our  
10 well went blank.

11 MR. HACH: Sure.

12 MR. SMITH: We had a 1600 gallon  
13 underground storage tanks installed. When  
14 they were installed by Ayres, Jessica was the  
15 water purveyor that filled our tanks. Has  
16 been ever since, about three or four years  
17 now. We live there for 24 years. Run the  
18 laundry every day, or whatever, without water.  
19 Now we've got water. It's a blessing to have  
20 Jess. She is very prompt, very courteous.  
21 Everything is well maintained.

22 Just for the purpose of illustration I  
23 wanted to show this map from ODNR. It shows  
24 how poor Lake County is in water quality. All  
25 the orange spots are less than 2 gallons per

1 I had Fredebaugh and Ayres both  
2 involved and they were drilling down the  
3 street. They said we can drill, we can try to  
4 drill a new well, but we're hitting salt.  
5 Then they said the best thing we can do is  
6 install either overflow tanks in the basement  
7 or a cistern. I had no idea what that was.  
8 They said your neighbors on either side are  
9 low flowing, and they subsidize their water  
10 with Jess who is right on the corner of 86 and  
11 here's her information. Give her a call. She  
12 can kind of tell you more about the area.

13 So I did that. Jess came out like  
14 immediately. Like the same day. Filled me  
15 in. Gave me hope. Like I was like -- I spent  
16 a couple years restoring this house and this  
17 property and now I don't have water. I never  
18 appreciated water until I didn't have it. Or  
19 I didn't have clean water.

20 So, I've been a customer of Jess' for  
21 the last two years. I am one of those  
22 customers who on a Sunday night by alarm goes  
23 off and I text Jess, she is like I'll be there  
24 at eight o'clock in the morning because I know  
25 you guys need water. She's an asset. She's

1 hour. The necessity of having water,  
2 obviously.

3 CHAIRMAN SWEENEY: Right. We're aware  
4 of that.

5 MR. SMITH: She delivers so many  
6 gallons of water because the average family of  
7 four takes about 12,000 gallons of water per  
8 month, so.

9 CHAIRMAN SWEENEY: Thank you.

10 MR. SMITH: We are in favor of  
11 her.

12 CHAIRMAN SWEENEY: Great. Appreciate  
13 it.

14 Next.

15 MR. SIMONIAN: Hello. My name  
16 is Jim Simonian. I live at 12381 Carter Road.  
17 I have been sworn in.

18 CHAIRMAN SWEENEY: You're in favor?

19 MR. SIMONIAN: Absolutely.  
20 I'll make this very short. When I first  
21 bought my property I'm right on the Leroy  
22 line, half way in between 86 and Vrooman. My  
23 well was low flowing, super low. Like  
24 three-quarters of a gallon per minute. Then  
25 it ran out before the end of the 30 minutes.

1 an awesome resource. Thank you.

2 CHAIRMAN SWEENEY: Thank very much.  
3 Next.

4 MR. WEST: Good evening. George  
5 West and --

6 MRS. WEST: Laurel West.

7 MR. WEST: 12299 Carter Road in  
8 Concord. We have been sworn in.

9 We have been at our residence for 48  
10 years.

11 CHAIRMAN SWEENEY: Cool.

12 MR. WEST: We live directly in  
13 conjunction with the property that Jess and  
14 Cameron own. We are blessed to have adequate  
15 water supply.

16 CHAIRMAN SWEENEY: Before the highway  
17 was put in?

18 MR. WEST: Pardon?

19 CHAIRMAN SWEENEY: You lived there  
20 before the highway was put in?

21 MRS. WEST: No.

22 MR. WEST: This well has been  
23 there since --

24 MRS. WEST: If we were there.

25 CHAIRMAN SWEENEY: What year did you

1 move in?

2 MR. WEST: '75

3 CHAIRMAN SWEENEY: I'm sorry. Go  
4 ahead.

5 MR. WEST: Anyhow, what we're  
6 trying to say is our well, we get good water.  
7 We don't have a lot of volume. We have large  
8 casings. We're not in need of Jess' services,  
9 but we are in need of Jess and her company to  
10 service the area around us. They provide such  
11 a great service. Honest, decent people. If  
12 anybody is affected by their trucks it's  
13 Jeannie and I. We go by Jeff and Jeannie,  
14 not George and Laurle. But anyhow, we're not  
15 offended at all by their trucks. We consider  
16 them wonderful people, good neighbors. Their  
17 trucks are hidden from view. They do a very  
18 good job of maintaining the property, and  
19 we're very thankful that they are there. We  
20 highly approve what they are doing. We pray  
21 that you'll grant this variance.

22 Anything you would like to add?

23 MRS. WEST: Yes. I would like to  
24 make it clear that before they purchased the  
25 property, they came to us. We'd never really

1 good. We certainly back them being able to  
2 run this businesses next door to us. They are  
3 not an intrusion in the least. They've been  
4 very respectful of the land. The wildlife  
5 hasn't changed. We still have the deer  
6 running all over the place, the raccoons, the  
7 opossums, skunks, you can have those. They  
8 are very responsible with what they are doing.  
9 We're behind them 100 percent.

10 MR. HACH: Is this you right  
11 here?

12 MRS. WEST: That's my pond.

13 MR. HACH: In the Fall would the  
14 trucks be visible?

15 MRS. WEST: Not to us from where  
16 we are. There is a tree line, and we have a  
17 fence part of the way. We have a fenced horse  
18 pasture that they are partially around back  
19 there.

20 MR. WEST: They're backed behind  
21 our horse barn. I can see the tops of the  
22 trucks. No big deal.

23 MR. HACH: I think they run a  
24 great operation. I just didn't know if  
25 thinking about it now --

1 met them. We know they were on the corner,  
2 but they were younger, you know, so we just  
3 didn't socialize.

4 Cameron came over and up our driveway  
5 and explained what their plans would be. That  
6 they would like to buy the property. Asked if  
7 we wanted to buy the property, then they would  
8 back off. And we told them we'd opportunity  
9 for 48 years we've been there, that we did not  
10 intend. But we really appreciated them coming  
11 and talking with us about their plans.  
12 They've done so the whole time.

13 They haven't made one move over there  
14 without saying we're thinking of doing this,  
15 do you have any suggestions, do you have any  
16 issues.

17 I'll tell you, you hardly even hear a  
18 backup beeper once in a while when they do  
19 have to back in. They're very respectful  
20 timewise, by the hours they go out. If they  
21 have to go out in the night, they pull back  
22 in. They don't back in if it's late and  
23 they've been out on a run. We're very blessed  
24 to have them in the neighborhood.

25 The business, I've heard nothing but

1 MR. WEST: They are not  
2 offensive to us in the least bit

3 MR. HACH: Not thinking about  
4 when the leaves are gone. That's okay.

5 MRS. WEST: Live and let live.

6 MR. WEST: We're happy to have  
7 them as neighbors.

8 MR. HACH: Thank you.

9 CHAIRMAN SWEENEY: Thank you.  
10 Next?

11 MS. ELERSIC: My name is Donna  
12 Elersic. I've been sworn in.

13 I live at 12365 Carter Road. So I'm  
14 about three houses down from where Jess stores  
15 her vehicles.

16 CHAIRMAN SWEENEY: Speak up just a  
17 little bit.

18 MS. ELERSIC: We moved there  
19 about two years ago. Our well still is  
20 working, as long as there is enough rain. So  
21 Jess has saved us quite a few times, and once  
22 on a Sunday. So we were definitely blessed to  
23 have her, and have her have the trucks right  
24 there with the water in it, so she could bring  
25 us water. I'm a long time friend of hers. We

1 went to school together. I know all she's  
2 been through. She is just a stand up person,  
3 her and Cameron. They run a wonderful  
4 business.

5 CHAIRMAN SWEENEY: You live on the same  
6 side of the street as she, but further down?

7 MS. ELERSIC: I live on the  
8 opposite side. So the same side as the trucks  
9 are stored on.

10 CHAIRMAN SWEENEY: Right. Okay. Same  
11 side as the trucks are stored on. Okay.

12 Anybody else like to speak?

13 MR. CIMINO: Hi. My name is Tom  
14 Cimino. I live at 6485 Rogers Road and I have  
15 I've been sworn in.

16 I built my house in 2000. I was 49  
17 years old when I started it. I had a house in  
18 Painesville. Went to sell the house in  
19 Painesville, talked to the realtor, she said  
20 when are you going to be in. I said probably  
21 July. She said well that's good because your  
22 house is a starter house, people who want to  
23 buy this kind of house, it will take a long  
24 time to get their finances. Take nine months  
25 before the house is sold. You ought to be

1 said, but I got to warn you, he said wells  
2 don't get better with age.

3 CHAIRMAN SWEENEY: This is your well  
4 you're talking about?

5 MR. CIMINO: My well, yes.

6 ARBITRATOR: But you're in favor  
7 of her operation?

8 MR. CIMINO: Absolutely. Wells  
9 don't get better with age.

10 So on occasion I've had -- I've got a  
11 pipe in my garage that's hooked to one of the  
12 two tanks that I can bring in water. I've had  
13 occasions to work with other people through  
14 delivering water. Two or three other  
15 different companies. Use the term lightly.  
16 One, his biggest pride that he was able to buy  
17 his truck from the Leroy Fire Department for  
18 \$1400. So you could tell he's not an up and  
19 up business, you know.

20 Then I saw Jess' trucks, and got the  
21 number. Called it. Called her. I've got to  
22 tell you, it's a class operation. You guys  
23 know that. It's a class operation. They've  
24 got great equipment. Three of the four trucks  
25 are Fords so that's good. Personable people.

1 good. I said okay. Signed the papers. The  
2 house sold two days later.

3 So, we got the foundation being put in  
4 and the well driller is drilling the well and  
5 he's 145 feet deep and he is bringing up dry  
6 shale. I'm thinking, oh my God, the money I  
7 got for the house, I'm going to have to spend  
8 to fill the hole back in. We will end up  
9 living back down in Geneva-on-the-Lake in one  
10 of those little cottages again at 49 years  
11 old.

12 So, I was fortunate that found out that  
13 we're going to have water problems early on.  
14 So we still hadn't put the floor over the  
15 foundation yet, so we were able to put two  
16 1500 gallon tanks in my basement. So I don't  
17 have them sitting in my garage. I don't have  
18 a two car garage that's got one car parking  
19 because the other side has got tanks in it.

20 Long story short, my well, Mr. Davis  
21 hooked up the well, he said this well is a low  
22 yielding well. It puts out a quart a minute.  
23 He said as long as it's just you and your  
24 wife, we can hook up these tanks to it. Get  
25 these tanks filled up, you should be okay. He

1 You go by their house, the house is immaculate  
2 all the time. I have no doubts that the other  
3 property will be kept the same way.

4 MR. HACH: So you're in favor of  
5 this?

6 MR. CIMINO: Absolutely in favor.

7 CHAIRMAN SWEENEY: Thank you.  
8 Appreciate it.

9 Anyone else?

10 (Sworn in)

11 CHAIRMAN SWEENEY: Please state your  
12 name and your address.

13 MR. CUSMAN: My name is Tony  
14 Cusman. My address is 7394 Cascade Road.

15 MRS. CUSMAN: I'm his wife,  
16 Meredith Cusman. Same address, 7394 Cascade  
17 Road.

18 CHAIRMAN SWEENEY: Great. Speaking in  
19 favor?

20 MR. CUSMAN: We're for the  
21 variance, yeah.

22 CHAIRMAN SWEENEY: Okay, great.

23 MR. CUSMAN: So we're on the  
24 corner of Cascade and Girdled. About six  
25 years ago -- we have a well of course, as most

1 of the people do in that area. About six  
2 years ago our well essentially it was low  
3 producing prior to that, but then essentially  
4 we had to cap it off because it wasn't  
5 producing anything at all.

6 Basically the only recourse we had,  
7 after doing a lot of research, talking to  
8 people, was to acquire the property that was  
9 adjacent to the initial property we bought  
10 from our neighbors. We purchased the property  
11 from our neighbors and we had a cistern  
12 installed in order to get water to operate our  
13 house.

14 MRS. CUSMAN: Prior to that, before  
15 we could get the property we had a 1500 gallon  
16 tank in our front yard, because we weren't  
17 able to get a cistern in. So, Fredebaugh, who  
18 had brought the temporary tank, they  
19 recommended Jess to come deliver the water.  
20 That tank only would last us about two weeks.  
21 So every -- we had to keep it full.  
22 Especially in the Winter, because we went over  
23 two Winters with this in our front yard,  
24 because we weren't able yet to install the  
25 cistern, because we didn't have the property

1 to do so. So, had to keep it full all the  
2 time. So we depended on her every week and a  
3 half at the very least to get her to deliver  
4 us water so we could shower, flush our  
5 toilets, drink, everything. We just wanted to  
6 say that she is an asset, something that we  
7 really need. We're definitely in support of  
8 it.

9 CHAIRMAN SWEENEY: Thank you very much.

10 Back row. Thank you for being patient.

11 We all already know that you are in favor.

12 MR. HEALEY: I'm in favor. My  
13 name is Craig Healey. I live at 5700 Vrooman  
14 Road. I was sworn in in the beginning.

15 I have a long history in plumbing,  
16 piping, master plumber license in 1991.  
17 Worked on well plumbing, all kinds of  
18 cisterns, such and so forth.

19 I moved to this area in 2019. I looked  
20 at the property that they moved to. I was  
21 actually looking at buying it. I bid on a  
22 couple properties in the area. One on Carter  
23 Road that has a really nice pond in the back.  
24 Just down the road from them. I got outbid on  
25 multiple properties but I ended up buying my

1 property at 5700 Vrooman Road. It's one of  
2 the oldest properties in Lake County.

3 Fredebaugh did the plumbing, cistern on  
4 my property. So they are my domestic water  
5 supplier, so they are my public utility for  
6 water supply. I order water once a month.  
7 Without JCE I would not have water. I would  
8 not have a domestic water supply on my  
9 property. I am in favor of them.

10 I'm also on the National Legionella  
11 Committee for domestic water supply for the  
12 United States of America, and Ohio. I work  
13 for the federal government. I watch what they  
14 do. I watch how they supply the water supply.  
15 They chlorinate their tanks before they  
16 deliver it. They do everything properly.  
17 They are very professional. So, I am much in  
18 favor of them being the number one supplier in  
19 this county for domestic water. They do  
20 everything proper. It's very professional  
21 company.

22 CHAIRMAN SWEENEY: Thank you very much.

23 MR. HACH: Appreciate it.

24 CHAIRMAN SWEENEY: We're getting  
25 towards the end here. Come on up.

1 MS. WALTERS: Good evening Ladies  
2 and Gentlemen of the Board. My name is Sophie  
3 Urbancic Walters. I live at 12313 Painesville  
4 Warren Road. I have been duly sworn in.

5 I live right next door to Jessica and  
6 Cameron. I am their next door neighbor, we're  
7 about 20 feet apart. Just to give you --  
8 first of all I am very much in favor of  
9 their being here.

10 Just to say quickly, my family has  
11 lived in Concord Township since 1915. My dad  
12 was born here in 1920. For what it's worth,  
13 he was Citizen of the Year in 1984. So our  
14 heart is in Concord Township, and I love it.

15 I have lived in my house, which my  
16 parents built in 1956 and lived there all my  
17 life. I inherited since they passed. I will  
18 say honestly if it weren't for Jessica and  
19 Cameron and their company, I would not be able  
20 to stay there, because we have a very shallow  
21 well. We have a 4,000 gallon inground  
22 cistern, which when it rains, we have rain,  
23 that's great. It doesn't rain all the time.  
24 We have had some wicked droughts. Thank God  
25 for Cameron and Jessica.



1 They are good neighbors. They are good  
2 people. When I need water, and I call Jess at  
3 eleven o'clock at night, Jessica it happened  
4 earlier, she literally ran a hose across her  
5 back yard and helped me get water at eleven  
6 o'clock at night. I know she was tired and  
7 she did this because they are good people.  
8 They are good neighbors.

9 My dad lived his life by one very  
10 important ethos. That is, you help your  
11 neighbors. You support your neighbors. It's  
12 local. This is where we live. This is our  
13 home. When we are so fortunate and blessed to  
14 get people like this in our community, we want  
15 them to stay. Because my dad would look at  
16 them and he would be so impressed and amazed  
17 that we are so lucky to have these people  
18 here. I want them to stay as out water  
19 company. And I want them to stay as our  
20 neighbors and citizens of Concord.

21 CHAIRMAN SWEENEY: Thank you very much.

22 MR. GOLING: How long can you go  
23 on a 4,000 gallon cistern? I have no idea.

24 MS. WALTERS: Surprisingly  
25 because we take Navy showers, we have to be

1 very frugal with our water, very careful. We  
2 do have a well. We have 2 gallons a minute.  
3 The grandfather of the current Mr. Fredebaugh  
4 actually drilled it in 1957, even back then,  
5 before the earthquake, it was bad. It was  
6 very bad. It's not good. So fortunately  
7 Mr. Fredebaugh had back then advised my dad to  
8 put this cistern in. Thank God, because  
9 that's my ace in the hole. But we have to be  
10 real frugal. Thanks to Jessica and Cameron,  
11 they are right there, that we can make it  
12 work.

13 CHAIRMAN SWEENEY: Thank you. If there  
14 are no further comments, which I don't believe  
15 there are. We will close the public hearing.

16 Any discussion?

17 MR. HACH: I apologize, is this  
18 where we make some comment and asking for --

19 CHAIRMAN SWEENEY: If you want. You  
20 don't have to.

21 MR. HACH: So I want to be clear  
22 that, you know, there's not mechanical work  
23 being done back here, things like that. You  
24 know, I guess the Wests are obviously good  
25 neighbors. We all want to keep that. I guess

1 that would be the only thing, condition, no  
2 mechanical work be done on the property, on  
3 the site, is that reasonable, is that --

4 CHAIRMAN SWEENEY: Well, I don't know,  
5 do you want to talk about that now?

6 MR. HACH: Isn't this a  
7 discussion?

8 CHAIRMAN SWEENEY: There are a couple  
9 others -- I want to add that to --

10 MR. HACH: That's what I'm  
11 trying to get at or ask.

12 CHAIRMAN SWEENEY: I have one question  
13 about the Jacobs property, Mr. Markowitz.  
14 Just address that briefly. Did you speak with  
15 him, is there any comment? I assume he got  
16 notice.

17 MS. EDWARDS: There is a letter  
18 from him in the packet.

19 MR. MARKOWITZ: They are supporters.

20 CHAIRMAN SWEENEY: My bad. We're good.

21 MS. EDWARDS: They have health  
22 issues, they can't come.

23 CHAIRMAN SWEENEY: Fine. Just wanted  
24 to cover that. That's a big chunk of land.  
25 Sorry to interrupt.

1 MR. HACH: So, I guess that was  
2 my only concern is, you know, that there isn't  
3 mechanical work being done, dropping  
4 transmissions, changing engines, things like  
5 that.

6 CHAIRMAN SWEENEY: We can add any  
7 modification we want.

8 MS. EDWARDS: We're not that  
9 talented. It goes to mechanics.

10 MR. HACH: Also, any kind of  
11 abandoned vehicle or anything like that.  
12 Other than that, I used to live in Leroy and I  
13 think you helped me out once or twice. I  
14 understand how important you are. You do run  
15 a great operation. Those are only the kind of  
16 considerations, concerns I had.

17 CHAIRMAN SWEENEY: Actually I think  
18 Mr. Markowitz suggested that we modify the  
19 variance to include the conditions of not more  
20 than four water trucks; is that correct?

21 MR. MARKOWITZ: Yes.

22 CHAIRMAN SWEENEY: And only employee  
23 vehicles, is that right?

24 MR. MARKOWITZ: Correct.

25 CHAIRMAN SWEENEY: Do I hear that

1 correctly?  
 2 MR. MARKOWITZ: That's correct.  
 3 CHAIRMAN SWEENEY: Then you want to add  
 4 another?  
 5 MR. HACH: No mechanical work  
 6 to be done on the site and no abandoned  
 7 vehicles. There's actually a code for that  
 8 anyway.  
 9 CHAIRMAN SWEENEY: So no mechanical --  
 10 MR. HACH: Is there a code for  
 11 mechanical?  
 12 CHAIRMAN SWEENEY: What would be the  
 13 right term for that? No --  
 14 MR. MARKOWITZ: No junk.  
 15 CHAIRMAN SWEENEY: That's a given.  
 16 MS. FREEMAN: I was sworn in. TR  
 17 was asking about whether there was a  
 18 resolution regarding doing mechanical work in  
 19 an R4 District.  
 20 MR. HACH: If it's already  
 21 covered in an existing code.  
 22 MS. FREEMAN: No, I think not. We  
 23 have some --  
 24 CHAIRMAN SWEENEY: Come back for --  
 25 MR. HACH: Mechanical.

1 CHAIRMAN SWEENEY: We will hold off on  
 2 that.  
 3 MS. FREEMAN: I recommend if you  
 4 are concerned about that --  
 5 MS. GARCAR: Add mechanical.  
 6 CHAIRMAN SWEENEY: We are going to add  
 7 mechanical. So no mechanical work as well.  
 8 MS. GARCAR: Correct.  
 9 MS. FREEMAN: Just to clarify, you  
 10 are talking about no mechanical work being  
 11 done to the vehicles that are parked there, is  
 12 that what you are asking?  
 13 MR. HACH: Correct.  
 14 MS. FREEMAN: Just so everyone is  
 15 clear on what you are suggesting.  
 16 CHAIRMAN SWEENEY: No vehicle  
 17 maintenance on the property.  
 18 AUDIENCE MEMBER: I have a question.  
 19 CHAIRMAN SWEENEY: Hold on, one second.  
 20 The public hearing is closed.  
 21 MS. GARCAR: Mechanical work, I  
 22 understand what you're saying of mechanical  
 23 work having an engine pulled apart, but  
 24 cleaning the tanks, is that considered  
 25 mechanical work?

1 MR. HACH: I would say not. I  
 2 would say that is part of the operation.  
 3 MS. GARCAR: Okay. Simply doing  
 4 an oil change, because they are capable of  
 5 doing oil change, which most people who are  
 6 capable of will do that in their driveway  
 7 MR. HACH: My opinion, I would  
 8 say no, because the oil has to be disposed of  
 9 properly, should be done somewhere else, in my  
 10 opinion.  
 11 CHAIRMAN SWEENEY: Okay. As long as the  
 12 applicant understands what we mean by that.  
 13 MR. HACH: You guys want to  
 14 weigh in on oil changes?  
 15 CHAIRMAN SWEENEY: I don't know that we  
 16 should get in the weeds on that. I really  
 17 don't. I don't think --  
 18 MS. GARCAR: Legal Counsel, a very  
 19 broad term of understanding where we are  
 20 coming from, asking no mechanical work done on  
 21 the vehicles. That is an extraordinarily  
 22 broad term. Is there a better way to phrase  
 23 it?  
 24 MR. PETERSEN: I can't think of one.  
 25 You are right when you say it was vehicle

1 repair, that is a pretty --  
 2 MR. HACH: That's maintenance.  
 3 Is there a difference. I don't know.  
 4 We're obviously going in a direction  
 5 we're just trying to figure out just some  
 6 language I think.  
 7 MS. EDWARDS: Doing mechanical.  
 8 CHAIRMAN SWEENEY: I don't know if we  
 9 should create problems where there were none.  
 10 MR. HACH: Any thoughts,  
 11 Heather? Because you have to enforce it, so.  
 12 MS. FREEMAN: I think your concern  
 13 is that maybe a truck would break down, they  
 14 would like taking out a transmission in the  
 15 parking lot.  
 16 MR. HACH: Exactly.  
 17 MS. FREEMAN: That sounds like  
 18 what you're trying to prevent.  
 19 MR. HACH: Yes.  
 20 MR. GOLING: I think she already  
 21 stated for the record that she takes it to a  
 22 shop and has it fixed there, so.  
 23 MS. FREEMAN: So I guess if you  
 24 were going to add a condition, maybe we would  
 25 want to say major repairs.

1 MS. GARCAR: Major repairs need to  
 2 be --  
 3 MR. HACH: Major mechanical.  
 4 MR. GOLING: Short of getting a  
 5 flat, or jumping it, she has to take it to a  
 6 shop.  
 7 MR. HACH: I would agree.  
 8 MR. GOLING: Do they fix RVs?  
 9 MR. HACH: I know the time has  
 10 to close. My brain can't let go of this.  
 11 What do you do in the Winter, does it not  
 12 freeze?  
 13 MS. EDWARDS: I can show you  
 14 pictures. I have a heat gun.  
 15 CHAIRMAN SWEENEY: Why don't after the  
 16 hearing you continue that.  
 17 MR. HACH: Continue some other  
 18 time.  
 19 MR. GOLING: I also want to be  
 20 sure in the lines of that, that there aren't  
 21 any plans to maybe build a structure there to  
 22 house the trucks, which actually I prefer, is  
 23 that something we need to restrict?  
 24 MS. GARCAR: Or is that just a new  
 25 variance.

1 MR. GOLING: Or is that a new  
 2 variance. It's over two acres, it could be  
 3 1024 square feet.  
 4 MS. GARCAR: Don't you still have  
 5 to ask to build a structure?  
 6 MR. GOLING: Keep the trucks warm.  
 7 Right now we are just looking at, particularly  
 8 if the -- can we allow her to park the trucks  
 9 next to the interstate, where there is no  
 10 water, on an unbuildable lot, where everybody  
 11 approves of it, and we can't see it. So,  
 12 that's where -- that's kind of what we're  
 13 looking at as far as will the  
 14 variance preserve the spirit, intent of the  
 15 zoning resolution, will substantial justice be  
 16 done by granting the variance. I guess that  
 17 is the big question we have to answer.  
 18 CHAIRMAN SWEENEY: I think the burden  
 19 of proof, as Mr. Markowitz indicated, and  
 20 avail himself of, is even greater than what it  
 21 would be to include the Duncan Factors. I  
 22 think the applicant has proven that by a clear  
 23 margin. So, I don't even think we need to --  
 24 we can address the Duncan Factors, but I think  
 25 they pale in comparison.

1 MR. GOLING: I agree.  
 2 MS. FREEMAN: Mr. Chairman, it  
 3 wouldn't be the Duncan Factors. This would be  
 4 unnecessary hardship. They would need to  
 5 prove to you there is no other use that is  
 6 permitted or conditionally permitted in that  
 7 R4 District property use.  
 8 CHAIRMAN SWEENEY: So we're good.  
 9 MR. GOLING: I was reading from  
 10 the Duncan Factors.  
 11 MS. FREEMAN: Mr. Goling, just to  
 12 clarify, in their request they were also  
 13 asking to keep the shed there on the property.  
 14 MR. GOLING: Correct.  
 15 MS. FREEMAN: So the variance is  
 16 also specific to allowing them to have the  
 17 shed.  
 18 MR. GOLING: Correct. Four  
 19 trucks, four employees and a shed. Employee  
 20 cars, I'm sorry.  
 21 CHAIRMAN SWEENEY: Correct. We'll  
 22 address those.  
 23 MS. GARCAR: Major mechanical  
 24 repairs happen at a a shop.  
 25 CHAIRMAN SWEENEY: Right. This is all

1 one variance, that includes four vehicles,  
 2 with the conditional conditions. I'll get to  
 3 that. Any other discussion by anybody?  
 4 So, I will entertain a motion to  
 5 approve the variance with conditions.  
 6 MR. GOLING: So moved.  
 7 CHAIRMAN SWEENEY: Second?  
 8 MS. GARCAR: Second.  
 9 CHAIRMAN SWEENEY: So, here is what's  
 10 up for a vote. This is the variance  
 11 application 2023-134 to allow four vehicles  
 12 for potable water, an existing storage shed,  
 13 and water tanks. And also the employee  
 14 parking for four vehicles. Just so we all  
 15 understand that.  
 16 In addition to that, we are adding the  
 17 conditions to the variance such that not more  
 18 than four water trucks will be allowed to be  
 19 stored on the property. Only employee  
 20 vehicles, of which those are being limited to  
 21 four, I believe, right, will be allowed.  
 22 And --  
 23 MR. GOLING: The shed.  
 24 CHAIRMAN SWEENEY: The existing shed.  
 25 Are we addressing --

1 MR. HACH: Major mechanical  
 2 work.  
 3 CHAIRMAN SWEENEY: No major mechanical  
 4 work to be done on the property. I think the  
 5 applicant knows what that involves. I don't  
 6 think that will be an issue. So, that is what  
 7 we're voting on. If there are no further  
 8 issues.  
 9 MS. GARCAR: Yes is saying good,  
 10 no is --  
 11 CHAIRMAN SWEENEY: Yes is to grant the  
 12 variance, and no is to deny the variance.  
 13 Heather, you want to take a roll?  
 14 MS. FREEMAN: Sure. Mr. Goling.  
 15 MR. GOLING: Yes.  
 16 MS. FREEMAN: Ms. Garcar.  
 17 MS. GARCAR: Yes.  
 18 MS. FREEMAN: Mr. Hach.  
 19 MR. HACH: Yes.  
 20 MS. FREEMAN: Mr. Sweeney.  
 21 CHAIRMAN SWEENEY: Yes.  
 22 Congratulations. Thank you for coming  
 23 in. Thank all of you for your comments.  
 24 We are on to our next variance  
 25 application and that is --

1 MR. HACH: Give them a minute to  
 2 --  
 3 CHAIRMAN SWEENEY: Sure.  
 4 (Recess taken)  
 5 (Mr. Dynes rejoined the meeting)  
 6 CHAIRMAN SWEENEY: We're back on.  
 7 We are moving on to our second new  
 8 business variance of the evening, number  
 9 2023-135 Michael and Laura Camerieri are  
 10 requesting a variance from Section  
 11 15.04(A)(2)(d) to allow an existing shed to be  
 12 located with a front building setback of 33  
 13 feet, in lieu of the minimum 50 feet required  
 14 for corner lots.  
 15 A secondary variance is requested from  
 16 Section 29.10(E)(4) to allow a utility trailer  
 17 to be parked with a setback of 33 feet in lieu  
 18 of the 50 foot required. This is for property  
 19 located at 7503 Blue Ridge Drive, parcel  
 20 number 10-A-025-D-00-031-0. Come on up.  
 21 MR. CAMERIERI: Hello, my name is  
 22 Mike Camerieri. I live at 7503 Blue Ridge  
 23 Drive. I have been sworn in.  
 24 CHAIRMAN SWEENEY: Okay. Go ahead.  
 25 MR. CAMERIERI: We're asking for the

1 variance for the shed and the trailer to be  
 2 with the setback of 33 feet. Basically that's  
 3 right in line with our garage that is attached  
 4 to the house. Just to have one plane across  
 5 there, to keep everything simple. Keep the  
 6 ease of use to the shed to the garage -- or  
 7 I'm sorry, to the driveway, to keep the shed  
 8 off the patio that we have in the backyard,  
 9 right behind where the shed is located now.  
 10 The trailer will be parked between the  
 11 shed and where the garage is located, right in  
 12 the small, little section there. That will be  
 13 gravel as well. We have that all on there as  
 14 well. We're just asking for that, otherwise  
 15 if we move the shed back and the trailer back  
 16 that actually impedes the view from our lower  
 17 living room, the view out of that because it  
 18 would be blocking that area there, so. We're  
 19 asking for that variance and that's about it.  
 20 CHAIRMAN SWEENEY: This is a corner  
 21 lot?  
 22 MR. CAMERIERI: That's correct, yes.  
 23 MS. GARCAR: I have a questions.  
 24 The trailer.  
 25 MR. CAMERIERI: Yes.

1 MS. GARCAR: RV trailer. How  
 2 often is it there?  
 3 MR. CAMERIERI: First off, it is not  
 4 an RV trailer. It's a utility trailer, a box  
 5 trailer, 16 foot. Just a small trailer,  
 6 tandem axle. It is there all the time.  
 7 MR. HACH: Do you use it for  
 8 work or?  
 9 MR. CAMERIERI: For a part-time job  
 10 that I have. I take it out two, three nights  
 11 a week, I cut a couple lawns, I put it back.  
 12 MS. GARCAR: Was it on the  
 13 property today around two o'clock?  
 14 MR. CAMERIERI: It was not.  
 15 MS. GARCAR: It is my running  
 16 path. I did not see it.  
 17 MR. CAMERIERI: I do have a picture  
 18 of how it does look as it was this morning.  
 19 Or I'm sorry, this evening.  
 20 MS. GARCAR: So it was there this  
 21 morning.  
 22 MR. CAMERIERI: This evening. No, I  
 23 took it.  
 24 MS. GARCAR: I've never seen it  
 25 CHAIRMAN SWEENEY: You ran this morning,

1 it wasn't there. In the picture taken this  
 2 evening, it is there.  
 3 MS. GARCAR: No, I ran at one,  
 4 two o'clock today. In the middle of the day I  
 5 ran and it was not there.  
 6 MR. CAMERERIE: Correct.  
 7 MS. GARCAR: I'm not crazy. I  
 8 did not see a trailer.  
 9 CHAIRMAN SWEENEY: That picture was  
 10 taken today?  
 11 MR. CAMERERIE: Correct, this  
 12 evening, right before I came here.  
 13 So, what it is, I have my full-time  
 14 job, I work for the City of Mentor. I took  
 15 the trailer with me to cut a couple lawns  
 16 after work. After work, I put it right back  
 17 where it's at. Occasionally I will park it on  
 18 the driveway because I just take it out the  
 19 next morning, so.  
 20 MS. GARCAR: How long have you  
 21 been doing that with the trailer?  
 22 MR. CAMERIERI: That particular  
 23 trailer, two years. I had a small open air  
 24 trailer that was on the property before. That  
 25 trailer has been moved off the property and

1 will not be coming back.  
 2 MR. HACH: How do your  
 3 neighbors feel about it?  
 4 MR. CAMERIERI: I hope okay.  
 5 CHAIRMAN SWEENEY: Do you have any  
 6 neighbors here?  
 7 MR. HACH: A lot of times  
 8 people have a letter or get an email.  
 9 AUDIENCE MEMBER: It's no problem.  
 10 MR. HACH: You will get a  
 11 chance to speak.  
 12 MS. GARCAR: This might be a  
 13 Heather question. How was this brought up,  
 14 was this a complaint, was this a drive by,  
 15 what is this?  
 16 MS. FREEMAN: This was a complaint  
 17 by somebody probably in the neighborhood.  
 18 MS. GARCAR: You told him right  
 19 away, and he filed for a variance?  
 20 MS. FREEMAN: There was two trailers  
 21 at the time. He had the open one he referred  
 22 to. So my letter addressed both the trailers  
 23 and then upon me looking at some things, I  
 24 realized the shed also had been moved to this  
 25 location, therefore not in compliance. So

1 then I gave information regarding how to apply  
 2 for a variance, and that's the route he  
 3 decided to go for.  
 4 MS. GARCAR: So very responsive of  
 5 the complaint?  
 6 MS. FREEMAN: Yeah.  
 7 MR. DYNES: Just out of  
 8 curiosity, is there any place -- I presume you  
 9 don't have anywhere else to store the shed,  
 10 that is why it's at your house. The trailer,  
 11 I'm sorry.  
 12 MR. CAMERERIE: Yeah, correct,  
 13 because like the easy access off the driveway  
 14 there is ideal. Instead of having to pay  
 15 for -- we are kind of limited on where we can  
 16 put that. So that, to me that was the best  
 17 spot, tucked in between the garage and the  
 18 shed. Kind of minimized the impact on  
 19 everything.  
 20 MS. GARCAR: I'll state until this  
 21 came in our email, running past a few times a  
 22 week, I had no idea there was ever a trailer  
 23 there. I was a little confused what we were  
 24 doing at first.  
 25 CHAIRMAN SWEENEY: Any questions

1 from the Board?  
 2 MR. DYNES: We have certain  
 3 factors we have to consider, right, called the  
 4 Duncan Factors, hardship and other things.  
 5 Can you tell us a little bit more, just so we  
 6 have an appropriate record of what the  
 7 hardship is to you if you had to move the  
 8 shed, or if you had to move the trailer away  
 9 from there, or give us a little bit of  
 10 information about that.  
 11 MR. CAMERERIE: Hardship-wise it  
 12 would definitely obstruct the view of our  
 13 downstairs living room. We would be looking  
 14 at the side of the shed, or the side of the  
 15 trailer. Looking out there it kind of gives  
 16 us a view of our backyard, which is nice.  
 17 Also we do a lot of entertaining on our  
 18 back patio right there that is concrete. So,  
 19 if we move that back the 17 feet off of the  
 20 line, it would take away that entertainment  
 21 area there. It's probably more of a  
 22 convenience factor. Everything is real close,  
 23 right to the driveway, kind of easy access  
 24 right there as well.  
 25 MR. HACH: Did you ever consider

1 relocating it on the property elsewhere?

2 MR. CAMERIERI: The shed or --

3 MR. HACH: The shed.

4 MR. CAMERIERI: The shed originally  
5 was against the house on that concrete pad  
6 that's right behind the house. But that  
7 caused a water issue because the water would  
8 come down off the roof and right down the  
9 foundation of the house, gave us water damage  
10 along the side.

11 So we moved it from there originally to  
12 back part of the house. Which we did get a  
13 permit for. That was back corner of the  
14 property. It was just lugging everything back  
15 and forth from the driveway, back and forth to  
16 the drive was very inconvenient. So we did  
17 move it back closer to the house. Away from  
18 the house wouldn't cause any foundation issues  
19 or water issues like that, so we moved it back  
20 up there.

21 MR. HACH: Where on the site  
22 plan was the shed before you moved it back to  
23 where it was?

24 MR. CAMERERIE: Back here.

25 MR. GOLING: Back by the trees?

1 MR. CAMERERIE: Correct.

2 MR. GOLING: Like right around  
3 yonder?

4 MR. CAMERERIE: Yes, back in that  
5 section here, correct.

6 CHAIRMAN SWEENEY: Had you not -- you  
7 didn't live on a corner lot, what would the  
8 setback have been?

9 MS. GARCAR: If it was not a  
10 corner lot, what was the setback?

11 MS. FREEMAN: It's a minimum 50  
12 foot from the road line, front lot line. On a  
13 corner lot you have two front lot lines.

14 CHAIRMAN SWEENEY: Any other  
15 questions?

16 MS. GARCAR: Talking about  
17 hardship, if you move the shed back to that  
18 corner, which it was before you moved it here.

19 MR. CAMERERIE: Yes.

20 MS. GARCAR: What about the  
21 trailer? Are there options, what are  
22 hardships of those options?

23 MR. CAMERERIE: It would -- I  
24 would imagine it would have to go right off  
25 the driveway because adding another driveway

1 to the back of the property, would just not --  
2 I don't see how that could happen between the  
3 ditch line that runs there. It would be  
4 nearly impossible I would think to move that  
5 trailer back. If the shed was moved back by  
6 where the shed was, if the shed would be  
7 there, keep those together, that would be  
8 probably impossible.

9 MS. GARCAR: Do you use the  
10 trailer all year round, Winter?

11 MR. CAMERERIE: Winter I do not.

12 MS. GARCAR: Does it stay there  
13 all Winter?

14 MR. CAMERERIE: It would stay there  
15 all Winter, yes. If possible, if we could put  
16 maybe a gate to disguise that from the street.  
17 That's possible.

18 MS. GARCAR: Still a setback  
19 issue.

20 CHAIRMAN SWEENEY: Any other questions?  
21 If not, anyone speak for or against this  
22 variance? Come on up. Thank you.

23 MR. PESTAK: My name is Bob  
24 Pestak. I live at 9772 Andrea Drive. I've  
25 been sworn in.

1 My driveway is directly across from  
2 Mike's driveway. If what we're talking about,  
3 we look out our front door, we can see that  
4 all the time. It's not a problem.

5 CHAIRMAN SWEENEY: Okay.

6 MR. PESTAK: I'm directly across  
7 the street.

8 CHAIRMAN SWEENEY: Okay.

9 MR. PESTAK: Being the corner lot,  
10 I could see problems for him. You can't hide  
11 anything. Everything is wide open. The way  
12 he's got it set up now, it looks okay. It  
13 looks good. I have no problem with it. Mike,  
14 I have known him and Laura for about 12 years  
15 since they moved in. I've been there since  
16 '91. They are tremendous neighbors. Great  
17 family people. Love to have them in the  
18 neighborhood. If they're happy there, I'm  
19 happy there. I'm all for it. No problem.

20 CHAIRMAN SWEENEY: Great. Thank you.  
21 Anyone else?

22 MR. ROWE: Jim Rowe, 9766 Andrea  
23 Drive. I have been sworn in.

24 I've lived in the house since 1973, so  
25 50 years. Various treatments of various

1 things and so forth. This one, no problem. I  
 2 mean there is, I know, a tree that in the  
 3 Summer months kind of breaks up the view.  
 4 Actually in my house, I'd have to walk down  
 5 the driveway to get around my trees, to take a  
 6 look. Not a problem. It sits there, kind of  
 7 makes sense kind of with the shed. Certainly  
 8 screens the trailer. Would be a hardship if  
 9 you push it back, start shutting off windows  
 10 to the house. I don't think that is very  
 11 viable. I say, it's kept up, it's fine. Like  
 12 Bob looks at it, I look at it, not much else.  
 13 I think it's certainly worth considering  
 14 granting the variance.

15 CHAIRMAN SWEENEY: Thank you.

16 MR. GOLING: Mr. Rowe, is it  
 17 true you were a Concord Township Citizen of  
 18 the Year?

19 MR. ROWE: Guilty as charged.

20 MR. GOLING: Thank you, Mr. Rowe.

21 CHAIRMAN SWEENEY: Anyone else? If  
 22 not, we will close the public hearing.

23 I will entertain a motion to approve  
 24 this variance.

25 MS. GARCAR: Discussion?

1 in any public session or open forum where we  
 2 are discussing this, will the property yield  
 3 a reasonable return, can there be a beneficial  
 4 use of the property without the variance. The  
 5 answer to that is yes.

6 Is the variance substantial. It's  
 7 arguable. Perhaps not. 17 feet is I don't  
 8 think is too terribly substantial, given the  
 9 circumstances of the lot.

10 Will the essential character of the  
 11 neighborhood be substantially altered, will  
 12 adjoining property suffer a substantial  
 13 detriment if granted. I think that is no.

14 Could the variance adversely affect the  
 15 delivery of governmental services. The answer  
 16 to that would be no.

17 Did he purchase it with the knowledge  
 18 of the restrictions. We presume that he did.  
 19 We presume that almost everybody did because  
 20 that obligation falls upon them.

21 Can it be resolved by some manner other  
 22 than granting the variance, yes.

23 Will the variance preserve the spirit  
 24 and intent of the zoning resolution. Will  
 25 substantial justice be done by granting the

1 CHAIRMAN SWEENEY: Discussion, sorry.

2 MR. DYNES: I find it interesting  
 3 that I'm always looked at first. So I guess  
 4 I'll start for whatever reason, I don't know  
 5 how I obtained that.

6 MR. GOLING: You have a suit on.

7 MR. DYNES: Even when Mr. Rowe  
 8 was on this learned and esteemed panel.

9 Nonetheless, I guess quite honestly. I  
 10 appreciate the corner lot. The relevance of  
 11 that is sometimes neither here or there I  
 12 guess. To be quite frank and quite honest, I  
 13 was interested to hear from Mr. Rowe and the  
 14 other neighbor, because in all reality I don't  
 15 find this to be a hardship, to be honest with  
 16 you. I don't think it meets the Duncan  
 17 Factors as you go through them. The trailer  
 18 could go to another place, somewhere else, the  
 19 shed could move back.

20 However, we do a job up here often  
 21 times of trying to be helpful to our  
 22 residents, try to find ways to make things  
 23 work for them. So, in spite of the fact that  
 24 quite frankly if we go through the factors,  
 25 which I think we have an obligation to do that

1 variance. I guess that's up for debate. I  
 2 think it's incumbent upon us to consider those  
 3 factors. I would say I don't know that it  
 4 meets all of them. Meets some of them. I  
 5 think it bears our consideration. I probably  
 6 would think it's not a terrible thing, given  
 7 the testimony of the other neighbors.

8 Since you looked at me, I'm trying to  
 9 be succinct. I think we do have an obligation  
 10 to go through those factors as we look at  
 11 these. I think we also have to be mindful  
 12 that there are two variances being requested  
 13 here. We have to take each of them  
 14 separately. Let's not forget that.

15 MR. GOLING: The complaint was a  
 16 random person came by and said I see a shed  
 17 and a trailer, and I don't like it?

18 MS. GARCAR: I think it was just  
 19 the trailer.

20 MR. GOLING: Oh, the trailer. So  
 21 that is a 16 foot trailer?

22 MR. CAMERERIE: Correct.

23 MR. GOLING: So if I take that  
 24 trailer and move it back one whole trailer  
 25 length, I'm still going to see the trailer.

1 And then he can't see out his windows. So, I  
2 just don't see where forcing him to move it  
3 back, talking about the trailer and the shed,  
4 if we push the trailer and shed back 17 feet,  
5 it's still going to be there. He has the  
6 unfortunate fish bowl corner lot issue to  
7 deal with. That doesn't go away.

8 MR. HACH: It doesn't have to go  
9 there on the site.

10 MR. GOLING: Right, right. I'm  
11 just saying that one proposal was there.

12 The other option is that the shed can  
13 go back into the back of the yard. Granted  
14 you got to hoof it back there in the Winter,  
15 it's not fun. Then the trailer has got to go  
16 somewhere else, maybe 17 foot back, so with  
17 that we run into the issue again. If the  
18 original complaint was I don't like his shed  
19 there, I don't know like the trailer, then.

20 MR. HACH: My only thought is, I  
21 understand the neighbors were here, I don't  
22 know if you can either add a tree or some  
23 arborvitae to block it off from the road a  
24 little bit more. That would be my only, you  
25 know, some screening. We can kind of go

1 through those factors. It's not substantial.  
2 There is some reasonableness to working with  
3 you. That would be my only thought. I don't  
4 know how you all feel about that.

5 MS. GARCAR: In one of the  
6 pictures, are there bushes next to the shed?

7 MR. CAMERERIE: Yes, there's  
8 ornamental grasses, yes.

9 MR. HACH: Ornamental grasses  
10 could be, some kind of bed.

11 MS. GARCAR: I think they are  
12 already there. Like brown dots next to the  
13 shed.

14 MR. HACH: I'm talking about by  
15 the tree at the road.

16 MS. GARCAR: You are saying over  
17 here.

18 MR. HACH: Yeah.

19 MS. GARCAR: Gotcha.

20 MR. HACH: I don't know if  
21 that's reasonable, or do you all agree with  
22 that? Grasses grow, they are cheap, they can  
23 grow pretty big.

24 MR. GOLING: I don't think it  
25 would make that much of a difference to be

1 honest with you.

2 MR. HACH: Thanks a lot.

3 MR. GOLING: TR, I think it would  
4 look beautiful. It would improve the value of  
5 the house immensely.

6 MR. HACH: Just a thought.

7 CHAIRMAN SWEENEY: Any other  
8 discussions?

9 The question on approval for variance  
10 2023-135, a yes vote is for the approval of  
11 the variance; and a no vote denies the  
12 variance.

13 Heather, you want to call the roll.

14 MS. GARCAR: A motion and second.  
15 And there is two.

16 CHAIRMAN SWEENEY: I will entertain a  
17 motion to approve variance number 2023-134 --  
18 I'm sorry, 2023-135. Do you want to vote on  
19 each one?

20 MR. DYNES: You have to.

21 CHAIRMAN SWEENEY: Okay. So I'll  
22 entertain a motion to approve variance  
23 2023-135, Section 15.04(A)(2)(d) to allow an  
24 existing shed to be located with a front  
25 building setback of 33 feet in lieu of the

1 minimum 50 feet required for corner lots.

2 MR. DYNES: So moved.

3 MS. GARCAR: Second.

4 CHAIRMAN SWEENEY: Heather.

5 MS. FREEMAN: Mr. Dynes.

6 MR. DYNES: Yes.

7 MS. FREEMAN: Ms. Garcar.

8 MS. GARCAR: Yes.

9 MS. FREEMAN: Mr. Hach.

10 MR. HACH: Yes.

11 MS. FREEMAN: Mr. Goling.

12 MR. GOLING: Yes.

13 MS. FREEMAN: Mr. Sweeney.

14 CHAIRMAN SWEENEY: Yes.

15 That has passed.

16 Now I will entertain a motion to  
17 approve variance 2023-135 for a variance from  
18 Section 29.10(B)(4) to allow a utility trailer  
19 to be parked with a setback of 33 feet in lieu  
20 of the minimum 50 feet required.

21 MR. DYNES: I would only say,  
22 Mr. Hach, if this is applicable to what you  
23 want, if you want to make a motion in essence  
24 talking about some of the shrubbery or  
25 something else, this is probably the one that



1 would apply to more than the shed.  
2 MR. HACH: Todd shot that down.  
3 MR. GOLING: I don't think it is  
4 trouble to throw some ornamental grasses. You  
5 can probably split the ones by the shed and  
6 plant them if that's -- I don't think it's  
7 unreasonable.

8 MS. GARCAR: For clarification,  
9 this is this for the edge of the driveway  
10 extension by the tree, is that what he's  
11 referring to.

12 MR. DYNES: I was just simply  
13 suggesting that if Mr. Hach or someone wants  
14 to make a motion we could then specify that  
15 within that motion, in consideration of the  
16 second variance. Whether you want to or not,  
17 you brought it up.

18 MR. HACH: I would like to, yes.

19 CHAIRMAN SWEENEY: I'm not in favor of  
20 the additional condition.

21 MR. DYNES: That would be a vote  
22 upon the motion once it's made.

23 CHAIRMAN SWEENEY: No, we can talk about  
24 it though. We can talk about.

25 MR. HACH: I'll revoke it. It

1 doesn't matter. I mean I don't say it doesn't  
2 matter. Let's move on if apparently it isn't  
3 an issue for the four of you, or at least  
4 three of you.

5 MR. DYNES: Based upon the  
6 reading of the second variance, I will make  
7 that motion.

8 MR. HACH: Second.

9 CHAIRMAN SWEENEY: All right, Heather.

10 MS. FREEMAN: Mr. Goling.

11 MR. GOLING: Yes.

12 MS. FREEMAN: Mr. Dynes.

13 MR. DYNES: Yes.

14 MS. FREEMAN: Ms. Garcar.

15 MS. GARCAR: Yes.

16 MS. FREEMAN: Mr. Hach.

17 MR. HACH: Yes.

18 MS. FREEMAN: Mr. Sweeney.

19 CHAIRMAN SWEENEY: Yes.

20 That has passed, so congratulations.  
21 Thank you for coming.

22 CHAIRMAN SWEENEY: Let's move on to  
23 variance next application 2023-136, Mr. Andrew  
24 Busch and Tara Hamilton are requesting a  
25 variance from Section 15.03(A)(6,) Table

1 15.03-1 to allow for the construction of a  
2 2,400 square foot accessory building in lieu  
3 of the maximum size of 1,532 square feet.  
4 This is for the property located at 8360  
5 Ravenna Road, parcel number  
6 08-A-001-A-00-008-0.

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

10 CHAIRMAN SWEENEY: Thank you. Go ahead.

11 MR. BUSCH: The variance I'm  
12 going for is a larger storage building in my  
13 backyard. The allowed limit is 1500 square  
14 feet and I am going for 2400.

15 CHAIRMAN SWEENEY: Where would this be  
16 located?

17 MR. BUSCH: It would be near the  
18 rear of the property. Approximately 400 feet  
19 back from the road. I know that 50 foot is  
20 required. I'm going above and beyond to put  
21 it further back, to make it less visible for  
22 everyone.

23 CHAIRMAN SWEENEY: You're on a 5.75  
24 acre lot?

25 MR. BUSCH: Correct.

1 CHAIRMAN SWEENEY: These all your  
2 vehicles?

3 MR. BUSCH: Yes, those are  
4 pictures of the vehicles and the boat that I  
5 have that I plan on storing in the building.

6 CHAIRMAN SWEENEY: Impressive.

7 MR. BUSCH: Thank you.

8 MS. GARCAR: Are the vehicles  
9 currently at the property?

10 MR. BUSCH: A couple of the  
11 vehicles are in the garage but the boat is  
12 not. All the vehicles are not, no.

13 CHAIRMAN SWEENEY: The building  
14 proposed is pictured here?

15 MR. BUSCH: Correct.

16 CHAIRMAN SWEENEY: That's an even 2400  
17 square feet?

18 MR. BUSCH: Yes, sir.

19 CHAIRMAN SWEENEY: You determined that  
20 this is the amount of space that will suit  
21 your needs, that you need?

22 MR. BUSCH: Yes. I currently am  
23 renting two buildings to store the boat and  
24 other cars. As everybody knows, everything is  
25 getting much more expensive now. So the rent

1 has dramatically increased. I had purchased  
 2 this property approximately 13 years ago with  
 3 the intentions of putting up a building like  
 4 this to store my vehicles and items.  
 5 CHAIRMAN SWEENEY: Have you spoken to  
 6 your neighbors about this?  
 7 MR. BUSCH: Yes, I have.  
 8 CHAIRMAN SWEENEY: Are they in  
 9 agreement?  
 10 MR. BUSCH: Yes. Unfortunately  
 11 the neighbors on the south side have recently  
 12 passed, so they are not able to be here.  
 13 CHAIRMAN SWEENEY: Sorry to hear that.  
 14 MR. BUSCH: They were okay with  
 15 it. My other neighbor, she is actually here.  
 16 CHAIRMAN SWEENEY: You live north,  
 17 south?  
 18 MS. ANKUDA: North.  
 19 MR. BUSCH: She is on the north  
 20 side, yes.  
 21 CHAIRMAN SWEENEY: We will wait until  
 22 you get up here. I don't have anything  
 23 further.  
 24 Do you have anything further?  
 25 MR. BUSCH: No.

1 MR. DYNES: So we understand,  
 2 five acres, the variance is approximately 834  
 3 square feet?  
 4 MR. BUSCH: Correct.  
 5 MR. DYNES: That you are  
 6 seeking. Thank you.  
 7 MR. BUSCH: Like I had recently  
 8 said, I moved it much further back than  
 9 required, to make it appear smaller. Less  
 10 visible for myself and anyone else.  
 11 CHAIRMAN SWEENEY: There's a lot of  
 12 land to work with there.  
 13 MR. BUSCH: Yes.  
 14 CHAIRMAN SWEENEY: Any other questions  
 15 from the Board? TR?  
 16 MR. HACH: No.  
 17 Did you want an opportunity to speak?  
 18 CHAIRMAN SWEENEY: Let's get him  
 19 finished first.  
 20 So, thank you. Appreciate it.  
 21 MR. BUSCH: No problem.  
 22 CHAIRMAN SWEENEY: Is anyone speaking  
 23 for?  
 24 MS. ANKUDA: I've not been sworn  
 25 in.

1 CHAIRMAN SWEENEY: State your name and  
 2 I will swear you in.  
 3 MS. ANKUDA: Shereen Ankuda.  
 4 8340 Painesville Ravenna Road, Concord  
 5 township.  
 6 (Sworn in)  
 7 CHAIRMAN SWEENEY: You are speaking for  
 8 or against?  
 9 MS. ANKUDA: For. I figure I am one  
 10 of the most important people because I'm right  
 11 next door.  
 12 CHAIRMAN SWEENEY: You are, now that I  
 13 can ask her this, you live north?  
 14 MS. ANKUDA: I'm the property  
 15 directly north of Andrew's.  
 16 CHAIRMAN SWEENEY: Got you.  
 17 MS. ANKUDA: There is no houses  
 18 in between us.  
 19 CHAIRMAN SWEENEY: Your acreage, not  
 20 that it matters, is about the same?  
 21 MS. ANKUDA: About 6 acres.  
 22 There is a series that used to be all  
 23 agricultural. We all have the same size, like  
 24 six of us.  
 25 CHAIRMAN SWEENEY: You can almost see

1 it in the lines.  
 2 MS. ANKUDA: Right, right.  
 3 So, Andrew, as he said, he's lived  
 4 there for 13 years. He's been an excellent  
 5 neighbor. Where he's putting it is -- I don't  
 6 see any -- there is no houses across the  
 7 street. There is the big mound that was made  
 8 for the Bridlewood people. As he said, the  
 9 neighbors directly south of him have been  
 10 elderly, have recently passed. Their son and  
 11 daughter have been running that property.  
 12 So Andrew and I talked, because I said  
 13 before the meeting let's talk. I told him, my  
 14 only concern was I didn't want 400 feet of  
 15 electrical wires going from the road along my  
 16 property line, to the building. If it was  
 17 buried, fine, but -- so that is my only  
 18 concern. Because like I said, he is a  
 19 courteous neighbor. We try to be courteous to  
 20 each other.  
 21 CHAIRMAN SWEENEY: You're aware that's  
 22 not before us, that issue of electrical lines,  
 23 that is not even something that we have been  
 24 asked to decide on, or even consider.  
 25 MS. ANKUDA: At this point he's

1 not --  
2 MR. BUSCH: There has been no  
3 intentions of electrical for the storage. If  
4 there was, it would be underground,  
5 absolutely.

6 CHAIRMAN SWEENEY: I just want her to  
7 understand that when we rule on, it doesn't  
8 mean that if we do rule on it in your favor,  
9 that we're -- that it's going to be --

10 MS. GARCAR: On the wires.

11 MS. ANKUDA: That's what I assumed  
12 and that's what Andrew and I talked about.

13 CHAIRMAN SWEENEY: Anything else?

14 MS. ANKUDA: Not really. That  
15 was the only concern, as I said. It's -- been  
16 we've been there since '76. He's been there  
17 13 years. He's been an asset to our little  
18 community.

19 CHAIRMAN SWEENEY: All right. Thank you  
20 very much. What was it like back in '76? I  
21 bet less traffic on Ravenna Road, huh?

22 MS. ANKUDA: We could ride our  
23 horses on Ravenna Road.

24 CHAIRMAN SWEENEY: I know. When I  
25 moved in 2004 there was a lot less traffic on

1 Ravenna Road.

2 MS. ANKUDA: Now you have people  
3 going 80, 90 miles an hour. So you can't even  
4 ride a bike on it.

5 CHAIRMAN SWEENEY: Thank you very much.  
6 Anybody else speaking for or against?  
7 If not I will close the public hearing.  
8 Open for discussion.

9 MS. GARCAR: I have a question.

10 CHAIRMAN SWEENEY: Yes.

11 MS. GARCAR: Am I reading zoning  
12 correctly that because it is above 2 acres,  
13 he's allowed under the whatever the math was  
14 1400 square foot, he's allowed as many  
15 buildings as he wants?

16 MS. FREEMAN: Correct.

17 MS. GARCAR: As long as it's under  
18 --

19 MS. FREEMAN: 1532 square feet, but  
20 there is no maximum number of individual 1532  
21 square feet buildings.

22 MS. GARCAR: So if he goes to  
23 build a third building that is under the  
24 current maximum, are there permits or anything  
25 that we would have to approve of for

1 additional buildings, with the fact this one  
2 is so such larger?

3 MS. FREEMAN: That would just be a  
4 zoning permit sent in to my office and it  
5 would comply with zoning and I would approve  
6 it. Unless there was some condition in your  
7 guys' approval restricting that moving  
8 forward.

9 MS ANKUDA: The neighbor just  
10 north of me --

11 CHAIRMAN SWEENEY: The public hearing  
12 is closed. We can't have any further  
13 comments.

14 Anything else?

15 MR. DYNES: Just real quick,  
16 let's do our job here quickly. The idea is he  
17 could build multiple buildings and in the  
18 past, as this Board has seen these come before  
19 us, because of the size of the lot you can  
20 build three or four buildings. He's proposing  
21 to do one, probably less of an eye sore. He's  
22 requesting a variance of approximately 800  
23 square feet, whatever it is. Probably not  
24 horrible.

25 Again, we're incumbent and I think

1 we've all been to the seminars and everything  
2 else to understand we must consider the Duncan  
3 Factors. I will not read through all of them.  
4 I think this Board has considered all of them.  
5 In its totality, personally, considering all  
6 seven factors, I would be in favor of it.

7 CHAIRMAN SWEENEY: Anything else? So I  
8 will entertain a motion to approve variance  
9 2023-136.

10 MR. GOLING: So moved.

11 MS. GARCAR: Second.

12 CHAIRMAN SWEENEY: So what's up for a  
13 vote is approval or denial of variance  
14 application 2023-136, a three vote majority is  
15 necessary. A yes is to approve the variance.  
16 A no is to deny it.

17 Heather.

18 MS. FREEMAN: Mr. Hach.

19 MR. HACH: Yes.

20 MS. FREEMAN: Ms. Garcar.

21 MS. GARCAR: Yes.

22 MS. FREEMAN: Mr. Dynes?

23 MR. DYNES: Yes.

24 MS. FREEMAN: Mr. Goling.

25 MR. GOLING: Yes.

1 MS. FREEMAN: Mr. Sweeney.  
 2 CHAIRMAN SWEENEY: Yes.  
 3 Thank you very much. Appreciate you  
 4 coming down. Good luck. That's a nice boat.  
 5 MR. BUSCH: Thank you.  
 6 CHAIRMAN SWEENEY: For our final  
 7 variance of this evening, we have variance  
 8 application 2023-137 Andrew and Sarah Salonen.  
 9 MR. SALONEN: You got it.  
 10 CHAIRMAN SWEENEY: Salonen are  
 11 requesting a variance from Section 15.04(B),  
 12 Table 15.04-1 Site Development Standards to  
 13 allow a shed to have a 0 foot setback from the  
 14 side property line, in lieu of the minimum 10  
 15 foot required. This is for the property  
 16 located at 11251 Girdled Road, parcel number  
 17 08-A-012-0-00-043-0.  
 18 Good evening.  
 19 MR. SALONEN: Good evening. My name  
 20 is Andrew Salonen. I live at 11251 Girdled  
 21 Road, Concord Township and I've been sworn in.  
 22 So as you stated, I'm asking for a  
 23 variance to put my shed along the property  
 24 line, or at least the rear wall of my shed  
 25 along the property line.

1 It will also complete the privacy  
 2 fencing that is along that western side of the  
 3 home.  
 4 The location of it is the lowest  
 5 location, and flattest on the property. I'm  
 6 also a corner lot. Kind of limits the  
 7 locations that I can put the shed based on the  
 8 50 foot setback as it is.  
 9 Any closer towards the house, to be in  
 10 compliance, significantly increases the kind  
 11 of the pitch of the backyard, and I think the  
 12 overall aesthetic of the property will be  
 13 significantly hindered by moving it any closer  
 14 to the home.  
 15 My neighbor, Sharon, who is next door,  
 16 I share the property line with, is absolutely  
 17 in favor. She provided a letter approving of  
 18 the location.  
 19 CHAIRMAN SWEENEY: This photo right  
 20 here, which I think says it all.  
 21 MR. SALONEN: That's correct.  
 22 CHAIRMAN SWEENEY: The shed will butt  
 23 up against the two ends of the fence.  
 24 MR. SALONEN: Correct.  
 25 CHAIRMAN SWEENEY: Flush with it

1 obviously.  
 2 MR. SALONEN: It will complete  
 3 the fence. The back wall will complete the  
 4 fence, correct.  
 5 CHAIRMAN SWEENEY: The design will  
 6 match your house?  
 7 MR. SALONEN: I provided an  
 8 example of roughly what it's going to look  
 9 like. It's going to match the home. It will  
 10 be white, the same type of roofing material,  
 11 cedar shutters.  
 12 I spent 20 years in the military, I  
 13 just retired and moved back here. I was  
 14 originally from Fairport, my wife and I both,  
 15 I would say that something the military  
 16 instilled in me, I always leave something  
 17 better than I found it. I certainly have a  
 18 lot of pride in my ownership. I always try to  
 19 make things better all around.  
 20 CHAIRMAN SWEENEY: Thank you for your  
 21 service.  
 22 MR. SALONEN: Absolutely. That's  
 23 my intent with the shed, to make it look  
 24 better.  
 25 CHAIRMAN SWEENEY: Here is the obvious

1 question. Did you consider locating it 10  
 2 feet from the property line, and if so, why  
 3 did you decide not to?  
 4 MR. SALONEN: Yes. As I  
 5 previously mentioned, as you get just even  
 6 feet closer towards the property line, the  
 7 backyard slopes significantly down. That is  
 8 truly the flattest location that I have. Any  
 9 other areas that would I guess consider  
 10 relatively flat are right up against my septic  
 11 mound, and it is probably the only location at  
 12 this point that my kids play. Even though we  
 13 have what seems like a decent size backyard,  
 14 the actual usability of it, because of the  
 15 slope, is hindered quite a bit.  
 16 CHAIRMAN SWEENEY: Locating it just 10  
 17 feet further inward, in this area, that would  
 18 be impractical you are saying?  
 19 MR. SALONEN: Correct. I would  
 20 have to put in some sort of retaining  
 21 situation. That would be at least a foot,  
 22 maybe 2 feet higher on the back end in order  
 23 to make a level location for the shed. The  
 24 intent of the shed is to put my mower in it  
 25 and my gardening supplies.

1 CHAIRMAN SWEENEY: I don't have anything  
 2 further.  
 3 MS. GARCAR: I have a question.  
 4 How did this -- maybe it is a Heather question  
 5 too, I don't know, how did this get brought  
 6 up? Looking at the pictures it seems like it  
 7 was planned to put the shed there, according  
 8 to the pictures you provided with the fencing.  
 9 Now it looks like there is a pause. Did you  
 10 always plan on it, then something happened  
 11 that you are doing this variance, you paused,  
 12 what happened?  
 13 MR. SALONEN: Yeah, correct. I  
 14 kind of mapped everything out before I had  
 15 started -- when we bought the property the  
 16 landscaping wasn't finished. Ended up having  
 17 to do a lot of landscaping. I planned out the  
 18 fence. I brought that in for the permit for  
 19 the fencing, the privacy fencing, then I got  
 20 started on the shed. I did not -- was not  
 21 aware of the 10 foot setback for the shed at  
 22 the time.  
 23 I had talked to my neighbor about the  
 24 plan for the fence, and the shed, from the  
 25 very beginning. So because the back two posts

1 kind of double as support for the platform for  
 2 what would be the shed, they also serve as the  
 3 posts for the fence. That is why that kind of  
 4 got started. I was made aware that I needed  
 5 to get the variance because it was so close to  
 6 the property line.  
 7 CHAIRMAN SWEENEY: Anything else? All  
 8 right, thank you very much.  
 9 Anybody here speaking for or against?  
 10 Doesn't appear there that there is.  
 11 MS. FREEMAN: Mr. Chairman, just  
 12 for the record, I did receive an email from  
 13 Mr. Chris Lazuka that resides to the north,  
 14 8130 North Orchard Road, and he supports  
 15 granting of the variance.  
 16 CHAIRMAN SWEENEY: Good.  
 17 MS. GARCAR: Can I for  
 18 clarification of that address? Is that the  
 19 address that is sitting -- that is touching  
 20 the --  
 21 MS. FREEMAN: That's the north  
 22 property line.  
 23 MS. GARCAR: Which is where the  
 24 fence is?  
 25 CHAIRMAN SWEENEY: No, that's east -- or

1 west.  
 2 MS. GARCAR: Okay. Thank you.  
 3 CHAIRMAN SWEENEY: This is on the west  
 4 property line?  
 5 MR. SALONEN: Correct. The north  
 6 west corner, the very north west corner of the  
 7 property line essentially.  
 8 CHAIRMAN SWEENEY: If there is no one  
 9 for or against, we will close the public  
 10 meeting.  
 11 Open for discussion.  
 12 MR. DYNES: Okay, I'll do it  
 13 again. In light of the Duncan Factors which  
 14 we as a Board are required to consider in any  
 15 adjudication that we make, quasi-adjudication  
 16 or otherwise, in considering those things, I  
 17 personally find it to be appropriate, given  
 18 the fact that both neighbors have expressed  
 19 they have no objection to it. I don't know  
 20 what else needs to be said. It's certainly  
 21 not common, or not really ever that we grant a  
 22 zero setback variance. I would say this is  
 23 somewhat unique. The fact that the neighbors  
 24 are in favor of it, it's a shed, as opposed to  
 25 the permanent structure of a home or

1 something, I guess I would be in favor.  
 2 CHAIRMAN SWEENEY: If there is nothing  
 3 further, I'll entertain a motion to approve  
 4 variance application 2023-137.  
 5 MR. HACH: So moved.  
 6 MS. GARCAR: Second.  
 7 CHAIRMAN SWEENEY: All right, Heather.  
 8 MS. FREEMAN: Mr. Hach.  
 9 MR. HACH: Yes.  
 10 MS. FREEMAN: Ms. Garcar.  
 11 MS. GARCAR: Yes.  
 12 MS. FREEMAN: Mr. Dynes.  
 13 MR. DYNES: Yes.  
 14 MS. FREEMAN: Mr. Goling.  
 15 MR. GOLING: Yes.  
 16 MS. FREEMAN: Mr. Sweeney.  
 17 CHAIRMAN SWEENEY: Yes.  
 18 Thank you. Thanks for coming in.  
 19 Appreciate it. Variance has been granted.  
 20 I'll entertain a motion to approve the  
 21 minutes dated --  
 22 MS. GARCAR: August 9th.  
 23 CHAIRMAN SWEENEY: Dated August 9th.  
 24 MS. GARCAR: I'll make a motion.  
 25 CHAIRMAN SWEENEY: 2023.

1 MR. GOLING: Second.  
 2 CHAIRMAN SWEENEY: I will be abstaining  
 3 since I wasn't here. All those in favor say  
 4 aye.  
 5 MR. GOLING: Aye.  
 6 MS. GARCAR: Aye.  
 7 MR. DYNES: Aye.  
 8 MR. HACH: I will abstain since  
 9 I wasn't here.  
 10 CHAIRMAN SWEENEY: Those opposed.  
 11 Minutes are approved.  
 12 The next meeting of the BZA will be  
 13 October 11, 2023. Thank you all for coming.  
 14 MR. DYNES: Move to adjourn.  
 15 MS. GARCAR: Second.  
 16 (Meeting adjourned at 9:15 p.m.)  
 17  
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 25

1 State of Ohio, )  
 ) SS: CERTIFICATE  
 2 County of Cuyahoga. )  
 3 I, Constance Versagi, Court Reporter and  
 4 Notary Public in and for the State of Ohio, duly  
 5 commissioned and qualified, do hereby certify that  
 6 the foregoing record was by me reduced to  
 7 stenotypy/computer, afterward transcribed, and that  
 8 the foregoing is a true and correct transcript of  
 9 the record so given as aforesaid.  
 10 I do further certify that this proceeding was  
 11 taken at the time and place in the foregoing caption  
 12 specified.  
 13 I do further certify that I am not otherwise  
 14 interested in the event of this action.  
 15 IN WITNESS WHEREOF, I have hereunto set my  
 16 hand and affixed my seal of office on this 2nd day  
 17 of October, 2023.  
 18  
 19  
 20 \_\_\_\_\_  
 Constance Versagi, Court Reporter and  
 Notary Public in and for the State of Ohio.  
 My Commission expires January 14, 2028  
 21  
 22  
 23  
 24  
 25

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