

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

3
4
5 Concord Town Hall
 7229 Ravenna Road
6 Concord, Ohio 44077

7
8 March 13, 2024
 7:00 p.m.

9
10 TRANSCRIPT OF PROCEEDINGS

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13 Zoning Appeal Board Members Present:

14 Ivan Valentic, Chairman
 Francis Sweeney, Member
15 Todd Golling, Member
 Brian Falkowski, Member

16
17 Also Present:

18 Heather Freeman, Planning & Zoning
 Director/Zoning Inspector
19 Bridey Matheney, Esq., Legal Counsel
20
21
22
23
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25

1 PROCEEDINGS
 2 THE CHAIRMAN: Good evening.
 3 The Concord Township Board of
 4 Zoning Appeals meeting for March 13th is now
 5 in session. I would like to introduce my
 6 board. To my far left is Skip Sweeney and
 7 Brian Falkowski. I'm Ivan Valentic, the
 8 Board Chair. On my right is Todd Golling.
 9 On the far right is Heather Freeman, our
 10 Zoning Inspector.
 11 Under the advice of our legal
 12 counsel, we ask that anyone speaking tonight
 13 must be sworn in. If you plan on speaking,
 14 please stand and raise your right hand at
 15 this time. Please if there is a chance you
 16 plan on speaking, just please be sworn in
 17 now. It will help the meeting go along a
 18 little quicker.
 19 (Speakers sworn in.)
 20 THE CHAIRMAN: Please be
 21 seated. This evening when presenting your
 22 case or commenting, you have to come up to
 23 the microphone and state your name and
 24 address and please confirm that you have been
 25 sworn in.

1 THE CHAIRMAN: Heather, were
 2 the legal notices published in a timely
 3 manner?
 4 MS. FREEMAN: Yes, they were.
 5 THE CHAIRMAN: Thank you. This
 6 evening we have two items on our old business
 7 and one new item. So first will be our old
 8 business. A three vote majority is required
 9 to either approve or deny any variance or
 10 appeal this evening.
 11 As you can see, we have four board
 12 members this evening. We usually have five,
 13 but a three vote majority is still required
 14 for approval of your variance.
 15 Okay. So please, again, come to
 16 the microphone. The first person I'm going
 17 to ask up is Todd Victor with our old
 18 business. If you could please come up for me
 19 for one second.
 20 Please state your name and address
 21 and then confirm you've been sworn in.
 22 MR. VICTOR: Todd Victor; 20
 23 Elberta Road, Painesville. And I have been
 24 sworn in.
 25 THE CHAIRMAN: Mr. Victor, I

1 just want to ask really quickly would you
 2 like to proceed with your variance
 3 application first, which is my understanding
 4 is for only the Variance Application for the
 5 25-foot setback and then do the Conditional
 6 Use Permit second?
 7 MR. VICTOR: Yes. That's how
 8 we would like to do it.
 9 THE CHAIRMAN: Okay, perfect.
 10 So I'm just going to read it in for the
 11 record, okay?
 12 So Variance Application 2023-142;
 13 Ralph Victor Construction, Inc. is requesting
 14 the following variance for the property
 15 located at the corner of Crile Road and
 16 Hunting Lake Drive, parcel number
 17 08-A-020-C-00-002-0. So the variance from
 18 the minimum 25-foot requirement of natural
 19 vegetation to be left undisturbed pursuant to
 20 the perimeter treatment narrative included as
 21 part of the master development plan for the
 22 Quail Hollow property for Quail Hollow
 23 Development, Inc., and approved by the
 24 Concord Township Board of Trustees with an
 25 effective date of October 8th, 1986, as part

1 of the rezoning of 540 acres surrounding
 2 Quail Hollow Inn from R-1 Residential to R-2
 3 Planned Unit Development.
 4 Would you please go ahead and
 5 present your variance request for that.
 6 MR. VICTOR: First I would like
 7 to give the board the copies of the letters
 8 that we have got from the one of the
 9 homeowners and from Lake County Engineers and
 10 the sign that we have had up since before any
 11 houses were built back there.
 12 THE CHAIRMAN: Okay. Can you
 13 just tell us for the record what they are so
 14 we can get it into the record.
 15 A VOICE: Could the mike be
 16 turned on. We can't hear.
 17 MR. VICTOR: Page one is a
 18 letter from Christina Tucci in support of our
 19 building. Page 2 is a letter from Lake
 20 County Engineers for the entrance ways. And
 21 then page 3 is a picture of the sign that we
 22 have had up for commercial property before
 23 any houses were ever built back there.
 24 THE CHAIRMAN: Do you have
 25 copies for everyone on the board and for

1 Heather?
 2 MR. VICTOR: Yes.
 3 THE CHAIRMAN: And please do
 4 your best to stay as close to the microphone
 5 as you can.
 6 MS. MATHENEY: Mr. Chairman,
 7 just so everyone in the room knows, the
 8 microphone is not for the room itself. It's
 9 actually for the video. That's why it's not
 10 loud. You just have to speak up.
 11 MR. VICTOR: I also have a
 12 petition with 25 signatures I would like you
 13 guys to look at, too, in support of our --
 14 THE CHAIRMAN: So there is a
 15 letter from, again, I just want to state that
 16 you stated that it is from a Christina Tucci
 17 who is in favor of the development?
 18 MR. VICTOR: Right. I also
 19 have 25 signatures in support of it also.
 20 THE CHAIRMAN: And then Tracy
 21 from the County Engineers Office reviewed
 22 your plan?
 23 MR. VICTOR: Right.
 24 THE CHAIRMAN: So it meets the
 25 current access standards?

1 THE CHAIRMAN: There is no
 2 commenting again from anyone until you are up
 3 at the stand. Thank you.
 4 MR. VICTOR: And I could have
 5 gotten more, but I ran out of time. That's
 6 only five days of getting signatures.
 7 THE CHAIRMAN: Is there any
 8 questions on the documentation from the board
 9 that we just received? No, okay. Continue.
 10 MR. VICTOR: Okay. So the
 11 reason why we want to do the 25-foot buffer
 12 variance first is because if you approve
 13 that, then we don't need any other variances
 14 requested.
 15 THE CHAIRMAN: Okay.
 16 MR. VICTOR: So the only place
 17 that the 25-foot buffer would come into play
 18 is the north side of the property butting up
 19 against the other commercial piece here and
 20 we still would need a 10-foot side yard
 21 requirement there for the building. We
 22 wouldn't have any parking lot any closer than
 23 10 feet or any building, as this property as
 24 the zoning allows him to go 10 feet from the
 25 property line also on his property.

1 MR. VICTOR: Right.
 2 THE CHAIRMAN: But it's not
 3 final approval. I mean, you still need to
 4 submit the final plans for final approval.
 5 MR. VICTOR: Correct.
 6 THE CHAIRMAN: Okay.
 7 MR. VICTOR: If we get the
 8 board approval, then we can draw the plans up
 9 and get everything submitted like we need to
 10 submit in all the right places.
 11 THE CHAIRMAN: Yes. The
 12 signatures you provided, the 25 signatures,
 13 are these all residents of Concord?
 14 MR. VICTOR: Yes.
 15 THE CHAIRMAN: And are they
 16 near the project site?
 17 MR. VICTOR: Most of them are,
 18 yes.
 19 THE CHAIRMAN: Okay.
 20 MR. VICTOR: Most of them are
 21 right behind the water tower.
 22 THE CHAIRMAN: Okay. Thank
 23 you.
 24 A VOICE: Is it possible to
 25 share that list?

1 THE CHAIRMAN: He's allowed to
 2 clear within 10 feet.
 3 MR. VICTOR: No. He can clear
 4 right up to the property line as we are
 5 requesting to clear up to the property line,
 6 but no parking lot or building would be any
 7 closer than 10 feet.
 8 THE CHAIRMAN: And that's the
 9 only place you are looking for the variance
 10 is the 25-foot buffer variance for that side
 11 only?
 12 MR. VICTOR: Right. That's the
 13 only place where it would come into play.
 14 THE CHAIRMAN: The only
 15 applicable area is on that north side.
 16 Heather, what is that property
 17 zoned? It's not in the PUD, correct?
 18 MS. FREEMAN: The property to
 19 the north owned by Lazuka is zoned capital
 20 district. It's not part of the PUD.
 21 MR. VICTOR: And they are
 22 allowed 10 feet from the property line like
 23 we are requesting.
 24 MS. FREEMAN: That's true.
 25 THE CHAIRMAN: Okay. So why do

1 you need -- why not just leave the 25 foot
2 buffer?

3 MR. VICTOR: To meet the
4 parking lot requirement we would need that 25
5 feet.

6 THE CHAIRMAN: Is that the only
7 thing that's driving it just so you could get
8 parking for the commercial?

9 MR. VICTOR: Right.

10 THE CHAIRMAN: Without it how
11 short are you on parking requirements?

12 MR. VICTOR: Well, we have 86
13 spaces. I mean, we are required for 86
14 spaces with the way that it's set up now and
15 we have 94. That's part of the answer. I
16 think we are short probably 20 spaces.

17 THE CHAIRMAN: But those are
18 land bank also. You are trying to land bank
19 or are you going to build those?

20 MR. VICTOR: No. We would
21 build those. So we wouldn't ask for any
22 parking variance as we were asking before.

23 MR. GOLLING: The last time you
24 were here, it was either 53 or 57 spaces, and
25 in order to meet close to the mandatory

1 MR. GOLLING: Is it a spec
2 build?

3 MR. VICTOR: Pardon?

4 MR. GOLLING: Is it a spec
5 build? Are you just going to put a building
6 up and hope someone moves in?

7 MR. VICTOR: We will not build
8 that building until we have a tenant.

9 THE CHAIRMAN: I'm struggling
10 with -- I still don't really know why -- I'm
11 looking for a reason why we should, you know,
12 give you a variance on the buffer besides
13 parking. You don't know still how big things
14 are.

15 MR. VICTOR: Well, the piece
16 next to us can build 10 feet to our property
17 line. We are just requesting the same thing
18 that they are allowed to do. And the other
19 piece on the other side, the Drug Mart, put
20 their parking lot right up to our property
21 line.

22 THE CHAIRMAN: Are you thinking
23 you are going to landscape that 10-foot strip
24 or is it just turf, or is there a screening
25 requirement, or are you using trees in that?

1 minimum, I think that's why the variance is
2 requested.

3 THE CHAIRMAN: Yeah. Yeah, I
4 remember that.

5 MR. VICTOR: And the PUD
6 requires half a spot more than the B-1
7 district.

8 THE CHAIRMAN: Okay. So my
9 question, I guess my follow-up on the
10 parking, and I will give it to the board,
11 based on the use, not the zoning, how much
12 parking do you think you need because a lot
13 of times --

14 MR. VICTOR: 86 spaces.

15 THE CHAIRMAN: That's based on
16 the size of the restaurant you are proposing
17 and the office and you think you need 86?

18 MR. VICTOR: 86, yeah. And the
19 building, I mean, that's just what we can do
20 with, but the building may be smaller than
21 that, this front building, depending on what
22 goes in there. It could be a bank. It could
23 be a restaurant. I mean, we don't have
24 anybody that wants it right now, but we want
25 to market it as that.

1 MR. VICTOR: We have to grade.
2 You have to be able to grade correctly.
3 That's another reason why we need it. We
4 need to be able to grade all of the property
5 correctly so it drains correct.

6 THE CHAIRMAN: So will there be
7 a landscape buffer anywhere when you are
8 done?

9 MR. VICTOR: When we are done
10 we can put some landscaping in.

11 MR. SWEENEY: All of the spaces
12 that are on the north side that we have been
13 speaking of, if you didn't get the variance
14 would those spaces even fit?

15 MR. VICTOR: These?

16 MR. SWEENEY: Yeah, all of
17 those along that line there.

18 MR. VICTOR: No, those wouldn't
19 fit.

20 MR. SWEENEY: So you have to
21 have that in order to fit those spaces in
22 there.

23 MR. VICTOR: Right. As this
24 plan is drawn we would and then we wouldn't
25 request any parking variance. We would

1 remove all of that.

2 MR. SWEENEY: Heather, how big
3 is this parcel again? Mr. Victor, how big is
4 your parcel here?

5 MR. VICTOR: Acreage-wise we
6 don't have it on here. I'd have to ask the
7 engineer. 2.2 and-a-half or something.

8 THE CHAIRMAN: 2.67.

9 MR. SWEENEY: And then how many
10 acres is the Lazuka property, do we know?

11 THE CHAIRMAN: I don't think we
12 know that offhand.

13 MR. SWEENEY: I was just
14 curious.

15 MR. VICTOR: The zoning all
16 around us is a 20-foot side yard. That's all
17 we are asking for.

18 MR. SWEENEY: So with the
19 spaces that you could put in if we approve
20 the variance of up to 10 feet, what does that
21 bring the total spaces to you that you have
22 available to you approximately?

23 MR. VICTOR: Well, it's on
24 here. 94.

25 MR. SWEENEY: So as represented

1 ones on both sides of the street, once
2 developed will either be in part of the JEDD,
3 but once they start generating revenue you
4 will be contributing more to the JEDD.

5 MR. VICTOR: Right.

6 THE CHAIRMAN: Okay.

7 MS. MATHENEY: Is there any way
8 we can all speak up. The court reporter is
9 having a difficult time getting the comments
10 down.

11 THE CHAIRMAN: Okay.

12 MR. VICTOR: So this piece and
13 the one across the street we put into the
14 JEDD at the request of Concord.

15 THE CHAIRMAN: So you are
16 looking for a variance to be able to put
17 parking in that 25-foot setback area that was
18 supposed to be tree buffer. You will grade
19 right up to the property line but you will
20 keep a 10-foot, we'll call it landscape area.

21 MR. VICTOR: Right. On our
22 other side Drug Mart put their parking lot
23 right to our property line.

24 THE CHAIRMAN: Yeah, but they
25 were allowed to do that also.

1 in this amended app here, there is --

2 MR. VICTOR: 94 spaces.

3 MR. SWEENEY: 94 spaces.
4 Because I'm not going to count them.

5 MR. VICTOR: We are required 86
6 so we have an extra 8.

7 THE CHAIRMAN: But it could
8 change too. This isn't the final site plan.

9 MR. VICTOR: Right. Most
10 likely it would go down under required
11 spaces. We are only allowed to put -- there
12 is certain uses of the PUDs of businesses,
13 and you are only allowed -- we would only
14 allow to be putting those businesses in there
15 that are allowed. And each business, of
16 course, we'd have to get a permit from
17 Concord.

18 Also, I mean, way at the beginning
19 of this a few years before we started
20 Hygrove, Concord came to us and wanted us to
21 put it in the JEDD because they knew
22 basically it was commercial so we did that
23 for Concord.

24 THE CHAIRMAN: So this
25 development you are proposing here and the

1 MR. VICTOR: I don't know how
2 but they did.

3 THE CHAIRMAN: Or right near
4 the property line. They have a different
5 setback. I mean, that's not what we are here
6 to do today.

7 Todd, do you have any questions?

8 MR. GOLLING: Yeah. I'd like
9 to talk things through and just try to check
10 my understanding. So the as yet-to-be built
11 or occupied building that's set to be a
12 restaurant of some sort right there in the
13 lower left-hand corner, right, let's say
14 there is no plan or no one is going to move
15 in. Right now we'll just say Dunkin. I know
16 it's not Dunkin. But say Dunkin Donuts
17 really wants to go there. When we had
18 Chipotle come in many years ago, they came in
19 with a plan. They are like, we are the
20 Chipotle people. We have the landscaping
21 plan, the parking plan, we had some things
22 about parking spaces, here's what the
23 building is going look like, we are going to
24 build it. Boom, we approve it, and now
25 you've got Chipotle.

1 But here what I'm struggling with
 2 is we have don't have anything there so
 3 refresh me again. What's in the second
 4 building, the big rectangular building to the
 5 right of it?
 6 MR. VICTOR: Office.
 7 MR. GOLLING: That one?
 8 MR. VICTOR: Yeah. This is
 9 office and retail.
 10 MR. GOLLING: And again, I'm
 11 just going off my memory here, was that going
 12 to be your, like the --
 13 MR. VICTOR: Our offices.
 14 MR. GOLLING: Your office
 15 building?
 16 MR. VICTOR: Right.
 17 MR. GOLLING: So let's say
 18 worse case scenario. Let's say nobody ever
 19 moves into that restaurant place, then you'll
 20 have 96 parking spots for your office
 21 building which will have what, five people?
 22 MR. VICTOR: We have three
 23 employees.
 24 MR. GOLLING: So we'll say five
 25 cars at the most. So I'm trying to

1 understand. What if that building for five
 2 people comes down about a third and you can
 3 squish all those parking spots down and then
 4 you wouldn't have to worry about the variance
 5 there? I'm trying to understand what's the
 6 big building for because that kind of plays
 7 into the whole building the parking lot
 8 thing.
 9 MR. VICTOR: I mean, we are
 10 going to have two or three more areas where
 11 people can put a store or whatever.
 12 MR. GOLLING: Storefront in
 13 addition to your -- so you are only going to
 14 occupy part of the building?
 15 MR. VICTOR: Right.
 16 MR. GOLLING: The whole thing
 17 isn't yours?
 18 MR. VICTOR: Well, yeah. We
 19 are thinking about 5,000 square feet so there
 20 is about another 8,500 square feet for
 21 retail. We're talking to a Pilates business
 22 right now.
 23 MR. GOLLING: I understand.
 24 Okay.
 25 THE CHAIRMAN: I mean, correct

1 me if I'm wrong, so what you are trying do is
 2 you know your office is going there. You
 3 don't know exactly everything else that's
 4 going in there.
 5 MR. VICTOR: Just like any
 6 other --
 7 THE CHAIRMAN: Just let me
 8 finish here and then tell me where I'm wrong.
 9 So you are trying to, essentially
 10 trying to maximize your development footprint
 11 for this property so you have flexibility to
 12 be able to come in later with the final plan
 13 of what you want to do. And what I'm hearing
 14 is the buffer area, which is 25 feet, you
 15 would like to get that reduced so you have
 16 more flexibility with your development
 17 footprint. And your argument, I don't know
 18 if it's your argument, but that's the same
 19 requirement on the other side but they are in
 20 a different zoning district.
 21 MR. VICTOR: Correct.
 22 THE CHAIRMAN: Okay.
 23 MR. VICTOR: And to be able to
 24 market it to people, we've got to be able to
 25 tell them what they can and can't do.

1 THE CHAIRMAN: Correct. Say we
 2 don't approve the 25-foot setback. I mean,
 3 you would then have to market it and lay it
 4 out differently without that in there, maybe
 5 make some changes. I don't know what. I'm
 6 just saying that's what you would have to go
 7 back and do if we didn't approve this part of
 8 the variance, right? You'd just have to
 9 revisit the site plan or do something
 10 different.
 11 MR. VICTOR: Correct.
 12 THE CHAIRMAN: To try to fit
 13 everything and maximize your development for
 14 profit?
 15 MR. VICTOR: Right.
 16 THE CHAIRMAN: I just encourage
 17 the board to just think about this variance
 18 request.
 19 MR. VICTOR: Any business that
 20 comes in has to get the permits though.
 21 THE CHAIRMAN: Yes. For us the
 22 struggle is substantial because you are
 23 asking for the whole thing, the 25 feet.
 24 You're not keeping like 10 feet or 5 feet of
 25 trees, you are asking for the whole thing.

1 It feels substantial, but at the same time to
2 your point I get where you are coming from.
3 They don't have the same requirement so
4 they're going to clear right up to there
5 potentially. We don't know.

6 MR. VICTOR: Right. everybody
7 around us has 10 feet.

8 THE CHAIRMAN: But I feel like
9 it could still be solved without it.

10 MR. VICTOR: If you open the
11 woods up, there is hardly anything along
12 there anyway in that 25 foot and they are
13 half dead now. And then when we open it up
14 and do all the excavation around them, all
15 the edge trees die anyway.

16 THE CHAIRMAN: I'm assuming you
17 knew that you were going to have to deal with
18 this 25-foot buffer at some point, right?
19 You knew that that was one of the
20 requirements for that parcel?

21 MR. VICTOR: Pardon?

22 THE CHAIRMAN: You knew that
23 the 25-foot buffer, tree buffer, was part of
24 the requirements of the parcel.

25 MR. VICTOR: Well, we went

1 through it on the other property. It was
2 never enforced until our last development.

3 THE CHAIRMAN: Do you guys have
4 any other questions? We are going to get to
5 the conditional use, but anything else on
6 this variance request?

7 MR. SWEENEY: Yeah. Both you
8 and Todd both brought up good points. I
9 mean, we're like this plan that you have with
10 all these spots, parking spots, and this,
11 like, non-existent food establishment, I mean
12 this could all change tomorrow. Like you
13 could get somebody who comes in and says, "I
14 want to do this," and you are like, "Great."
15 Then there is a potential that you are going
16 to come back in front of us again for
17 possibly a completely different variance.
18 That could happen. That's a very real
19 possibility, isn't it?

20 MR. VICTOR: Well, if someone
21 wanted to put a drive-thru on that building,
22 I guess they would come back here.

23 MR. SWEENEY: Well, what if
24 it's just an establishment that's -- what if
25 it's just a great opportunity for you and for

1 the person and it's not a food establishment?
2 It's something else. That could happen. And
3 then we will already have gone through this
4 with you and we have approved this. I mean,
5 you don't have anybody moving in there is
6 what I'm telling you.

7 MR. VICTOR: I know.

8 MR. SWEENEY: So you don't even
9 know if you need 86 spots.

10 MR. VICTOR: Every strip center
11 out there puts in where you have a main
12 tenant and then you have the other units off
13 the building to rent out. So like Drug Mart,
14 they had all of those out buildings next to
15 the Drug Mart.

16 MR. SWEENEY: Same type of
17 setup, yeah.

18 MR. VICTOR: And they don't
19 rent those units. They build the building
20 and then try and lease them out.

21 MR. SWEENEY: Right.

22 MR. VICTOR: We are having the
23 front offices and we are going to try and
24 lease out the rest of it.

25 MR. SWEENEY: Right. And you

1 really don't care what goes in there. And I
2 just want to kind of get your thinking here.
3 You are trying to get as many spots as you
4 can on this property, period.

5 THE CHAIRMAN: And that's what
6 I was saying. He's trying to maximize the
7 development, the buildable area of this
8 parcel. That's what this variance is about,
9 the 25-foot reduction.

10 MR. GOLLING: But to do that
11 with this lot, you are picking up six pounds
12 of dirt and putting it in a four-foot bag.
13 It's like right on the precipice of you'd
14 kind of like to squeeze it, but if it was
15 just the main anchor, the building with the
16 office and the yoga studio, or whatever it is
17 next to it, then everything fits well. But
18 with the extra one -- and, of course, I
19 understand the maximizing the profitability
20 of the land. It makes sense to me. That
21 that's the goal. But here as it sits, we've
22 got, I don't know how many spots there are.
23 How many are there on the top on the north
24 side? It looks like 15, 20.

25 MR. FALKOWSKI: It's 29.

1 MR. GOLLING: Yeah, just on the
2 north side. So, whatever, we will call it
3 20. So we've got 20 spots. That's what this
4 is about right now. It's quite substantial.
5 And that's where we are getting the six
6 pounds of dirt in a four-pound bag. It's
7 just we're trying to squish it in.

8 THE CHAIRMAN: For additional
9 parking potentially.

10 MR. GOLLING: For the potential
11 of the front tenant.

12 THE CHAIRMAN: For any of the
13 tenants.

14 MR. VICTOR: Regardless, no
15 matter what we do here we want to get rid of
16 the 25-foot buffer because it's not needed.
17 And all of the property around us there is
18 zoning where they are allowed to be 10 feet
19 from the property line. That's all we are
20 asking for. I mean, regardless of what you
21 do here, we would like to get rid of that
22 25-foot buffer.

23 THE CHAIRMAN: And it's only to
24 the north side again?

25 MR. VICTOR: Yeah, it's only to

1 the north side butting up against the other
2 commercial.

3 THE CHAIRMAN: Any questions,
4 Brian?

5 MR. FALKOWSKI: No. I'm okay
6 for right now.

7 THE CHAIRMAN: Anything else,
8 Mr. Victor, on the variance for the
9 vegetative buffer?

10 MR. VICTOR: No.

11 THE CHAIRMAN: Okay. You can
12 be seated. We'll let you know if we need you
13 to come back up. I'm going to first ask --
14 again, what we are discussing now is only the
15 25-foot vegetative buffer variance.

16 So I will just ask first if anyone
17 for approving the variance, reducing the
18 25-foot buffer, would like to come up first
19 and speak to that.

20 A VOICE: Say that again.

21 THE CHAIRMAN: If anybody for
22 the variance of reducing the 25-foot buffer
23 would like to come up. I would like to see
24 if anyone would come up for that first.

25 MR. HECKMAN: Hello. Tom

1 Heckman. I live in Concord. 10095 Stone
2 Hollow Road.

3 THE CHAIRMAN: You've been
4 sworn in, sir?

5 MR. HECKMAN: Yes, sir. I
6 mean, I've been doing this stuff for a long
7 time and property is so valuable right now.
8 That little area is not -- like Todd said,
9 those trees are going to die anyway. I've
10 been in excavating my whole life. So, I
11 mean, he's a very reputable builder and
12 developer. I don't see no problem with what
13 he's trying to do. Like he said, he put his
14 place in there first and then you get the
15 renters to come in later. I don't think he
16 knows anyway what's going in there.

17 THE CHAIRMAN: Okay. Thank
18 you, sir.

19 MR. HECKMAN: You are welcome.

20 THE CHAIRMAN: So we are going
21 to let others come up. Again, if somebody
22 said something try not to repeat it. We have
23 more to discuss this evening. But again, you
24 can come up and present whatever you want,
25 but we are only focused on the vegetative

1 buffer right now. That's what we are voting
2 on and then we are going to get to the
3 conditional use permit.

4 So I'm going to ask if we could
5 just, again, confirm you have been sworn in,
6 state your name and address for the record.
7 We can start on this side, kind of start in
8 the front and work our way back and then
9 we'll go to the other side. If you want to
10 just, again, focus on the discussion around
11 the vegetative buffer.

12 MR. DARREN: I'm Dan Darren. I
13 live at 7895 Hunting Lake, and I was sworn.
14 I want to express my opposition to
15 Mr. Victor's request for the variance for a
16 couple of reasons.

17 First, given that Mr. Victor owned
18 all of the land immediately east of this
19 property, this is largely a problem of his
20 own making. This is the lot he left himself
21 with by developing the adjacent property.
22 Let's see. The stuff only related to this.

23 He doesn't face any real hardship
24 developing this without the variance. He's
25 simply trying to cram too much building onto

1 this lot space. Eliminating the second
2 building or making a smaller office of retail
3 solves his need for adequate parking. He's
4 simply trying to put too many structures onto
5 the building or onto that lot. I think
6 that's all I can say. I have other concerns,
7 but if I hear you right --

8 THE CHAIRMAN: Just focus on
9 the buffer right now.

10 MR. DARREN: I won't be
11 offended if you cut me off. I'm confused
12 about a 5,000 square foot office for four
13 people and garage doors given that initially
14 Mr. Victor said he wanted to build a
15 warehouse. Is he building a warehouse and
16 calling it something different? 5,000 square
17 feet for an office for four people, that's a
18 pretty nice office. 8,000, that is also
19 retail or other with garage doors. How much
20 covered space is accessible to the garage
21 doors? My big issue with the whole project
22 is we are going to have construction
23 equipment and storage and a warehouse there.
24 Thanks.

25 THE CHAIRMAN: Thank you.

1 talking about the buffer. We just want to
2 hear your opinion if you are for or against
3 the buffer. That's the only thing we are
4 voting on right now.

5 MS. KINCAID: Okay. The BZA
6 already cited concerns with the land bank
7 parking. He was misinformed that the parking
8 was not based on what goes in there but the
9 total square footage, what safety issues
10 arise and having to park where people have to
11 cross a road. And that was one of the
12 concerns, having to cross the road, and from
13 coming from behind an office building. He's
14 got 17 spaces behind the office building. Or
15 will people just decide to park on Hunting
16 Lake creating more of a hazardous situation
17 for the entrance to Hunting Lake?

18 I think he's asking for the
19 vegetation variance because he needs it for
20 the space for what he's trying to cram into
21 too small of a space. Todd took my saying.
22 My father-in-law, who is an old minister, a
23 coal miner from West Virginia, always used to
24 say you can't take 10 pounds of crap and cram
25 it into a 5-pound bag. And that's exactly

1 MS. KINCAID: My notes were all
2 together. I didn't know we were going to do
3 this separate, but I was able to review the
4 January 10th meeting and I really --

5 THE CHAIRMAN: Excuse me.
6 State your name.

7 MS. KINCAID: Oh, I'm sorry.
8 Karen Kincaid; 7894 Hunting Lake. And I was
9 sworn in. After looking at that January 10th
10 meeting, I have to say that I feel like this
11 is all deja vu. The only thing that he's
12 changed is making the restaurant bigger. I
13 will try to find my notes and separate them
14 through.

15 As stated in the January meeting,
16 this plan is not a true representation of
17 what he wants regardless of how many times
18 he's re-drawn it. All of the concerns from
19 January are still valid. And I don't feel
20 that Mr. Victor listened or has considered
21 any of the residents' feedback.

22 What happens when the restaurant
23 is built and what about the restaurant that's
24 going to be there and the traffic problem?

25 THE CHAIRMAN: We are just

1 what he's trying to do.

2 I think he needs to make his
3 building to fit into the piece of land that
4 he has and if he does that he won't need the
5 variance. He won't have to have all these
6 parking spaces. That's all I've got on that
7 piece.

8 THE CHAIRMAN: Thank you. Who
9 is next?

10 MS. MINARDO: I'm Rivera
11 Minardo; 7895 Hunting Lake Drive. And I have
12 been sworn in. A couple things I just wanted
13 to point out here. Mr. Victor is saying the
14 lot next to him is zoned differently, and
15 therefore, they don't have to keep that
16 variance for the trees, and therefore he
17 shouldn't have to either. And I find that a
18 crazy statement because where do you stop
19 that? Where do you say well, we are zoned
20 one thing, you are zoned a different thing
21 and I want the same rules as you. That's not
22 how this works. Zoning is here for a reason.
23 That's my first thing.

24 The second thing is I know the
25 trees might die. We are all going to die.

1 We just don't want it to be now. So I think
2 that's kind of a really bad argument for
3 taking down those trees.

4 The third thing, and you can stop
5 me here. I don't understand how you can ask
6 for a variance for a permit that you haven't
7 received yet. Maybe you could explain that
8 to me. He's going to come in looking for a
9 variance again of what he has approved to
10 build, but he doesn't have an approve to
11 build yet because the first thing we are
12 doing is giving him a pass and I don't
13 understand that.

14 THE CHAIRMAN: I don't know if
15 legal counsel or Heather can help us.

16 You can ask for a variance before
17 you build anything. That's my understanding,
18 right?

19 MS. FREEMAN: Yes.
20 Mr. Chairman, any time an applicant can
21 request a variance. Typically, with a
22 commercial development such as this, it might
23 be requested prior to going in front of the
24 Zoning Commission for board plan approval.
25 The plan approval doesn't stop tonight

1 to the project, they are going to just use
2 it.

3 MS. MINARDO: So I
4 misunderstood how this process works. First
5 you get a conditional use permit and then you
6 try to get the variance to find out what you
7 actually are going to need because now you
8 have to tweak it a little. So you get a
9 variance and then you get a conditional use
10 permit?

11 THE CHAIRMAN: Tell me if I'm
12 wrong, somebody. They are separate items.
13 Anyone can get a variance for any property.
14 The conditional use permit is specific for
15 the use of what he can do on the property and
16 allowing him because it's in the PUD. These
17 uses are allowed but you have to get a
18 conditional use permit. The variance is
19 separate. If we either approve or don't
20 approve the variance, it doesn't change
21 anything on the conditional use permit.
22 That's a separate topic. That will be
23 approved separately in our next agenda
24 meeting.

25 MS. MINARDO: Okay. Thank you

1 depending on what happens with this variance
2 and the subsequent conditional use permit.

3 Mr. Victor and his team will have
4 to submit full engineered civil drawings and
5 architectural plans to our Board of Zoning
6 Commission for review and approval. Those
7 plans also get approved by other county
8 agencies. So this is really a preliminary
9 plan. This is not a final version. It's not
10 been fully engineered. It's a concept.

11 So in order to spend money and do
12 full improvement plans, they need to know
13 whether or not the township is going to be
14 okay with the variance.

15 MS. MINARDO: Can they take the
16 variance permit permission away once it's
17 been -- I mean, once the trees are down and
18 once they put in a phase one, this is a two
19 phase plan, once you have agreed to part one
20 of this and then part two never happens, it's
21 too late.

22 THE CHAIRMAN: Yeah, I don't
23 think it would make sense to take it away.
24 And at that point, to your point, and given
25 what Todd said, if they get this when they go

1 for clarifying.

2 MS. HORVATH: Nanette Horvath
3 at 11263 Hygrove. All of my concerns are
4 safety concerns so are you --

5 THE CHAIRMAN: We are going to
6 talk about that. We are going to talk about
7 the conditional use permit and the site and
8 all the safety concerns on the next agenda
9 today item. Right now we are focused on the
10 buffer so if you want to wait.

11 MS. HORVATH: The next agenda
12 item is today?

13 THE CHAIRMAN: Yes.

14 MS. HORVATH: Let me sit down
15 and I'll come back later.

16 THE CHAIRMAN: Can't wait to
17 see you. Who is next? Anyone else on this
18 side that would like to come up before we go
19 forward?

20 MR. HALL: My name is Dave
21 Hall. I live at 7806 Hunting Lake. I want
22 to discuss the variance and the variance only
23 talking to you guys. I oppose the variance.
24 I don't want it in there.

25 The first one is probably not the

1 most important, but aesthetics. We talk
 2 about putting a parking lot everywhere and
 3 destroying trees and destroying the way we
 4 look. It was brought up multiple times in
 5 January about how we don't want Concord to
 6 change. We don't want it to look like -- we
 7 don't want to look like Mentor Avenue. So
 8 when you put parking lot to parking lot and
 9 you are just having a little 10-foot buffer
 10 in between there, the aesthetics of it, it
 11 just looks like a big old strip mall.

12 The second part of it because I
 13 live behind there on Hunting Lake, they
 14 already have issues with noise from 44 and
 15 Crile Road. So therefore, if you are cutting
 16 down more trees, we are bringing more noise
 17 pollution to our area, all right? That
 18 little baby probably can't hear it, but you
 19 know what, I can when I'm on my back porch
 20 trying to relax with some trees around me.
 21 And that's why I don't want it cut down. I
 22 oppose it.

23 THE CHAIRMAN: Thank you.
 24 MS. SINITA: Denise Sinita; 7874
 25 Fox Hunter Lane, Hygrove. So I am actually

1 speaking on behalf of Mr. Chris Lazuka. He
 2 is not able to be here. Is that okay?

3 THE CHAIRMAN: Yes.
 4 MS. SINITA: So regarding the
 5 Variance Application 2023-142, he is the
 6 trustee for the property parcel
 7 08-A-02-000-00-190, which is on the northern
 8 border of the property owned by Ralph Victor
 9 Construction.

10 He says, "To approve these would
 11 be disruptive to residents, mainly Hygrove,
 12 who are very much connected to that property.
 13 It seems quite unfair that an entire
 14 neighborhood would have a portion of it
 15 turned into a noisier and possibly less safe
 16 area. When they moved there, they were under
 17 the expectation that the commercial uses for
 18 that property would remain as it currently
 19 is. The setback elimination being requested
 20 on this property mirrors that which was
 21 approved for their Ivy Ridge project last
 22 year. That variance was granted under Ralph
 23 Victor Construction's threat of a higher
 24 density development. They do not have that
 25 leverage here. So I would ask the BZA what

1 is Concord's gain for granting this in the
 2 face of its residents' objection? Why can't
 3 Ralph Victor Construction simply make the
 4 most out of its current commercial zoning? I
 5 respectfully ask that you deny this
 6 application." Mr. Chris Lazuka.

7 THE CHAIRMAN: Thank you.
 8 MS. BENCIC: My name is Linda
 9 Bencic and I live at 7838 Hunting Lake Drive.
 10 And I have been sworn in.

11 It's a little unnerving because we
 12 come with these prepared papers and then when
 13 the order changes, we have to throw them and
 14 kind of go on the fly. But I did want to
 15 agree with Mr. Golling. And actually it was
 16 stated, and I went over the transcript of the
 17 last meeting, and Ms. Garcar stated that I
 18 feel there is a lot being pushed into a very
 19 small piece of property. So we are all in
 20 agreement of that today. The office building
 21 hasn't changed but the restaurant has grown
 22 bigger.

23 Now, I just heard Mr. Victor say
 24 that in the future he could put a drive-thru
 25 in there, which if you look at the plans, all

1 he really did was push that over and that
 2 space is exactly the same as the original
 3 plans.

4 THE CHAIRMAN: Can I just
 5 clarify one thing. He cannot come in and
 6 just put in a drive-thru. Again, a
 7 drive-thru is not allowed in this area. So
 8 if they wanted to come in and request a
 9 drive-thru, that could happen but that would
 10 be a separate variance request.

11 MS. BENCIC: And I understand
 12 that, but what I'm saying is the plans as
 13 drawn leave that opportunity open.

14 THE CHAIRMAN: Yes.

15 MS. BENCIC: Because preserving
 16 that space if you look at it, the curve even
 17 with this little dining area here, the curve
 18 is just the same as the drive-thru is so
 19 there was very little change in the actual
 20 plans. So that is a future concern.

21 The other concern, you mentioned
 22 Chipotle. These parking spaces are next to a
 23 street. That parking lot at Chipotle, those
 24 cars come out and there is a street right
 25 there. That's extremely dangerous. It's

1 like I don't know how that got past zoning,
2 but I guess because Chipotle came in and they
3 were all prepared. That probably helped it
4 out.

5 So my objection is that there is
6 just too much going on and there is potential
7 for this future proposal for a drive-thru
8 which is not approved in the R-2. And so
9 really I think what a lot of us are asking is
10 just stick with what the zoning is. I said
11 this last time and I'm going to say it again.
12 We want you to follow the guidelines because
13 the stated purpose of zoning is the
14 restriction on a limited use of land by the
15 owner and it must be reasonable and/or
16 protective of public health and safety. I
17 don't think this does either so I am not in
18 favor of it.

19 Oh, one more thing. There was
20 something said in the last meeting about this
21 being zoned commercial and Ms. Freeman
22 corrected him. I mean, the zoning map
23 clearing shows the R-2 designation. So
24 that's what I have to say. Thank you.

25 THE CHAIRMAN: Heather, can we

1 Let's go look around."

2 I think house break-ins are going
3 to increase, maybe car break-ins. I don't
4 know, but that's what we don't know. When we
5 moved in, Hunting Lake didn't go all the way
6 through. That in itself has increased the
7 traffic coming through there. I used to be
8 able to just drive out onto Crile without
9 hardly looking, and now I tried to get out
10 the other day and there was like 10 cars
11 coming. So that's only going to increase. I
12 really object to the trees coming down. That
13 provides some protection for us and if that's
14 gone we have no protection.

15 THE CHAIRMAN: All right.
16 Thank you.

17 MR. STROPKY: my name is Mike
18 Stropky. I live at 7815 Hunting Lake Drive.
19 And I have been sworn in. Trees being the
20 popular topic for this segment, and I'm
21 definitely opposed to bringing down those
22 trees. I've spent a lot of my time over the
23 years in wildlife conservation. And yes,
24 the trees are going to die. There is no
25 doubt about that. We know for sure. Have

1 just clarify for everybody it's R-2 PUD,
2 correct?

3 MS. FREEMAN: Yes.

4 THE CHAIRMAN: Which allows for
5 office; certain uses; office, restaurants,
6 some retail with a conditional use permit.

7 MS. FREEMAN: That is correct.

8 THE CHAIRMAN: Hopefully, that
9 makes sense to everybody. Who is next?

10 MS. GARTNER: Sandra Gartner;
11 11205 Sire Court. I am definitely opposed
12 to taking those trees down. And like Maria,
13 they are all going to die sometime but not
14 right now. My husband and I live right along
15 the trees that are there now. I can see out
16 onto Crile just in the wintertime because of
17 the leaves being down. They talk about there
18 will be some trees left. I don't think so.
19 Because once it gets started, they are coming
20 down. I can already see over to the
21 creamery, to the car wash there, and I kind
22 of look at it like it's illegals coming over
23 the border because we don't know who is going
24 to be coming in. Who's going to say, "Oh, I
25 didn't know that neighborhood was back there.

1 there been environmental studies on the
2 impact of cutting those trees?

3 THE CHAIRMAN: Has that study
4 been done?

5 MR. STROPKY: Yes.

6 THE CHAIRMAN: I would imagine
7 no, but we can ask Mr. Victor that.

8 MR. STROPKY: The reason I say
9 that is because I'm an avid bird watcher in
10 this area here. And I would tell you that
11 dead trees or dying trees is not necessarily
12 a bad thing for birds. It's not initially a
13 bad thing for birds and I will tell you why.

14 There is six different species
15 of woodpeckers in that section that we are
16 talking about right now. If you clear those
17 trees, that's going to have a detrimental
18 impact on them. And overall, and I don't
19 want to go too far with this, but it's these
20 birds that help the insect populations
21 reduce; the mosquitos or whatever little
22 irritants are out there. That's what the
23 birds do. They are very vital to our
24 environment.

25 So I'm opposed to it. I'd like to

1 know if there was an environmental study done
2 because I can't see going forward without
3 having some type of study like that. It is
4 going to make a major impact on the landscape
5 and ecology of that area.

6 THE CHAIRMAN: Okay. Thank
7 you. Again, please no comments. Mr. Victor,
8 can you come up here for a second. I have a
9 question for you.

10 I'm assuming from an environmental
11 standpoint you haven't done anything yet or
12 are trying to?

13 MR. VICTOR: That's all been
14 done when we did Hygrove. Everything has
15 been done.

16 THE CHAIRMAN: So you've done
17 an environmental delineation?

18 MR. VICTOR: Right.

19 THE CHAIRMAN: Okay.

20 MR. VICTOR: And if you drove
21 back there on the easement for the water
22 tower, there is hardly any good trees along
23 that whole strip from 25 feet back. So over
24 half of them are dead already.

25 THE CHAIRMAN: I understand. I

1 As far as the ecology and the
2 designated wetland areas over there on the
3 golf course that can't develop, is not being
4 developed right next to one of those
5 wetlands, I don't see that being an issue.

6 Oh, there's the one comment was as
7 far as it being unfair to zone it differently
8 than it was previously zoned. The bottom
9 line is we've all built. There's the villas
10 development and that front property is going
11 to be developed. I don't know why we are
12 here today.

13 THE CHAIRMAN: Is there anybody
14 else on this side that we didn't get to that
15 would like to come up and speak for or
16 against this appeal? Okay.

17 Are there any other further
18 comments about the vegetative buffer? Would
19 anyone like to come up and present?

20 MS. KINCAID: I just have one
21 comment, two comments maybe. I had a tree
22 fall on my house.

23 THE CHAIRMAN: Is this about
24 the buffer?

25 MS. KINCAID: Well, it's about

1 just wanted to see if there has been anything
2 done. Thank you.

3 MR. COLLINS: Marc Collins;
4 7899 Fox Hunter Lane.

5 THE CHAIRMAN: You've been
6 sworn in?

7 MR. COLLINS: I have been sworn
8 in. I want to thank everyone for their time
9 and opinions. And all of those trees have
10 beautiful fall foliage, some of the prettiest
11 trees we have actually in the area. I'm not
12 opposed to the variance. My thoughts are one
13 of your arguments tonight was that if I give
14 somebody something a certain way, that maybe
15 I can be equal. I think we should all be
16 equal. Just my honest opinion. That
17 commercial property just to the north was
18 allowed to have the 10 foot and I think
19 Mr. Victor should as well.

20 The gentleman about the trees, you
21 see him walking his dog all the time. I
22 understand the idea of trees and you don't
23 want to take them down, but every one of us
24 in this development, this area, we took trees
25 down to build our houses.

1 the vegetation and the trees are dead and
2 everything.

3 MS. MATHENEY: Please state
4 your name for the record.

5 MS. KINCAID: Karen Kincaid;
6 7894 Hunting Lake Drive. And I have been
7 sworn in. I had two arborists come to my
8 house and they said that the trees -- he said
9 probably all of the trees in that area are
10 probably all hollowed out, but that doesn't
11 mean that they are dead and it doesn't mean
12 that they are going to fall down in the next
13 couple of years. That they have a lot of
14 life left. That's from two arborists.

15 The only other thing I want to say
16 is my research shows a variance may be
17 granted only if the applicant demonstrates
18 that a hardship unique to the property
19 prevents the use of the property as it is
20 zoned, or results in a practical difficulty
21 in meeting the requirements of the
22 resolution. The only hardship that I see
23 here is that it doesn't fit his needs.

24 THE CHAIRMAN: Okay. Thank
25 you.

1 MS. CORTNIK: Joanne Cortnik.
2 11220 Quail Hollow Drive. I am not opposed
3 to the variance.

4 THE CHAIRMAN: And you have
5 been sworn in?

6 MS. CORTNIK: Yes, sir, I
7 have. I am not opposed to the variance.
8 From the time before Hygrove was built or
9 before Hunting Lake was connected, there has
10 been a sign out there stating that there was
11 commercial property. I have been in the Hunt
12 Club for over 20 years. And as someone who
13 moved out here and has watched Concord
14 change, I think it's changed for the better
15 and I have absolutely no problem with more
16 commercial properties or room to add
17 businesses that can be walked to that add to
18 our neighborhoods. I don't think that they
19 are taking away from our neighborhoods at
20 all. I, personally, have stayed because of
21 the growth that has come. So I'm not a
22 opposed to the variance. The sign has been
23 posted for 10, 15 years. This isn't new.
24 And we are talking about 15 feet that may or
25 may not make a difference in the businesses

1 several small businesses. And correct me if
2 I'm wrong, but they put a beautiful rock wall
3 with some arborvitae around the tower to hide
4 that as well. I don't think that was
5 required, but it's something that they did.
6 That's all the comments I have.

7 THE CHAIRMAN: Thank you.

8 MS. BENCIC: Linda Bencic; 7838
9 Hunting Lake Drive. And I have been sworn
10 in. I just want to make the comment that no
11 one disputes the fact that Mr. Victor has a
12 right to build on that property, but the way
13 that it's zoned I believe there is 30
14 different businesses he could put in there.
15 And that's all we are asking. Just, again,
16 to stay within the guidelines that are there
17 and to, again, have to have this variance
18 just so he could put more things in there
19 just doesn't seem to be necessary. We are
20 not depriving him of the chance to build.
21 It's just build within the guidelines.

22 THE CHAIRMAN: Okay. Thank
23 you. We have one more in the back here.

24 MS. ZIMMERMAN: My name is
25 Nancy Zimmerman. I live at 7890 Hunting Lake

1 that are choosing to go there. I'm saying if
2 it were me looking for a parcel to add a new
3 business, more parking would be what I was
4 looking for to add to it. Thank you.

5 THE CHAIRMAN: Thank you.

6 MR. RICH: My name is Ben Rich
7 and I live at 11260 Quail Hollow Drive. And
8 I have been sworn in.

9 I am for the variance. A couple
10 reasons. One, I just think from a small
11 business standpoint having this variance and
12 having that parking and being able to take
13 that plan to a potential business makes a lot
14 more sense. It's easier to sell when you
15 have a complete parking spot rather than
16 going in and saying, "hey, we didn't get this
17 variance. We are a little bit smaller. Can
18 you fit in here?" It's not to say that
19 that's what's going to happen, but I think
20 it's a lot easier.

21 The second thing I would say, and
22 I will be brief is it's just the Victor
23 family has been an important part of the
24 community for decades. And I don't think
25 there has ever been an issue. They run

1 Drive. I just want to say Quail Hollow Drive
2 is at the complete opposite end of where we
3 live and where all the trees are and what we
4 are discussing for the 25-foot variance is.
5 That's all I want to say.

6 THE CHAIRMAN: Okay. Thank
7 you. I'm just going to ask the board really
8 quick before I close the meeting do you have
9 any questions for Mr. Victor before I close
10 the meeting?

11 A VOICE: One question if
12 that's okay.

13 THE CHAIRMAN: Yeah, that's why
14 I'm asking. Mr. Victor, can you come up real
15 quick. We just have one more question for
16 you.

17 A VOICE: Mr. Victor, if you
18 have to work within the 25 foot variance or
19 25 feet the way it's written right now, how
20 much smaller would the building have to be?

21 MR. VICTOR: We would have to
22 take off on this end maybe 20 feet by 96.
23 About 200 square feet. Yeah, 200 square
24 feet.

25 A VOICE: So to work with

1 leaving it with a 25-foot buffer, you would
 2 looks about 200 square feet?
 3 MR. VICTOR: Right.
 4 A VOICE: That's all I have.
 5 THE CHAIRMAN: Thank you, sir.
 6 MR. VICTOR: Well, 2,000 square
 7 feet.
 8 A VOICE: That makes more
 9 sense.
 10 THE CHAIRMAN: Well, if there
 11 is no further questions, the public hearing
 12 for Application Number 2023-142 is now closed
 13 to the public.
 14 Can I get a motion to approve
 15 Variance Application 2023-142?
 16 MR. GOLLING: So moved.
 17 MR. FALKOWSKI: Second.
 18 THE CHAIRMAN: Discussion for
 19 the board. Who would like to start?
 20 MR. SWEENEY: Well, I mean, I
 21 just think, you know, the board knows my view
 22 on allowing business to --
 23 THE CHAIRMAN: To do business.
 24 MR. SWEENEY: -- do business.
 25 And I've run it through a bunch of factors

1 and it fails. It fails every time. There is
 2 not one Duncan factor that's in its favor
 3 unfortunately.
 4 THE CHAIRMAN: For me, the one
 5 that really -- you know, I don't know. I'm
 6 struggling with is it substantial. I know
 7 what it is, but again --
 8 MR. GOLLING: In which
 9 direction?
 10 THE CHAIRMAN: Yeah, thank you.
 11 So 25 feet is maybe substantial, but what's
 12 really in that 25 feet. You know, quality of
 13 trees. I don't know. And then everyone has
 14 a different opinion on that, but does it
 15 affect the substantial neighborhood. I think
 16 that's the one that kind of maybe --
 17 MR. GOLLING: I don't think
 18 this is about trees. I was just by the lot
 19 today, and if he wanted to take that lot and
 20 turn it into a giant putting green, he could
 21 do that. He can mow down darn near every
 22 tree he wants there.
 23 THE CHAIRMAN: Except for the
 24 25.
 25 MR. GOLLING: Yeah. But he can

1 turn it into a giant putting green and get
 2 rid of all of the trees, right. But in that
 3 respect as I'm looking at this building here,
 4 the 5,000 square feet for the Victor offices,
 5 and then the balance of some 8,500 for the
 6 two adjacent shops that may or may not go in
 7 there. So according to this, is that the
 8 parking required is one space per 200 square
 9 feet of area, 17,000 square feet, which is 86
 10 spaces. Again, I just got high school math
 11 and I'm not a forensic accountant, but I'm
 12 pretty sure you could squish these spaces
 13 down here where the shop might be. So, I
 14 mean, I don't know about the whole cutting
 15 the building off.
 16 THE CHAIRMAN: Yeah, there's
 17 other ways to slice it to get it to fit.
 18 MR. GOLLING: Yeah. The point
 19 is we like the business in Concord, but we
 20 want to like it coming in the right way.
 21 Obviously, we don't want to kind of put too
 22 much on a lot and just say it's cool.
 23 And the trees, to his point, when
 24 the bulldozers come through, they cut the
 25 roots, everything dies, which is partially

1 why you are required to landscaping put back
 2 in there. So I don't think it's about 10
 3 feet of scrub trees that are in there. What
 4 it's about is too much on the lot. I'm not
 5 saying too much from the big building. I'm
 6 talking about the little one up front because
 7 if the little one wasn't there, the big one
 8 would probably be acceptable along with the
 9 parking spots being schooched over.
 10 THE CHAIRMAN: But I also think
 11 he can still develop the property without the
 12 25 feet.
 13 MR. SWEENEY: Of course,
 14 absolutely.
 15 THE CHAIRMAN: And still fit a
 16 lot of stuff on there. Not as much but a lot
 17 of stuff.
 18 MR. GOLLING: Yeah, he can
 19 still build on it.
 20 THE CHAIRMAN: Brian, do you
 21 have anything you want to add?
 22 MR. FALKOWSKI: I've just been
 23 going back and forth about substantial, kind
 24 of the first point that you raised.
 25 THE CHAIRMAN: Yeah, because

1 he's asking for the whole 25. But I think in
2 theory if you look at that as a number, it's
3 substantial. The other one for me is how
4 much does it affect driving down Crile Road
5 and is there a 25 foot row of trees there and
6 even if some of them died, is that a big
7 difference? Maybe that's the one that
8 doesn't line up.

9 MR. SWEENEY: I think we should
10 go through the fact that -- but before I say
11 that, property is zoned for a reason. The
12 property next to it just happens to be zoned
13 for a different reason.

14 THE CHAIRMAN: But I believe
15 that's what's driving that buffer is because
16 they're different types of zoning. That's
17 why there is potentially a buffer there, that
18 25-foot buffer to separate the zoning, the
19 different types of zoning.

20 MS. FREEMAN: That was part of
21 the perimeter treatment that was approved
22 with an overall PUD that was approved back in
23 '86. So it was a buffer between different
24 districts.

25 MR. SWEENEY: Right. The point

1 debatable. Personally, I don't think it will
2 be.

3 Will it affect government
4 services? No.

5 Did the property owner purchase
6 the property with the knowledge of the zoning
7 restrictions? Unfortunately, yes.

8 Can the problem be resolved by
9 some other manner? Yes.

10 Will the variance preserve the
11 spirit and the intent and will substantial
12 justice be done by granting the variance?

13 I don't know that that's
14 applicable.

15 But I can tell you that I don't
16 think a substantial injustice is being done
17 by denying it.

18 This is what we are given. We are
19 given the law, we are given the standards and
20 we apply them. If you guys disagree with me,
21 I'm happy to discuss it. It's just, and I
22 think, Todd, you said it. We are trying to
23 do too much. It's just too much trying to
24 get a shoehorn in this and there is plenty
25 other ways to skin this cat.

1 is we're getting asked and we always get
2 asked to do things because someone else got
3 it. You know, if you don't like the way the
4 property is zoned, we are not the people you
5 go to, okay? We are here to enforce things.
6 We are not here to grant willy nilly. I
7 think that's maybe what we have done in the
8 past.

9 So let's go through the variances.
10 So, number one, the Duncan factors. May the
11 property be used for any other use permitted
12 in the zoning classification district, yes.

13 MS. FREEMAN: Excuse me, I
14 think you are going through the use variance
15 factors.

16 MR. SWEENEY: Yes, I'm sorry.

17 Will the property yield a
18 reasonable return or can there be a
19 beneficial use of the property without the
20 variance? Yes.

21 Is the variance substantial? I
22 think that it depends. Personally, I think
23 it is.

24 Will the essential character of
25 the neighborhood be altered? That's

1 THE CHAIRMAN: Yeah. I mean,
2 maybe the one that pushes me one way is that
3 it can still be done. And we do a lot of
4 variances. This is what we do, right. A lot
5 of variances come our way and what's the
6 hardship or why they can't accomplish what
7 they want to do. And I think maybe we are
8 not seeing a clear hardship, Skip, right?

9 MR. SWEENEY: Yeah. We had one
10 the last meeting with a kid whose parents
11 died and we had to assume all of their
12 belongings and things. I feel bad for him.

13 THE CHAIRMAN: Yeah. Before we
14 go to voting, is there anything else anyone
15 wants to add for discussion? Do you guys
16 have anything else?

17 MR. SWEENEY: The township has
18 grown. I live at the bottom of the hill
19 here. When I first moved in in 2004, you
20 could out on Ravenna Road and stand there for
21 five, ten minutes and not a single car would
22 go past. And now I sit there and my head is
23 on a swivel because they both come flying
24 down that hill. It's just the way it is. I
25 don't like it, but I love living here.

1 MS. MATHENEY: Mr. Chairman,
2 this was just brought to my attention. I
3 don't know that the board has advised the
4 applicant of the fact there is only four BZA
5 members here.

6 THE CHAIRMAN: I did at the
7 beginning.

8 MS. MATHENEY: I apologize. I
9 didn't hear.

10 THE CHAIRMAN: You understand
11 that there is only four members and you still
12 need a three vote majority to approve your
13 variance and conditional use permit, correct?

14 MS. MATHENEY: He can ask to
15 postpone.

16 THE CHAIRMAN: Yeah. You could
17 postpone it if you wanted five, but you want
18 to go forward with the meeting tonight,
19 correct? Are we moving forward?

20 MR. VICTOR: We'll postpone it.

21 MS. MATHENEY: So you are not
22 withdrawing. You are asking for them to
23 table it even though you have presented.

24 MR. VICTOR: Table it so there
25 is all five members here.

1 MS. MATHENEY: Well, he's
2 saying he doesn't want to continue so then
3 there is no conditional use.

4 MR. SWEENEY: Well, if he
5 approved it early on and then changed his
6 mind, the question is can the applicant
7 change his mind at any point during a hearing
8 or prior to taking a vote on this? Can they
9 do that?

10 THE CHAIRMAN: Please be quiet.

11 MS. MATHENEY: Well, it was a
12 change of mind. I think if I'm not mistaken,
13 there definitely was discussion that he knew
14 there were four members, but I don't know
15 that he knew that he can say, "Hey, listen, I
16 don't want to go forward tonight because
17 there is four members."

18 MR. SWEENEY: Okay. I'm just
19 trying to clarify.

20 THE CHAIRMAN: Can I get a
21 motion from the board to open back up
22 Variance Application 2023-142?

23 MR. GOLLING: So moved.

24 MR. SWEENEY: Second.

25 THE CHAIRMAN: Is that the

1 THE CHAIRMAN: So when I brought
2 it up before, I know I said it.

3 VOICES: You did.

4 THE CHAIRMAN: Okay. And you
5 wanted to still move forward. We didn't
6 bring it up at that time. But at this time
7 you do want to postpone it and not go through
8 with the variance and the conditional use
9 permit?

10 MR. VICTOR: Correct.

11 MS. FREEMAN: Mr. Chairman, at
12 a follow-up hearing how does that work,
13 logistically work, since all the testimony
14 has already been completed and this portion
15 has been closed?

16 MS. MATHENEY: Just vote to
17 reopen the public hearing.

18 THE CHAIRMAN: So I will have
19 to reopen this variance application to the
20 public and then table it?

21 MS. MATHENEY: You can do that,
22 yes.

23 THE CHAIRMAN: Then we are not
24 going to talk about the conditional use
25 permit?

1 right way to do it?

2 MS. MATHENEY: Yes.

3 THE CHAIRMAN: Can I get a
4 motion to table until the next month's
5 meeting Conditional Use Permit Application
6 2023-27 and Variance Application 2023-142?

7 MR. GOLLING: So moved.

8 MR. FALKOWSKI: Second.

9 THE CHAIRMAN: All in favor.

10 Aye.

11 MR. GOLLING: Aye.

12 MR. SWEENEY: Aye.

13 MR. FALKOWSKI: Aye.

14 THE CHAIRMAN: Okay. I
15 apologize. That was my mistake spending so
16 much time this evening. We will be back next
17 month and get to see each other.

18 A VOICE: Can I ask a question?
19 There were a couple of documents that were
20 presented to you.

21 THE CHAIRMAN: Just call
22 Heather and we will look at it in enough
23 time. If everyone wants to leave, please
24 exit. We have another variance.

25 THE CHAIRMAN: Next on our

1 agenda is a Variance Application 2024-145.
 2 Mr. Richard M. Langel is requesting a
 3 variance from Section 15.04(A)(2)e to permit
 4 a shed on a double lot frontage lot to be
 5 located 14 feet from the Hermitage Road
 6 right-of-way in lieu of the minimum 50 feet
 7 requirement. This is for the property
 8 located at 7235 Northpointe Court, parcel
 9 08-A-030-F-00-014-0. Come on up.

10 MR. LANGEL: My name is Rich
 11 Langel; 7235 Northpointe Court. And I have
 12 been sworn in.

13 THE CHAIRMAN: And, sir, you
 14 have people up here. Would you like to move
 15 forward with four?

16 MR. LANGEL: I will most
 17 certainly will.

18 MR. SWEENEY: He doesn't want
 19 to come back.

20 THE CHAIRMAN: Go ahead and
 21 present your case.

22 MR. LANGEL: I applied for a
 23 permit back in 2009 and was approved, but at
 24 that time I didn't have the money to build
 25 the shed or we wouldn't be here tonight. But

1 shed, but you are still 30 feet from the edge
 2 of the road based on this sketch?

3 MR. LANGEL: Correct.

4 THE CHAIRMAN: So there is
 5 still a pretty good buffer from Hermitage
 6 there?

7 MR. LANGEL: There is.

8 THE CHAIRMAN: Are you planning
 9 on adding any landscaping around the back of
 10 the shed, or do you think keeping the trees

11 --

12 MR. LANGEL: Well, last year I
 13 put a bunch of bushes because what happened
 14 was the ditch on the side of Hermitage on my
 15 property, the road was kind of giving way.
 16 So they dug out the ditch towards my
 17 property, which is still an easement, but
 18 they took out a lot of my vegetation, bushes
 19 to repair the road, which I understand, then
 20 they hydro seeded. They did take the dirt
 21 and put it on the roadside with some
 22 concrete. But no, I don't plan on cutting
 23 anything down. I want to plant more bushes
 24 to hide the road. In the summertime, and
 25 there is pictures I have, it's pretty awesome

1 I am moving forward with building it and I
 2 don't know if zoning has changed. Obviously,
 3 it must have because they are calling it a
 4 double frontage now, which that has always
 5 been the back of all of the lots on my
 6 street, Northpointe Court.

7 This is the only place I can build
 8 this shed because of the lay of the land. My
 9 property kind of slopes all over the place.
 10 And because of what I already got done there
 11 without cutting trees down, which I don't
 12 want to cut any trees down, this is the only
 13 place that I can put this outbuilding.

14 THE CHAIRMAN: So you are going
 15 to keep all of the trees or are you going to
 16 cut one or two?

17 MR. LANGEL: I don't have to
 18 cut any down. I don't want to cut any trees
 19 down. Unfortunately, a bunch of my neighbors
 20 had to cut trees down, but I have locust
 21 trees. I'm the only property that has
 22 nothing but trees and I want to leave it that
 23 way.

24 THE CHAIRMAN: Okay. You're
 25 still 14 feet from the property line with the

1 back there.

2 THE CHAIRMAN: Yeah. It seems
 3 like you take pretty good care of it back
 4 here.

5 MR. LANGEL: Right now I have
 6 some scaffold set up with a tarp because my
 7 garage is full and I've got my lawnmower in
 8 there and some other things. And that
 9 scaffold is going to go away very shortly.

10 THE CHAIRMAN: I'm just going to
 11 tell you now we are learning in this board,
 12 you know, if this variance is approved make
 13 that shed as big as you need it because we
 14 don't want you coming back and trying to make
 15 another shed.

16 MR. LANGEL: That's fine.
 17 There was a shed at the Hermitage property
 18 prior to me purchasing it and the previous
 19 owners took it and it was in that same
 20 location.

21 THE CHAIRMAN: Okay.

22 MR. GOLLING: So you live next
 23 to the guy that I see on Hermitage that
 24 has --

25 MR. LANGEL: I have palm trees

1 in my yard.
 2 MR. GOLLING: The backyard
 3 oasis guy with the putting green?
 4 MR. LANGEL: Yeah.
 5 MR. GOLLING: Okay. Because he
 6 was in here last year.
 7 MR. LANGEL: Last year. Both
 8 of my neighbors have put up sheds in the last
 9 couple years.
 10 MR. GOLLING: Right.
 11 MR. LANGEL: Mr. Meraglio's
 12 shed kind of looks more like the 9th hole.
 13 It's really tiny, but it's got an overhang.
 14 It's pretty awesome because he likes to sit
 15 out there with his putting green.
 16 MR. GOLLING: He's got quite a
 17 backyard.
 18 MR. LANGEL: Yeah. I have done
 19 a lot in my yard over the last few years.
 20 I've been retired for three years so that's
 21 kind of my hangout. I put a hammock up.
 22 I've got plants I put back there. That's
 23 pretty much it.
 24 THE CHAIRMAN: Any other
 25 questions from the board?

1 MR. GOLLING: Where are you
 2 going to move your love seat to?
 3 MR. LANGEL: No, that's staying
 4 there. The swing is staying there. That
 5 picture is just showing that -- like that
 6 circle is where that --
 7 MR. FALKOWSKI: Oh, okay. I
 8 thought you were putting it where the swing
 9 was. Disregard.
 10 MR. LANGEL: No. That swing is
 11 going to stay there.
 12 MR. GOLLING: And the palm
 13 trees are going.
 14 MR. FALKOWSKI: Are those real?
 15 MR. LANGEL: I get new ones
 16 every year. My neighbor goes to Florida and
 17 gets them so I get a couple for helping him
 18 put his up around his pool. It's kind of a
 19 barter thing.
 20 MR. GOLLING: That's crazy, but
 21 okay.
 22 MR. LANGEL: They are
 23 beautiful. They don't look good now. Just
 24 like the Christmas trees. You cut them down
 25 and you throw them away and then every year

1 you get a new one.
 2 MR. GOLLING: There you go.
 3 THE CHAIRMAN: All right. You
 4 can be seated. Is there anyone here this
 5 evening that's either speaking for or against
 6 this appeal that would like to come up?
 7 Hearing there is no further
 8 questions, the public hearing for Variance
 9 Number 2024-145 is now closed to the public.
 10 Can I get a motion to approve
 11 Variance 2024-145?
 12 MR. GOLLING: So moved.
 13 MR. FALKOWSKI: Second.
 14 THE CHAIRMAN: Discussion.
 15 Anyone have anything to add?
 16 MR. GOLLING: Short of that
 17 independent recollection of his neighbor
 18 coming in for almost the exact same thing, it
 19 just -- and forgive me, I may be not a
 20 hundred percent sure, but I'm pretty sure he
 21 came in for a shed. I don't know if you
 22 remember, but it's the same thing.
 23 MR. SWEENEY: Well, I mean,
 24 there was testimony that he said there was a
 25 shed on his property.

1 MR. GOLLING: And they took it.
 2 MR. SWEENEY: The prior owner
 3 took it with him.
 4 MR. GOLLING: Right.
 5 MR. SWEENEY: Yeah. It must
 6 have been a nice shed.
 7 THE CHAIRMAN: I mean, it makes
 8 sense. He's trying to fit it in the spot
 9 that's available.
 10 MR. SWEENEY: Well, again, I'm
 11 trying to run the Duncan factors. I do this
 12 for everybody. And, you know, again based
 13 upon his testimony, it seems like he wasn't
 14 even aware that there was even a -- because
 15 of the prior shed being there, he wasn't even
 16 aware that there was a --
 17 MR. LANGEL: Well, I applied in
 18 2009 and it was approved.
 19 MR. SWEENEY: I'm sorry. You
 20 applied and it was approved.
 21 MR. LANGEL: But there was a
 22 shed. When I bought the house, the property
 23 was a repo bank-owned house. They took a lot
 24 of stuff. They took all light fixtures.
 25 They took doors. They took a toilet. They

1 took the shed. There was a basketball setup.
 2 They cut the pole. And it's still there on
 3 the side of my driveway, but this is what
 4 happens when the bank takes over and people
 5 don't have respect for what isn't theirs
 6 anymore.

7 THE CHAIRMAN: Yeah, okay.
 8 Anything else?

9 MR. SWEENEY: No.

10 THE CHAIRMAN: You good, Todd?

11 MR. GOLLING: Yeah. I'm just
 12 reading.

13 THE CHAIRMAN: Again, I don't
 14 think it affects the character of the
 15 neighborhood. There is a lot of trees.
 16 There's a buffer there.

17 MR. GOLLING: And getting rid
 18 of the scaffolding and the shed, too, is a
 19 plus.

20 THE CHAIRMAN: Yeah.

21 MR. GOLLING: I can't imagine
 22 the neighbors are happy about the scaffolding
 23 shed.

24 MR. LANGEL: Well, the
 25 scaffolding was just between the trees. And

1 question is on approval of Variance
 2 Application 2024-145. Please call the vote.

3 MS. FREEMAN: Mr. Sweeney.

4 MR. SWEENEY: Yes.

5 MS. FREEMAN: Mr. Golling.

6 MR. GOLLING: Yes.

7 MS. FREEMAN: Mr. Falkowski.

8 MR. FALKOWSKI: Yes.

9 MS. FREEMAN: Mr. Valentic.

10 MR. VALENTIC: Yes.

11 THE CHAIRMAN: Sir, your
 12 variance has been approved. Congratulations.
 13 Go build your shed.

14 MR. LANGEL: Thank you.

15 THE CHAIRMAN: Next on the
 16 agenda is the approval of minutes. Can I get
 17 a motion to approve the minutes from February
 18 14th, 2024?

19 MR. GOLLING: So moved.

20 MR. SWEENEY: Second.

21 THE CHAIRMAN: Any additions or
 22 deletions from either one of you?

23 MR. SWEENEY: Not me.

24 THE CHAIRMAN: Anything?

25 MR. GOLLING: My name is

1 actually my wife said, "You've got to do
 2 something with that scaffolding." So I had
 3 other stuff that I had nowhere to put so I
 4 built it, put a tarp over it and put
 5 everything in there.

6 MR. GOLLING: Hell hath no
 7 fury, sir.

8 MR. LANGEL: Well, I'll tell
 9 you what, it's held up. It's been up three
 10 years with a tarp.

11 MR. SWEENEY: I was going to
 12 say how can you do that?

13 MR. LANGEL: Yeah, it's a
 14 temporary scaffold. The scaffold will come
 15 down.

16 MR. SWEENEY: Is this accurate?
 17 Is this the shed?

18 MR. LANGEL: Yes. That's a
 19 smaller version.

20 MR. SWEENEY: It's nice.

21 THE CHAIRMAN: Better than a
 22 tarp.

23 MR. LANGEL: Better than a
 24 tarp.

25 THE CHAIRMAN: Well, the

1 spelled right so that's all I care about.

2 THE CHAIRMAN: The question is
 3 on the approval from the minutes from
 4 February 14th, 2024. All in favor say aye.
 5 Aye.

6 MR. SWEENEY: Aye.

7 MR. GOLLING: Aye.

8 MR. FALKOWSKI: Aye.

9 THE CHAIRMAN: The minutes are
 10 approved as written.

11 We have the findings of fact and
 12 decision we have to review, Heather, correct,
 13 this evening?



14 MS. FREEMAN: Yes.

15 THE CHAIRMAN: Again, there is
 16 just two items from the cases from last
 17 month. And the question is, you know, we are
 18 going to be signing them this evening. This
 19 will be part of our procedures. Is there any
 20 additions or deletions to the findings of the
 21 facts and decision from last month?

22 MR. GOLLING: I think it meets,
 23 and exceeds the impossibly high standards.

24 THE CHAIRMAN: Do we need a
 25 vote on any of those?

1 MS. MATHENEY: I recommend a
 2 motion and a vote and sign individually.
 3 THE CHAIRMAN: Yes, we're going
 4 to sign it also.
 5 So can I get a motion to approve
 6 the findings and the facts from the February
 7 meeting as written?
 8 MR. GOLLING: So moved.
 9 MR. SWEENEY: Second.
 10 THE CHAIRMAN: All in favor say
 11 aye. Aye.
 12 MR. SWEENEY: Aye.
 13 MR. GOLLING: Aye.
 14 MR. FALKOWSKI: Aye.
 15 MS. MATHENEY: I would do the
 16 application numbers because they are
 17 separate. They are two separate findings of
 18 fact.
 19 THE CHAIRMAN: Yes, there are
 20 two. You are correct. So can I get a motion
 21 to approve the findings of fact and decision
 22 in Application Number 2024-143 in a motion?
 23 MR. SWEENEY: So moved.
 24 MR. GOLLING: Second.
 25 THE CHAIRMAN: All in favor say

1 The State of Ohio,) CERTIFICATE
 2 County of Cuyahoga.)
 3 I, Lisa A. Stropko, Court Reporter and
 4 Notary Public within and for the State of Ohio,
 5 duly commissioned and qualified, do hereby
 6 certify that the foregoing is a true, correct and
 7 complete transcript of my stenotype notes to the
 8 best of my ability, which were taken at the time
 9 and place in the foregoing caption specified.
 10 I do further certify that I am not a
 11 relative or counsel of either party, or otherwise
 12 interested in the event of this action.
 13  
 14 _____
 Lisa A. Stropko, Notary Public
 15
 16 In and for the State of Ohio.
 17 My commission expires March 23, 2028
 18
 19
 20
 21
 22
 23
 24
 25

1 aye.
 2 MR. GOLLING: Aye.
 3 MR. SWEENEY: Aye.
 4 MR. FALKOWSKI: Aye.
 5 THE CHAIRMAN: Aye.
 6 THE CHAIRMAN: The next would
 7 be a motion to approve the findings of fact
 8 and decision of Application Number 2024-144.
 9 Can I get a motion?
 10 MR. SWEENEY: So moved.
 11 MR. GOLLING: Second.
 12 THE CHAIRMAN: All in favor say
 13 aye.
 14 MR. SWEENEY: Aye.
 15 MR. GOLLING: Aye.
 16 MR. FALKOWSKI: Aye.
 17 THE CHAIRMAN: Aye. We'll do
 18 much better next month on this.
 19 So the next Board of Zoning
 20 Appeals Meeting is April, 10th, 2024. The
 21 Concord Township Board of Zoning Appeals for
 22 March 2024 is now closed.
 23 (Meeting adjourned at 8:32 p.m.)
 24
 25