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2 CONCORD TOWNSHIP BOARD OF ZONING APPEALS  
3 LAKE COUNTY, OHIO  
4 REGULAR MEETING  
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7  
8 Concord Town Hall  
9 7229 Ravenna Road  
10 Concord, Ohio 44077  
11 April 10, 2024  
12 7:00 p.m.  
13 TRANSCRIPT OF PROCEEDINGS  
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15  
16 Zoning Commission members present:  
17 Francis E. Sweeney, Jr., Vice-Chairman  
18 Todd Golling, Member  
19 T.R. Hach, Member  
20 Ashley Garcar, Member  
21 Brian Falkowski, Member  
22 Also Present:  
23 Heather Freeman, Planning & Zoning Director/Zoning  
24 Inspector  
25 Bridey Matheney, Esq., Legal Counsel

1 your name and your address for the record. Thank  
2 you.  
3 Heather, were all legal notices issued in a  
4 timely manner?  
5 MS. FREEMAN: Yes, they were.  
6 CHAIRMAN SWEENEY: Thank you.  
7 All right, we have a number of matters tonight  
8 on the agenda.  
9 Heather, do I need to read through all of  
10 them, or can we just begin?  
11 MS. FREEMAN: Mr. Chairman, I would recommend  
12 that you just start with Old Business, Number 1.  
13 CHAIRMAN SWEENEY: Okay.  
14 MS. FREEMAN: So you don't have to read all of  
15 them.  
16 CHAIRMAN SWEENEY: All right, great.  
17 All right, then with that, we will start with  
18 old business. And under Old Business, we have  
19 Variance Application 2023-142. Ralph Victor  
20 Construction, Inc. is requesting the following  
21 variance for the property located at the corner of  
22 Crile Road and Hunting Lake Drive, Parcel Number  
23 08-A-020-C-00-002-0, a variance from the minimum  
24 25-foot requirement of natural vegetation to be  
25 left undisturbed pursuant to the perimeter

1 PROCEEDINGS  
2 CHAIRMAN SWEENEY: Good evening. This is the  
3 Board of Zoning Appeals meeting for April 10th,  
4 2024. We are now in session.  
5 My name is Francis Sweeney. I am your  
6 Substitute Chair for the week, and I'd like to  
7 introduce the Board to you.  
8 To my left is -- to my far left is Brian  
9 Falkowski. To my near left is Ashley Garcar. To  
10 my near right is T.R. Hach. And to my far right is  
11 Todd Golling. To my far, far right is Heather  
12 Freeman. And to my left is our legal counsel,  
13 Bridey Matheney.  
14 Under advice of our legal counsel, we ask that  
15 anyone speaking tonight must be sworn in. If you  
16 plan on speaking, please stand and raise your right  
17 hand.  
18 (Whereupon, the speakers were sworn en masse.)  
19 CHAIRMAN SWEENEY: Thank you. Please be  
20 seated.  
21 All right, this is the agenda for this  
22 evening. To begin with, we have -- well, first  
23 of all, when presenting your case or commenting,  
24 please come to the microphone, speak into the  
25 microphone. There's a lot of people here. State

1 treatment narrative included as part of the Master  
2 Development Plan for the Quail Hollow property for  
3 Quail Hollow Development, Inc., and approved by  
4 the Concord Township Board of Trustees with an  
5 effective date of October 8th, 1986, as part of the  
6 rezoning of the 540 acres surrounding Quail Hollow  
7 Inn from R-1 residential to R-2 planned unit  
8 development.  
9 And Number 2, Conditional Use Permit  
10 Application 2023-2 --  
11 MR. GOLLING: Let's do number one first.  
12 CHAIRMAN SWEENEY: All right.  
13 Mr. Victor, are you ready? Just do one at a  
14 time.  
15 MS. FREEMAN: Mr. Chairman, you recall that  
16 the public hearing was closed at the last meeting.  
17 CHAIRMAN SWEENEY: Oh, that's right.  
18 MS. FREEMAN: So I believe our legal counsel  
19 has given you some advice how to proceed.  
20 MS. MATHENEY: Right. You should definitely  
21 move to reopen.  
22 CHAIRMAN SWEENEY: Okay. At this point, I'd  
23 like to make a motion to reopen the public hearing.  
24 MR. HACH: So moved.  
25 CHAIRMAN SWEENEY: Second?

1 MR. GOLLING: Second.  
 2 CHAIRMAN SWEENEY: All right. So the public  
 3 hearing is now reopened.  
 4 MS. FREEMAN: You need a vote now.  
 5 CHAIRMAN SWEENEY: Now we need a vote.  
 6 All in favor, say aye.  
 7 MR. GOLLING: Aye.  
 8 MR. HACH: Aye.  
 9 MS. GARCAR: Aye.  
 10 MR. FALKOWSKI: Aye.  
 11 CHAIRMAN SWEENEY: Aye.  
 12 All not in favors?  
 13 All right, the ayes have it.  
 14 MR. GOLLING: Or opposed.  
 15 CHAIRMAN SWEENEY: Or opposed.  
 16 The public hearing is now reopened.  
 17 All right, now we can call Mr. Victor.  
 18 Good evening.  
 19 MR. VICTOR: Good evening. My name is Todd  
 20 Victor for Ralph Victor Construction, at 20 Elberta  
 21 Road, Painesville.  
 22 MS. MATHENEY: Mr. Victor, can you speak up a  
 23 little bit? It's hard to hear you, and we have a  
 24 court reporter here.  
 25 MR. VICTOR: Todd Victor. My name is Todd

1 MR. VICTOR: So for the buffer, we're talking  
 2 about this 25-foot buffer along the northern  
 3 property line abutting other commercial property  
 4 that is allowed to cut -- the other commercial  
 5 property is allowed to cut the trees right to the  
 6 property line and have a 10-foot setback on the  
 7 side.  
 8 We're asking to do the same on ours. We would  
 9 leave the 25-foot buffer where the green is, which  
 10 is approximately 190 feet, and then cut the trees  
 11 so we can grade it correctly, and make it look a  
 12 lot more presentable along there, and replant 26,  
 13 approximately -- yeah, 26 pine trees along there,  
 14 that would enhance and make it look a lot better,  
 15 and more professional than what's there right now.  
 16 CHAIRMAN SWEENEY: Okay.  
 17 MR. VICTOR: It would, in our opinion, make it  
 18 look a lot better when we're trying to build a nice  
 19 building there, and have better landscaping there.  
 20 And the buffer that we want to get rid of here  
 21 will not affect any other property in a negative  
 22 way, and it would -- these trees that we would be  
 23 planting, in our opinion, would be more helpful to  
 24 any homeowners, even though the homeowners are a  
 25 lot -- I mean, way farther away, and it wouldn't

1 Victor, at 20 Elberta Road, Painesville, for Ralph  
 2 Victor Construction.  
 3 MS. FREEMAN: And Mr. Victor, do you mind  
 4 confirming you've been sworn in?  
 5 MR. VICTOR: Yes, I've been sworn in.  
 6 I have a few more signatures on our petition,  
 7 and the letter from Christina Tucci and from Lake  
 8 County Engineer's Office. Do you want those again?  
 9 CHAIRMAN SWEENEY: I think we have those.  
 10 MR. VICTOR: I have a few more signatures, if  
 11 you want that.  
 12 MR. GOLLING: This microphone does not amplify  
 13 to the room.  
 14 MR. VICTOR: Do you want a few more  
 15 signatures? Do you want to see that, or not?  
 16 CHAIRMAN SWEENEY: Are they new?  
 17 MR. VICTOR: Some, yes.  
 18 CHAIRMAN SWEENEY: Yeah, you can pass it  
 19 around, sure.  
 20 MR. VICTOR: All right.  
 21 CHAIRMAN SWEENEY: While we're waiting, I  
 22 neglected to note that a three vote majority is  
 23 required to either approve or deny an application.  
 24 We have a full five member panel contingent  
 25 tonight, so that shouldn't be a problem.

1 affect them at all, in our opinion anyway, this set  
 2 of trees right here that we would get rid of.  
 3 CHAIRMAN SWEENEY: Okay.  
 4 MR. VICTOR: The homeowners really need to be  
 5 worried about the next door property, because they  
 6 can build within 50 feet of the back property line.  
 7 And we're going to be almost 300 feet away, with  
 8 our building. We would be leaving the buffer on  
 9 that side of the water tower.  
 10 Any other questions for anybody?  
 11 CHAIRMAN SWEENEY: Anybody have any questions?  
 12 MR. GOLLING: New questions?  
 13 CHAIRMAN SWEENEY: Any questions.  
 14 MR. GOLLING: Just to circle back -- I like to  
 15 digest everything. The reason for the variance is  
 16 for the -- and I didn't count the parking spots  
 17 again, Mr. Victor. How many were there? The  
 18 yellow ones.  
 19 MR. VICTOR: That's on the blueprint, on here?  
 20 MR. GOLLING: On that, right.  
 21 MR. VICTOR: On the site plan? Ninety --  
 22 MR. GOLLING: No, no. Just the yellow ones up  
 23 top.  
 24 MR. VICTOR: Oh. I didn't count.  
 25 MR. GOLLING: Like 20? Something like that,

1 maybe?  
 2 MR. FALKOWSKI: Twenty-nine.  
 3 MR. GOLLING: Twenty-nine. Thank you.  
 4 So we've got 29 parking spots. Without 29  
 5 parking spots, then that prohibits your ability to  
 6 potentially put the -- whatever is going to go in  
 7 the upper left-hand corner. Is my understanding  
 8 correct?  
 9 MR. VICTOR: No. It prevents us from building  
 10 this building the size that we want to build it.  
 11 MR. GOLLING: And that building is going to be  
 12 10,000 square feet? No --  
 13 MR. VICTOR: Thirteen. 13,000.  
 14 A VOICE: 13,700.  
 15 MR. VICTOR: 13,000.  
 16 MS. GARCAR: 13,433.  
 17 MR. GOLLING: 13,000 square feet.  
 18 So without the 29 parking spots up there, that  
 19 means that the 13,000 has to shrink down to -- what  
 20 did you say last meeting?  
 21 MR. VICTOR: About 2,000 -- approximately  
 22 2,000 square foot less, which would eliminate  
 23 another business that would be in there, and we  
 24 possibly couldn't make the project work without  
 25 that square footage.

1 MR. GOLLING: And the plan was, again, from  
 2 what I recall from last month, correct me if I'm  
 3 wrong, that your plan was to have your half for the  
 4 Victor Construction home office --  
 5 MR. VICTOR: Right.  
 6 MR. GOLLING: -- for lack of a better term?  
 7 MR. VICTOR: Right.  
 8 MR. GOLLING: And it has five employees?  
 9 MR. VICTOR: Approximately, yes.  
 10 MR. GOLLING: About five.  
 11 MR. VICTOR: But we want room to expand. And  
 12 we want to set up kitchen -- you know, kitchens in  
 13 there for our customers, and they can pick  
 14 everything out right in our office there. So  
 15 that's going to take up more space.  
 16 MR. GOLLING: And then the rented portions  
 17 would potentially be kind of like strip mall  
 18 things, that would be kind of like next door, over  
 19 by Drug Mart, like those kind of --  
 20 MR. VICTOR: Right. Just like Drug Mart went  
 21 into that strip, and then they leased out the rest  
 22 of it after they were in there, and they built it,  
 23 that's what we want to do. Just like most of the  
 24 people that build commercial do, they have a one  
 25 acre tenant, and then they build the strip and try

1 MR. GOLLING: Help me understand what you mean  
 2 by, not make it work.  
 3 MR. VICTOR: Financially-wise.  
 4 MR. GOLLING: So let's say that it comes down  
 5 from -- I'm just ballparking the numbers -- from  
 6 13,000 to 11,000, just for generalities. And then  
 7 you lose a business in there. The other half of  
 8 that building, from what I recall from last month,  
 9 that was yours? That was like for you --  
 10 MR. VICTOR: 5,500 square feet of it is ours.  
 11 MR. GOLLING: So yeah. Yeah.  
 12 MR. VICTOR: It would be about, approximately,  
 13 8,000 square feet that is rentable, the way it is  
 14 now.  
 15 MR. HACH: But if it were -- it didn't include  
 16 the 2,000 --  
 17 MR. VICTOR: It would be 6,000.  
 18 MR. HACH: -- it would be about 4,500 square  
 19 feet that is rentable, correct?  
 20 MR. VICTOR: 6,000 square feet rentable.  
 21 MR. HACH: If it's built as it is.  
 22 MR. VICTOR: No. As is, there's about 8,000  
 23 square feet rentable.  
 24 MR. HACH: Oh, okay. All right.  
 25 MR. VICTOR: Minus the 2,000. About 6,000.

1 and lease out the rest.  
 2 MR. GOLLING: What would be the leased cost  
 3 per square foot there? Because I have no idea  
 4 about commercial real estate. I'm just guessing.  
 5 MR. VICTOR: I think it's going for around \$15  
 6 a square foot.  
 7 MR. GOLLING: Wow. Okay.  
 8 MR. VICTOR: At the cost of construction  
 9 nowadays and everything --  
 10 MR. GOLLING: It's not getting cheaper.  
 11 MR. VICTOR: Everything is through the roof.  
 12 MR. HACH: Have you had an engineer look at  
 13 this, as far as the traffic flow, and getting  
 14 trucks in and out, if this were to become a  
 15 restaurant?  
 16 MR. VICTOR: Well, we had traffic studies done  
 17 when we put Hygrove in.  
 18 MR. HACH: No, no. I'm specifically asking  
 19 about this site. So if, let's say --  
 20 MR. VICTOR: No.  
 21 MR. HACH: -- you made this a -- that's a  
 22 restaurant, can even a semi -- or a city semi get  
 23 in and out of there? Because it looks pretty  
 24 tight.  
 25 MR. VICTOR: Yes, the engineer drew it up so

13  
1 trucks can get through there.  
2 MR. HACH: All right.  
3 MR. GOLLING: So the existing gravel drive  
4 there, that belongs to the City of Painesville.  
5 That's their easement, right?  
6 MR. VICTOR: Right.  
7 MR. GOLLING: For Aqua Ohio or --  
8 MR. VICTOR: Correct. No, Painesville. City  
9 of Painesville.  
10 MR. GOLLING: Are you allowed to use that?  
11 MR. VICTOR: Yes.  
12 MR. GOLLING: Would you have to pave that?  
13 MR. VICTOR: No. It's an easement through our  
14 property.  
15 MR. GOLLING: I've got it. Okay, I understand  
16 now.  
17 MS. GARCAR: The math of how many parking  
18 spots you need, is that formula calculated by the  
19 one big building, or is the formula using your  
20 smaller potential building in the far left bottom?  
21 MR. VICTOR: I couldn't hear you.  
22 MS. GARCAR: The parking spots -- how many  
23 parking spots do you need? Is that calculated with  
24 your one singular building you're wanting to build,  
25 or are those parking spots including the smaller

15  
1 MR. VICTOR: But, I mean, what's allowed  
2 there. But --  
3 MS. GARCAR: Okay.  
4 MR. VICTOR: -- we don't know until someone  
5 contacts us. But we need to know what we can build  
6 there, because you can't market anything until you  
7 know what you can build there.  
8 MS. GARCAR: Right.  
9 MR. VICTOR: And it's in the JEDD, and they  
10 can't even -- we put it in the JEDD for Concord.  
11 They came to us, wanted us to put it in the JEDD,  
12 so everybody gets more tax dollars, and we did  
13 that. And, you know, we can't -- they can't even  
14 market it when they go to Las Vegas, or wherever  
15 they go to market to get businesses in here,  
16 because we don't know what we can do here.  
17 MS. GARCAR: Right.  
18 So question. With just the big building, that  
19 is looking to be like office plus retail, how many  
20 parking spots are needed for that?  
21 By any chance, Heather, do you know? Just the  
22 big building, the 13,000 square foot --  
23 MR. VICTOR: Right.  
24 MS. GARCAR: -- how many parking spots are  
25 needed for that building?

14  
1 building that is a potential future?  
2 MR. VICTOR: The parking is including  
3 everything that's on here.  
4 MS. GARCAR: So both buildings.  
5 MR. VICTOR: Yeah, both buildings.  
6 MS. GARCAR: Now, is your plan to build both  
7 at the same time, or just one?  
8 MR. VICTOR: No. The outbuilding won't be  
9 built until somebody --  
10 MS. GARCAR: Okay. So if you don't build  
11 this, what you have labeled as restaurant/coffee  
12 shop, if you don't build that right now, you do  
13 not need those 29 parking spots to build your big  
14 building.  
15 MR. VICTOR: As of right now, no.  
16 MS. GARCAR: Okay. So if and when you go to  
17 build your smaller building, then you will need  
18 those parking spots?  
19 MR. VICTOR: Correct.  
20 MS. GARCAR: Okay. Do you have a timeline of  
21 when you're looking at building the smaller?  
22 MR. VICTOR: Not until someone comes along.  
23 It could be a bank. It could be something else,  
24 too.  
25 MS. GARCAR: Yeah. Just a building.

16  
1 MS. FREEMAN: Well, it's one space for  
2 every -- the Zoning Resolution requires a minimum  
3 of one space for every 200 gross floor area --  
4 square feet of gross floor area. So if the larger  
5 building is 13,433, divide that by 200, and that  
6 would tell you, and round up.  
7 A VOICE: Sixty-eight.  
8 MS. FREEMAN: One space for every 200 square  
9 feet.  
10 MR. GOLLING: Sixty-seven.  
11 MR. VICTOR: Heather, it's a little less for  
12 the B-1 zoning, right?  
13 MS. FREEMAN: It's 68 spaces, then.  
14 MS. GARCAR: And he has 96 on there?  
15 You say you have 96 spots on there?  
16 MR. VICTOR: Yes.  
17 A VOICE: Just the one building would be 67  
18 spots.  
19 MS. FREEMAN: Please don't -- I'll ask the  
20 audience --  
21 MR. VICTOR: The one -- just this building,  
22 67 spots.  
23 MS. GARCAR: Heather, you said --  
24 MS. FREEMAN: Sixty-eight. You round up  
25 because you can't do a .1 spot.

17  
1 MR. VICTOR: Sixty-eight.  
2 MS. GARCAR: Sixty-eight spots.  
3 MS. FREEMAN: Yes.  
4 MS. GARCAR: So you do need that variance to  
5 build the big building. Because if you subtract  
6 your 29, you only have 67 spots.  
7 Is that logic correct? If we do not grant the  
8 variance, he is short parking spots, which would  
9 only give him 67, which means he's not capable of  
10 building that big building right now; is that  
11 correct? If he only has 67 spots, he cannot build  
12 the big building.  
13 MS. FREEMAN: Correct.  
14 MS. GARCAR: Okay. So that variance is needed  
15 to build the big building, not just the smaller  
16 one.  
17 MR. GOLLING: But those are the spots  
18 allocated for at least one.  
19 MS. FREEMAN: Based on this layout.  
20 MS. GARCAR: Yeah, based on this layout.  
21 MS. FREEMAN: Which this layout has not been  
22 approved by any other Board.  
23 MR. GOLLING: Right.  
24 MS. FREEMAN: Yeah. This is his --  
25 MS. GARCAR: Right.

19  
1 anyone who is here to speak for or against this  
2 application, I want to remind all of you -- we've  
3 been through this a couple of times already --  
4 without restricting anybody's right to speak,  
5 because I do understand this is a very important  
6 issue to everyone, please keep in mind of the  
7 arguments that have already been made; of the  
8 arguments that you've already made, coming back up  
9 to speak, if that's the case.  
10 And please don't be repetitive. Please  
11 respect the rights of everyone else in the room to  
12 have a swift meeting tonight. And we do reserve  
13 the right to remind you if you are repeating  
14 arguments you have already made. So you have been  
15 warned.  
16 And having said that, is there anyone here  
17 speaking for or against?  
18 Obviously, there are. And should we start on  
19 this side of the room here?  
20 MR. GOLLING: With for. Start with for.  
21 CHAIRMAN SWEENEY: Yeah. For those who are  
22 for the variance approval. All right, come on up.  
23 You want this taken down?  
24 A VOICE: Yeah. She can't see.  
25 CHAIRMAN SWEENEY: All right, you have been

18  
1 MS. FREEMAN: -- potential layout. Yeah.  
2 MS. GARCAR: Okay. So he does need that for  
3 this layout of the big building, not just both  
4 buildings. Okay.  
5 MR. FALKOWSKI: So the largest part of your  
6 argument, if I'm understanding it correctly, for  
7 the variance is, you're saying that you need the  
8 variance in order to make the project economically  
9 feasible? That if that 2,000 square feet were to  
10 be removed from the building to use the 25-foot  
11 buffer, that the project is not economically  
12 feasible?  
13 MR. VICTOR: Well, not only that, but the  
14 trees could be a danger later if they die, or  
15 there's some dead ones there now. And if they fall  
16 in the parking lot or on cars going in and out of  
17 there, that could be a danger problem. And the  
18 trees that we're going to plant are going to look  
19 way better than what's there now.  
20 MR. FALKOWSKI: Thank you.  
21 CHAIRMAN SWEENEY: Does anybody have any other  
22 questions?  
23 All right. Thank you.  
24 MR. VICTOR: All right.  
25 CHAIRMAN SWEENEY: Before I ask if there's

20  
1 sworn in?  
2 MR. VANDERHORST: Yes. For the second time in  
3 my life.  
4 CHAIRMAN SWEENEY: State your name and  
5 address.  
6 MR. VANDERHORST: My name is Larry  
7 Vanderhorst. I live at 10102 Prouty Road, the aka  
8 Snoopy House, okay?  
9 CHAIRMAN SWEENEY: You're the Snoopy guy.  
10 MR. VANDERHORST: Yes.  
11 Having said that, I just wanted to remind  
12 everybody about the last election, why it didn't  
13 pass, because of the increase in taxes. And I  
14 would urge the Board to approve these, so that we  
15 could increase the tax base in Concord.  
16 I've been told that there's not that many open  
17 properties around that can be developed. So I  
18 would urge the Board to approve these, so that we  
19 can increase the tax base, and maybe the  
20 replacement levy will pass -- it's doubtful -- if  
21 the increase levy would pass, okay?  
22 CHAIRMAN SWEENEY: Okay.  
23 MR. VANDERHORST: And that's basically all I  
24 have to say.  
25 CHAIRMAN SWEENEY: All right. Thank you very

21  
1 much.  
2 Anybody else in favor?  
3 You've been sworn.  
4 MR. BRICKMAN: I have.  
5 CHAIRMAN SWEENEY: State your name and  
6 address, please.  
7 MR. BRICKMAN: Hi. My name is Thomas  
8 Brickman. I live at 9915 Ashley Lane in Concord  
9 Township.  
10 I just wanted to address the Chairman and  
11 members of the Board. I'm a licensed Realtor in  
12 the State of Ohio. I'm an agent. I work for  
13 Berkshire Hathaway. And I do recognize the value  
14 of landscape design and enhancements when any  
15 project is done.  
16 It was my understanding that this project, the  
17 variance, is going to include a component where  
18 there's trees added. Even when you drive into some  
19 of the nicer developments around, you see the  
20 entranceway filled in with pine trees, landscape  
21 design, so it provides a very nice aesthetic that  
22 goes with that.  
23 Additionally, the only thing I'd say -- I  
24 haven't been to any other meetings -- I do know  
25 that Mr. Victor is a quality contractor who has

23  
1 name and address.  
2 MR. TRAFFIS: Yes, I have been sworn in.  
3 My name is Wayne Traffis. I live at 7419  
4 Far Hill Drive. And I have been sworn in.  
5 I know you're just saying, two miles away from  
6 the facility, what do I have to approve of this?  
7 Well, there are some aspects of this facility,  
8 this commercial center, that apply to the whole  
9 community. And I'd like to raise one that I think  
10 has kind of fallen through the cracks since the  
11 last meeting.  
12 And I wasn't really planning to make any  
13 remarks this evening because of the fact that  
14 generally you guys do a great job discussing this  
15 among yourselves, going through all the different  
16 factors. And I've been watching you from home on  
17 TV. And good job, very good.  
18 And what really inspired me to show up tonight  
19 is the fact that there was an article in the  
20 News-Herald yesterday that gave me the impression  
21 that you guys have already made a decision, and  
22 it's just a formality of the vote tonight.  
23 And I'm looking at quotes that they  
24 cherry-picked out of the last meeting, trying to do  
25 too much with the property; no examples of clear

22  
1 done some extremely nice work, and have confidence  
2 that his plans would be aesthetically pleasing.  
3 That is it.  
4 CHAIRMAN SWEENEY: Okay. Thank you.  
5 All right, anyone else for?  
6 We'll get to you, all right?  
7 Ma'am, have you been sworn?  
8 MS. FELICE: I have.  
9 CHAIRMAN SWEENEY: All right. State your name  
10 and address, please.  
11 MS. FELICE: My name is Giselle Felice. I  
12 live at 11218 Girdled Road, Concord Township.  
13 We actually purchased the home that was vacant  
14 for 40 years, and worked with Little Mountain home  
15 builders to bring it back up to living.  
16 I love living in Concord. I would love to see  
17 some more amenities available, dry cleaning. I'm  
18 tired of driving to Concord for -- I mean,  
19 Chardon -- for Jersey Mike's.  
20 I've seen what Mr. Victor has done, and I love  
21 the landscaping he's done. And I think it would be  
22 an asset to Concord Township.  
23 CHAIRMAN SWEENEY: All right, thank you.  
24 I think we have another for. Sir?  
25 All right, if you've been sworn, state your

24  
1 hardship; it's our job to apply zoning laws, not  
2 change them.  
3 Well, that's all they said. They didn't  
4 really mention any of the other factors that are  
5 involved here. And so I thought it might be  
6 worthwhile to do that.  
7 And one other thing, I think it was you,  
8 Mr. Sweeney, who said in the last meeting that  
9 there's not one Duncan factor that is in its favor,  
10 being this commercial center.  
11 I've got to tell you, the facts prove  
12 otherwise. And by facts, I mean -- well, if  
13 anybody knows me from Nextdoor, they know that what  
14 I do is I present facts, I provide links to the  
15 source of those facts. And I'd like to do that  
16 tonight, as well.  
17 I find it most interesting that back on  
18 September 14th, 2022, and most of the Board was  
19 here, you granted a variance for the very same  
20 25-foot buffer. It was for the benefit of the  
21 developer of the Ivy Ridge residential housing  
22 development.  
23 Now he, too, had a similar problem, where the  
24 best and probably his most profitable layout plan  
25 happened to extend a little bit into this 25-foot

1 buffer. Now, even though he was trying to put six  
2 pounds of dirt into a four-pound bag, he could have  
3 scaled back the size of that development to make it  
4 all fit inside the perimeter buffer, but you  
5 approved the variance anyway because of the fact  
6 that you felt that the alternative higher density  
7 plan was not in the best interest of the entire  
8 community. Thank you. Thank you for thinking of  
9 the entire community.

10 You made a good decision, although at the time  
11 I honestly felt that the 20-foot buffer actually  
12 made a little sense in a residential community, a  
13 residential neighborhood, even outside the PUD.

14 Now, unfortunately, three of the neighboring  
15 residents didn't really appreciate your decision,  
16 and so they went to court and they challenged your  
17 decision as they appealed in the Lake County Court  
18 of Common Pleas.

19 I typically frown upon my tax dollars being  
20 spent on litigation, but in retrospect, I'm  
21 actually delighted that they did this, because now  
22 you have the benefit of basing your decisions  
23 tonight on facts that were presented in that case,  
24 specifically, our legal counsel -- my beloved Mike  
25 Lucas at the time, he was representing the township

1 One is the legal brief that Mike Lucas, your  
2 legal counsel at the time, submitted on behalf of  
3 the township.

4 MR. GOLLING: I'll pass them out, Wayne.

5 MR. TRAFFIS: Oh, okay. One for the legal  
6 counsel, too. Even though -- do you understand  
7 legalese? I'm kidding. Only kidding.

8 Also pass these out, because this is an aerial  
9 view of the facility.

10 MR. GOLLING: Thanks, Wayne.

11 MR. TRAFFIS: So now I recognize that every  
12 case is different. And surely -- well, let's just  
13 say, every case is different. But I think it's  
14 worthwhile to take some time, and I'm prepared to  
15 do that, to present some of the facts that --

16 CHAIRMAN SWEENEY: Hopefully not too much  
17 time.

18 MR. TRAFFIS: Yeah, I understand. I  
19 understand, trust me.

20 CHAIRMAN SWEENEY: Yeah.

21 MR. TRAFFIS: But some of the facts presented  
22 in the case are very closely relevant and  
23 applicable to this discussion that we're having  
24 here tonight.

25 It's the same 25-foot buffer, it's the same

1 as the defendant -- and even better, the actual  
2 detailed judgment that was handed down by the  
3 Honorable Judge John O'Donnell, when he ruled in  
4 favor of your decision to grant the variance. It's  
5 nice to have a Judge agree with you, huh?

6 Now, these legal documents are a public  
7 record, and they can be easily downloaded from the  
8 Lake County Clerk of Court website.

9 CHAIRMAN SWEENEY: Mr. Traffis, I want to  
10 clarify.

11 MR. TRAFFIS: Yes.

12 CHAIRMAN SWEENEY: You are here in support of  
13 us granting this variance; is that correct?

14 MR. TRAFFIS: Yes, yes.

15 CHAIRMAN SWEENEY: All right. I wanted to  
16 make sure of that, because you seem to be getting a  
17 little bit far afield.

18 MR. TRAFFIS: Yeah, this is all going to come  
19 back. I appreciate it. And feel free to  
20 interrupt. I tend to babble on. For your benefit,  
21 I'd like to slow down, too. I hope I'm not going  
22 too fast for you.

23 So anyway, I have copies of the legal  
24 documents from that case. I've got one for  
25 everybody.

1 requirement. We have a developer whose initial  
2 plans don't quite fit into the parcel without  
3 partially spilling into the buffer.

4 Now, the only major difference that I see is  
5 that the buffer around Ivy Ridge development was  
6 between parcels with residential homes. Here we're  
7 talking about a buffer between two parcels that are  
8 going to be commercial. I don't care if it's a  
9 PUD. We have a commercial center being built here,  
10 it's a commercial property. And next door, on the  
11 other side of the property line, it's going to be a  
12 commercial property, okay?

13 CHAIRMAN SWEENEY: We understand that.

14 MR. TRAFFIS: So in his brief, the legal  
15 counsel from Concord explained how you guys came up  
16 with your decision, how you went through the  
17 Duncan. And he further clarified that no single  
18 factor is dispositive or controlling.

19 Then he went on to say that there is no  
20 requirement for the factors to be applied  
21 mathematically. No one is keeping score.

22 The valuation of the factors is based on  
23 subjective opinions that may or may not be shared  
24 among all the members of the Board. And there's  
25 simply no way to mathematically calculate a final

1 decision here. It's a matter of discussion.  
 2 Now, after making that point, the legal  
 3 counsel, in his brief, as I passed out, he pretty  
 4 much went through all of the factors that you just  
 5 talked about. And I'm not going to go through all  
 6 of them, the fact that -- how they apply to Ivy  
 7 Ridge. My point is to present you with facts that  
 8 apply to this case.  
 9 So the first thing he said was that -- he said  
 10 the BZA determined that the variance request was  
 11 not substantial. And he went on to clarify that  
 12 this factor is not relevant to the size of the  
 13 property, but rather with regards to the applicable  
 14 zoning resolution.  
 15 So he points out that in the master  
 16 development plan, or the POD, it clearly states  
 17 that the intent of the 25-foot buffer was to  
 18 preserve the natural forested beauty within the  
 19 POD -- that's important -- within the PUD  
 20 development. And it was not meant to maintain any  
 21 kind of sound barrier or privacy screen to any  
 22 adjoining properties. I think that's kind of  
 23 important.  
 24 He further clarified that the township does  
 25 not require a 25-foot buffer between residential

1 benefit, as well. But there's no other impact on  
 2 governmental services.  
 3 Now, next, legal counsel -- I'm trying to get  
 4 through this. Bear with me.  
 5 Legal counsel stated the variance would not  
 6 substantially change the essential character of the  
 7 neighborhood -- this is in a residential area he's  
 8 talking about -- nor will it cause an adverse  
 9 effect on the adjoining property.  
 10 And the Judge once again pointed out that the  
 11 variance does not completely eliminate the buffer,  
 12 and the appellants at the time who brought the case  
 13 to court presented no evidence that the reduction  
 14 of the buffer would substantially change what's  
 15 there or what's not there, and the surrounding  
 16 properties would not suffer any substantial  
 17 detriment. And that's a residential neighborhood  
 18 you're talking about.  
 19 Here, we've got commercial. And obviously  
 20 we're not going to have any kind of substantial  
 21 character change to the neighborhood because it's  
 22 commercial.  
 23 And as far as the central character of the  
 24 neighborhood, that was destroyed when the City of  
 25 Painesville built their water tank back in 1990.

1 developments anywhere else in the township, and  
 2 that the buffer has not really been enforced  
 3 elsewhere within this PUD development.  
 4 Now, the Judge also pointed out that the  
 5 buffer was not being completely removed; his point  
 6 was that only a portion is being. We're not taking  
 7 the buffer out. He's reducing the size of it. And  
 8 he clarified that there would be no construction or  
 9 encroachment onto adjoining properties.  
 10 Now, with regard to governmental services,  
 11 this is a no-brainer. Legal counsel stated the  
 12 variance would not adversely effect or impact the  
 13 delivery of government services. The Judge agreed.  
 14 And the appellant didn't even present an argument,  
 15 so that's agreed.  
 16 However, I understand that there's a service  
 17 road that provides access to the City of  
 18 Painesville's water tank. And to me, that's maybe  
 19 a government service. So I think it's worth  
 20 pointing out that this parcel -- I just learned  
 21 tonight there's an easement to provide a driveway,  
 22 a service drive, to this facility. And the  
 23 developer is willing to work around that. In other  
 24 words, it's going to be part of his drive. He'll  
 25 be able to make use of that easeway for his

1 If you look at that parcel, I feel sorry for the  
 2 residential properties behind it, because they've  
 3 got to look at this tank. And I drove by there.  
 4 It's not in good shape. The top looks pretty cool  
 5 in the aerial view. That tank has no business  
 6 being there. But it is, and it destroyed the  
 7 character of the neighborhood already. A buffer is  
 8 not going to restore that.  
 9 Now, with regards to whether the buffer was  
 10 known before the property was purchased, there's  
 11 testimony yes and no. The Judge decided that -- he  
 12 decided to consider that this factor would be  
 13 weighed less because of the previous testimony that  
 14 the 25-foot buffer was not enforced in previous  
 15 developments. So the Judge kind of downplayed the  
 16 fact that maybe the developer knew about it, maybe  
 17 he didn't. It doesn't matter, because it's not  
 18 enforced anywhere else. It's important.  
 19 Finally, with respect to whether the spirit  
 20 and intent behind the zoning requirement would be  
 21 observed and that substantial justice would be done  
 22 by granting the variance, legal counsel stated that  
 23 the BZA bears the burden of weighing the competing  
 24 interests of the developer with those of the  
 25 community, the entire community.



1 He reiterated from the text that the  
2 beneficiaries of the buffer appear to be residents  
3 and property owners inside the PUD. The Judge  
4 stated that this factor may be the most important  
5 factor of all, because from the plain language of  
6 the narrative, the buffer was meant to preserve and  
7 enhance the beauty inside the PUD. There is  
8 nothing in the narrative to suggest that the buffer  
9 was intended to provide any sound or sight barrier.  
10 I think I covered that before.

11 So accordingly, the Judge ruled that the  
12 spirit and intent of the buffer is preserved  
13 because it was intended to benefit the PUD, and  
14 because the developer -- this being the Ivy Ridge  
15 developer -- would still preserve some of the  
16 vegetation in the buffer.

17 Well, that applies here, too. He's not  
18 getting rid of the entire buffer. He'll preserve  
19 some of the vegetation, and it will not decrease  
20 the spirit and intent of the buffer.

21 It's actually the commercial center that's the  
22 benefit of this buffer, not the property behind it.  
23 No residential properties are bordering this  
24 buffer, so it's really -- the buffer is there for  
25 the developer. If he chooses to put parking spots

1 about. You know, you're welcome to read it. I  
2 know you're not going to be able to read that  
3 before you make your decision. But just know that  
4 there are facts available to you from a previous  
5 case, considering the same buffer, pretty much the  
6 same application. The only difference is, we're  
7 talking about commercial properties here, not  
8 residential.

9 MR. HACH: We understand.

10 MR. TRAFFIS: Now -- yeah, that ends my  
11 presentation of the facts, but I do have some  
12 opinions. Sorry.

13 There are two more Duncan factors that were  
14 discussed in the litigation, but the detailed facts  
15 aren't exactly relevant to this case. I'll admit  
16 that.

17 One is, will the property yield a reasonable  
18 return or have a beneficial use without the  
19 variance? I think we all agree, yes.

20 And can the property owner's predicament be  
21 feasibly obviated -- I don't even know what that  
22 means -- through some other method? And again, the  
23 answer is yes. But, as previously stated, he'll  
24 have to reduce the size of the commercial center by  
25 2,000 square feet, or roughly 15 percent.

1 there instead, well, then, I think he's saying,  
2 yeah, the buffer will look nice, but I prefer using  
3 it for a parking space, but preserving what he can  
4 is important.

5 So as I mentioned, there's no other  
6 residential parcel within the PUD that borders  
7 this buffer. And since the buffer is not being  
8 completely removed, the Judge is saying that the  
9 spirit and intent of the buffer requirement is  
10 preserved.

11 So that about wraps up all the Duncan factors  
12 that I consider relevant to both the Ivy Ridge  
13 development and this planned commercial center.  
14 It's always helpful to know and understand the  
15 rulings made in previous court cases, because those  
16 decisions made in previous litigation, they provide  
17 a foundation for future relevant litigation. In  
18 fact, that's where the Duncan factors came from,  
19 another case.

20 MR. HACH: Are you finished?

21 MR. TRAFFIS: With my presentation of facts,  
22 yes. But if you have a question, go ahead.

23 MR. HACH: Any questions?

24 MR. TRAFFIS: Okay. I gave you the handout.  
25 I was going to highlight the things that I talked

1 The Ivy Ridge developer had options, too.  
2 But, again, you guys approved that variance because  
3 of the fact that you wanted to avoid the high  
4 density development that he proposed as a likely  
5 alternative if the variance was denied. And so the  
6 Judge wholeheartedly agreed with your decision.  
7 It's always good to have -- to base your decisions  
8 on what's best for the entire community.

9 Now, it's in that same spirit of community  
10 awareness that this developer of this proposed  
11 commercial center has voluntarily agreed to join  
12 the JEDD. And I thank the gentleman behind me who  
13 brought this up earlier.

14 This means that all employees that work at  
15 this commercial center will pay 1.5 percent --  
16 1.75 percent income tax, and based on recent  
17 understanding, the net profits of all the  
18 businesses that occupy the center will also be  
19 taxed at 1.75 percent.

20 And it's not just this commercial center  
21 that's on that board. He's also going to have the  
22 adjacent parcel that's across the street, on the  
23 other side of Hunting Lake that he owns. So he's  
24 going to have that in the JEDD, as well.

25 So conceivably, we're talking about maybe

1 \$25,000 worth of cash to the township, every year.  
 2 That's a good hunk of change.  
 3 Now, in the township, for those not familiar  
 4 with the JEDD --  
 5 CHAIRMAN SWEENEY: Mr. Traffis, could I stop  
 6 you for a moment?  
 7 MR. TRAFFIS: Yes, you may.  
 8 CHAIRMAN SWEENEY: I don't believe we're  
 9 infringing upon your right to speak. I believe you  
 10 stated all of your opinions as to why you are in  
 11 favor of this, and I believe it's up to us to  
 12 arrive at conclusions of law.  
 13 MR. TRAFFIS: Okay.  
 14 CHAIRMAN SWEENEY: So unless you have anything  
 15 more --  
 16 MR. TRAFFIS: I'll just finish this point.  
 17 CHAIRMAN SWEENEY: -- qualitative speaking --  
 18 MR. TRAFFIS: I'll finish this point real  
 19 quick.  
 20 CHAIRMAN SWEENEY: -- we're going to have to  
 21 limit.  
 22 MR. TRAFFIS: I understand.  
 23 MR. HACH: Can you wrap it up then, please?  
 24 MR. TRAFFIS: Yeah, I will wrap it up.  
 25 As Mr. Golling brought up, the four-pound bag

1 MR. TRAFFIS: When we built the storage shed,  
 2 we went the next size up.  
 3 CHAIRMAN SWEENEY: We get it.  
 4 MR. TRAFFIS: Within a year, we went bigger.  
 5 It's human nature to go big.  
 6 CHAIRMAN SWEENEY: Are you an attorney, sir?  
 7 MR. TRAFFIS: Maybe. Maybe I will be.  
 8 CHAIRMAN SWEENEY: You missed your calling.  
 9 MR. TRAFFIS: Okay.  
 10 CHAIRMAN SWEENEY: Thank you for your  
 11 comments.  
 12 MR. TRAFFIS: If there's no questions, I'll  
 13 rest my case.  
 14 CHAIRMAN SWEENEY: Thank you.  
 15 All right, is there anybody else in favor of  
 16 the passage willing to speak?  
 17 MRS. BRICKMAN: My name is Sue Brickman. I  
 18 live at 9915 Ashley Lane, Concord.  
 19 CHAIRMAN SWEENEY: You've been sworn in?  
 20 MRS. BRICKMAN: Yes.  
 21 CHAIRMAN SWEENEY: Okay.  
 22 MRS. BRICKMAN: I work for Ralph Victor. And  
 23 I was just going to kind of follow up on his point.  
 24 If you cut down the trees on both sides, you're  
 25 going to be left with a strand of things.

1 of dirt, I see it as a big bag of cash.  
 2 I think it's important to acknowledge the  
 3 importance of this JEDD as far as providing revenue  
 4 to the township. And to reduce the potential JEDD  
 5 revenue to preserve a small buffer of vegetation  
 6 between two commercial parcels of property, it  
 7 doesn't make sense. You're willing to sacrifice  
 8 thousands of dollars of JEDD revenue to preserve a  
 9 buffer of dead trees? Really?  
 10 So in denying this variance -- and I'm  
 11 involved with other activities in the township to  
 12 pretty much advocate --  
 13 CHAIRMAN SWEENEY: Mr. Traffis, unfortunately,  
 14 we're not allowed to take into account whether or  
 15 not the parcel in question will be impacted by its  
 16 ability to pay taxes. So if you could wrap it up.  
 17 MR. TRAFFIS: Okay.  
 18 CHAIRMAN SWEENEY: We believe your opinion has  
 19 been well heard. Thank you.  
 20 MR. TRAFFIS: Finally, my question is, what's  
 21 the problem with a developer of a commercial center  
 22 to plan big? We all do it.  
 23 When I added on to our house, I went big. And  
 24 within a year, I wish I went bigger.  
 25 CHAIRMAN SWEENEY: Okay.

1 CHAIRMAN SWEENEY: All right, do you have any  
 2 new comments?  
 3 MRS. BRICKMAN: Everything that he builds --  
 4 he's very well respected. I think everyone would  
 5 be very happy that he put that stone wall around  
 6 the water tower.  
 7 CHAIRMAN SWEENEY: Thank you.  
 8 MRS. BRICKMAN: And everything he does, you  
 9 know, he's highly respected.  
 10 CHAIRMAN SWEENEY: Thank you very much. All  
 11 right.  
 12 A VOICE: You've got another one.  
 13 CHAIRMAN SWEENEY: In favor?  
 14 MR. COLLINS: In favor. And that's all I want  
 15 to say.  
 16 CHAIRMAN SWEENEY: No, no. Come on up.  
 17 MR. COLLINS: Marc Collins, 7899 Fox Hunter  
 18 Lane. I'm just in favor of the variance.  
 19 CHAIRMAN SWEENEY: Okay. Thank you.  
 20 In favor?  
 21 MR. RICH: Yes.  
 22 CHAIRMAN SWEENEY: All right, come on up.  
 23 MR. RICH: Ben Rich, 11260 Quail Hollow.  
 24 Nothing new to add, just to say I'm in favor, as  
 25 well. Thank you.

41  
1 CHAIRMAN SWEENEY: All right. Thank you for  
2 your support.  
3 Anybody else in favor? Okay.  
4 Those who are against, I would like to start  
5 on this side of the room, in the first row.  
6 Second row? Well, we're going by rows.  
7 A VOICE: You want to go by rows?  
8 CHAIRMAN SWEENEY: Yes. Second row.  
9 A VOICE: I went to Catholic school, I know  
10 how it works.  
11 CHAIRMAN SWEENEY: And remember, don't repeat  
12 the same comments or arguments that you made  
13 before. Only new comments or new arguments. I  
14 believe everyone else will appreciate that, as  
15 well.  
16 MS. KINCAID: Okay, Karen Kincaid, 7894  
17 Hunting Lake Drive, and I've been sworn in.  
18 CHAIRMAN SWEENEY: Thank you.  
19 MS. KINCAID: And I respectfully ask the Board  
20 to deny the variance request. I've watched the  
21 meetings from the last six months from both the  
22 Trustees, the Zoning Board, the BZA, and the  
23 immediate residents are all on the same page. The  
24 only one that feels that this is a hardship is the  
25 developer.

43  
1 request that you deny it. It is only a hardship  
2 because the developer wants to put too much into  
3 an available spot and he needs the parking spaces.  
4 He keeps reminding everyone that there was a  
5 commercial sign on the corner forever. Is he not  
6 aware of the restrictions of that property?  
7 As you are all aware, the perimeter treatment  
8 narrative states, and I quote, much of the Quail  
9 Hollow development is very heavily forested in  
10 order to preserve the natural beauty of the  
11 development -- it says nothing about the PUD or  
12 anything -- the natural beauty of the development,  
13 and to eliminate the clearing and grading of these  
14 areas, a minimum of 25-foot of natural vegetation  
15 will be left undisturbed to enhance the beauty of  
16 the development, and that's what it's there for.  
17 Mr. Victor stated at the last meeting, and to  
18 the News-Herald, and I quote, these trees are half  
19 dead.  
20 If you look at the trees he recently cut down,  
21 there's no sign that those trees are anywhere close  
22 to being dead or distressed in any way. The trunks  
23 are solid and healthy. Yes, the trees will die  
24 eventually, but won't we all.  
25 The narrative not only speaks to the trees,

42  
1 We're going around, and around, and around  
2 about this parking thing. But the real issue is,  
3 he needs this parking variance so that he can build  
4 what he wants to build. He wants to build what's  
5 not allowed to be built there.  
6 To grant this variance is a disservice to the  
7 community and in direct conflict to the Ohio  
8 Supreme Court Duncan factors.  
9 I'm totally in opposition to what he has --  
10 the previous gentleman just said, because they do  
11 not result in real hardships or practical  
12 difficulties, but those created solely by the  
13 individual's demands.  
14 Of the area variance criteria, he failed six  
15 out of the seven. Of the use variance criteria  
16 regarding unnecessary hardship, he failed seven out  
17 of the eight, in my opinion.  
18 I first want to address his petition. His  
19 petition doesn't address any of the grievances, and  
20 it's very vague. And it doesn't talk about any of  
21 the special requests or the restrictions that an  
22 uninformed person would not be aware of, plus 9 of  
23 the 25 signatures don't even live around this site  
24 and will not be affected by it in any way.  
25 Regarding the 25-foot vegetation variance, I

44  
1 but in the absence of trees, the developer must  
2 landscape it. There is nothing stating in there  
3 that if there are no trees you can put up a parking  
4 lot.  
5 He also stated to the News-Herald that, and I  
6 quote, the neighboring property in a different  
7 zoning district is permitted to develop up to  
8 10 feet from the property line.  
9 When the lot to the north gets developed,  
10 which it eventually will, will that person get a  
11 variance for that 10 foot, too? And then there  
12 will be no vegetation in there whatsoever.  
13 The neighboring zoning has absolutely nothing  
14 to do with the property in question. It's a  
15 totally different zone. Just like he's using the  
16 parking guidelines on this (indicating), in the  
17 bottom corner, using parking guidelines, if you're  
18 in a business district, there is no relevance.  
19 Ms. Freeman clarified that in the January  
20 meeting.  
21 CHAIRMAN SWEENEY: All right. Can you wrap it  
22 up, ma'am?  
23 MS. KINCAID: Oh, okay.  
24 CHAIRMAN SWEENEY: Thank you.  
25 MS. KINCAID: Okay, the variance wouldn't be

1 an issue if he would plant -- or if he would build  
 2 within the recommendations from 1986 that we're all  
 3 being reminded of all the time.  
 4 If he would reduce his warehouse size --  
 5 notice that nothing was reduced in the warehouse  
 6 size -- he could easily do what he wants to without  
 7 getting this variance.  
 8 Duncan factors, I'm going to address his  
 9 Duncan factors. We looked at all kinds of court  
 10 cases where the Duncan factors in the appeals went  
 11 along with what the Board ascribed to.  
 12 When we talk about taxes, Andy Rose had a  
 13 wonderful presentation about taxes and how all the  
 14 JEDD money does not go to the community. And as  
 15 far as levies go, that's not how levies work,  
 16 either. He should look at those tax presentations  
 17 by Andy Rose.  
 18 So please, I'm sure this issue -- the same  
 19 issues are going to be confronted when he develops  
 20 this outside, and it's going to be the same thing  
 21 all over again. So I'm pleading with you, don't  
 22 set a precedent here.  
 23 CHAIRMAN SWEENEY: All right, thank you.  
 24 Next?  
 25 MS. BENCIC: Hello, again. My name is Linda

1 thing, in regard to this proposed change in those  
 2 parking spots over on the side. I just want to  
 3 point out, from a safety factor, those parking  
 4 spots, they would be backing into a street. If I  
 5 was going to that restaurant, I don't know if I  
 6 would want to walk all that way.  
 7 So I just really feel, again, that he's trying  
 8 to put too much into a small space, and it will  
 9 cause safety factors down the road, and it just  
 10 probably isn't needed.  
 11 Thank you.  
 12 CHAIRMAN SWEENEY: All right, thank you.  
 13 The Chair wants to be clear. I'm not here to  
 14 limit anyone's ability to speak. What I am here to  
 15 do, though, is to remind you of arguments you've  
 16 already made, and comments that have already been  
 17 heard by all of us --  
 18 A VOICE: She wasn't here.  
 19 CHAIRMAN SWEENEY: -- and I do have the right  
 20 to do that.  
 21 A VOICE: She wasn't here.  
 22 MR. HACH: Provide your documentation.  
 23 CHAIRMAN SWEENEY: Next, fourth row. Or the  
 24 third row. Third row.  
 25 MR. BENCIC: Michael Bencic, 7838 Hunting Lake

1 Bencic. I live at 7838 Hunting Lake Drive. I have  
 2 been sworn in.  
 3 I'm here again to speak out against the  
 4 proposed variance at the corner of Hunting Lake  
 5 Drive and Crile Drive.  
 6 Even with the minor changes in --  
 7 CHAIRMAN SWEENEY: Do you have any new  
 8 arguments to make? Because I do remember you  
 9 speaking last time.  
 10 MS. BENCIC: Yes.  
 11 CHAIRMAN SWEENEY: Do you have any new  
 12 arguments to make?  
 13 MS. BENCIC: No. But that is --  
 14 CHAIRMAN SWEENEY: Okay.  
 15 MS. BENCIC: I was going to start out,  
 16 actually, with a question. So we have two --  
 17 CHAIRMAN SWEENEY: We can't respond to any  
 18 questions.  
 19 MS. BENCIC: Okay. Well, let me phrase it in  
 20 a different way, then. I'm hoping that all the  
 21 Board members that are sitting there today had a  
 22 chance to review all the comments that were made  
 23 last time, since we are being given an abbreviated  
 24 time to speak.  
 25 So I'm going to just throw out a different

1 Drive. I've been sworn in. I did not speak last  
 2 week.  
 3 And as I mentioned to you before, it's very  
 4 difficult when you follow somebody and you say,  
 5 don't reiterate it, because you end up changing  
 6 your entire notes and your comments. So I will be  
 7 much faster than others, and I'm going to deal in  
 8 facts, as well.  
 9 I won't comment on the Duncan factors beyond  
 10 saying that the developer continues to fail to meet  
 11 most if not all of the criteria in his proposal  
 12 with regard to the variance, as well as criteria as  
 13 it pertains to the conditional use request.  
 14 The purpose of a variance is to provide  
 15 limited relief from the requirements of a code in  
 16 those cases where strict application of a  
 17 particular requirement will create a practical  
 18 difficulty, unnecessary hardship, prohibiting the  
 19 use of the land in a manner otherwise allowed.  
 20 It is not enough to merely demonstrate that  
 21 the applicant has experienced hardship in their  
 22 attempts to use the property in that manner, but  
 23 that the zoning ordinance, as currently written, is  
 24 preventing them from doing so.  
 25 A variance is not a free pass from regulations

1 or a tool to undermine the zoning ordinances. It  
2 is not intended that variances be granted merely to  
3 remove inconveniences or burdens that the  
4 requirements may impose on property owners, which  
5 is what he's looking for here.

6 Property owners must show how and why it will  
7 be difficult to follow the standards and  
8 regulations of the zoning ordinance. They have the  
9 burden of demonstrating that the requirements for  
10 the variance have been met by providing competent,  
11 substantial, and well-developed evidence that the  
12 property meets the standards for a variance.

13 In this case, the developer has presented no  
14 such evidence. In addition, he has made no good  
15 faith efforts to find alternative solutions that  
16 would comply with the regulations.

17 There are no practical difficulties that exist  
18 if the variance is not granted and unreasonably  
19 deprives him of limited use of the property. This  
20 is simply a self-created hardship.

21 Without proof and argument of, I need a  
22 variance because your ordinance is stopping me from  
23 doing what I want to do, or it doesn't fit what I  
24 want, is not a position according to the Ohio  
25 statute. He has simply chosen to look at using the

1 dictionary, it's defined as a requirement or an  
2 obligation.

3 I'll close by saying that this should be  
4 simple. It's about the use and application of  
5 facts as they apply to rules and regulations. In  
6 short, the Board would be to remiss in fulfilling  
7 its responsibility if this proposal is approved.

8 Thank you.

9 CHAIRMAN SWEENEY: Thank you. Next.

10 Anybody else to speak against?

11 All right, any on this side of the room  
12 speaking?

13 All right, let's go to the right side of the  
14 room. Let's start from front to back.

15 First row, no.

16 Second row, no.

17 Third row.

18 MR. HALL: Yes, sir.

19 CHAIRMAN SWEENEY: Come on up.

20 MR. HALL: Dave Hall, 7806 Hunting Lake Drive.  
21 I've been sworn in.

22 Everybody has pretty much covered everything  
23 right now. The fact of the matter is, he needs to  
24 build smaller, build within the laws.

25 Mr. Sweeney, you said it last month, you went

1 lot in a manner that would provide him with his  
2 greatest possible benefit, which is not a  
3 consideration.

4 I hope by now it's obvious to the Board that  
5 the developer has no interest in making a proposal  
6 that has anything other than what he wants with  
7 regards to this property. These small  
8 modifications he makes to try and appease the Board  
9 are akin to putting lipstick on a pig. They are  
10 nothing more than disingenuous cosmetic changes in  
11 an effort to disguise his fundamental failings.

12 To quote a judicial opinion in Kisil versus  
13 Sandusky, generally, where a purchaser of  
14 commercial property acquires the premises with  
15 knowledge of certain zoning restrictions, he must  
16 accept the limitations on the usages of such  
17 property and may not demand a variance based upon a  
18 claimed hardship due to such limitations. That's  
19 what you have here.

20 The Ohio Supreme Court and the township laws  
21 are very clear on the criteria that needs to be  
22 considered. Your own language states that the BZA  
23 shall consider the review criteria as set forth in  
24 your zoning laws. And I will note for everyone  
25 here, when you look up the word, shall, in the

1 over the Duncan factors, it's all great. We  
2 listened to everything. I've learned more from you  
3 guys, and the legal counsel, in the last four  
4 months being here. It's been fantastic. But  
5 here's the deal:

6 He needs to build within what he bought. This  
7 is a big boys' game. They know what they need to  
8 do. These developers know what they need to do and  
9 what they can have. When they bought this  
10 property, they signed that they know what they can  
11 build. The variance should not be put in. He  
12 needs to come up with a new plan that's profitable  
13 for him, and beneficial to the community.

14 If he has to take out that restaurant to put  
15 the parking spaces there, to be able to have his  
16 showroom, that's what he needs to do. He needs to  
17 figure out a way to build within his limits.

18 Sweeney said it last month, you're up here to  
19 uphold the laws, the whole council is. And I do  
20 appreciate that.

21 I'm against the variance. Please vote no.

22 Thank you.

23 CHAIRMAN SWEENEY: Thank you.

24 MR. BARON: My name is Dan Baron. I live at  
25 7895 Hunting Lake, and I was sworn in.

1 I'm objecting to Mr. Victor's request for a  
2 variance. I want to emphasize, I don't oppose him  
3 developing that lot in a commercial fashion, as  
4 long as it's within the standards that were  
5 established decades before he purchased the  
6 property.

7 Mr. Victor is asking for the variance on the  
8 north end of the lot because of the totality of  
9 what he's doing on the rest of the lot. His  
10 proposal shows the back of the restaurant building  
11 and a dumpster facing Hunting Lake, which is, up  
12 until now, a 100 percent residential street. And I  
13 think it shows the back of the restaurant and the  
14 dumpster within about 30 feet of the street. I'm  
15 quite concerned about that arrangement.

16 Second, and perhaps more importantly, I think  
17 much of Mr. Victor's proposal today is  
18 disingenuous. Back in the fall, Mr. Victor  
19 appeared before the full Zoning Committee, back in  
20 October or November, for a listening session. And  
21 he spent about 20, 25 minutes with them. And he  
22 was very direct, saying he plans to build a  
23 warehouse for construction of -- for storage of his  
24 construction materials on that site. Those were  
25 his words. He made no mention of parking for his

1 having -- being able to make the turn in, and they  
2 said it just didn't look like it was possible that  
3 emergency vehicles would have proper clearance  
4 coming in off of Hunting Lake. He has not  
5 addressed that in any of those changes.

6 Absent a traffic study, which hasn't been done  
7 yet, I would oppose any egress and access directly  
8 off of Hunting Lake. I think it changes the  
9 character of the street.

10 Thank you.

11 CHAIRMAN SWEENEY: Thank you.

12 Anybody else from that row? Anybody else?

13 All right, in the row behind them, no one?

14 Now your row. Okay, come on up.

15 MR. LAZUKA: Hi. Chris Lazuka, 8130 North  
16 Orchard Road. Most of what I had prepared has  
17 already been said. And I have been sworn.

18 I just wanted to add, I, too, think it was  
19 disingenuous for Mr. Victor to tell you, the BZA --  
20 I don't know if it was the last meeting or prior --  
21 that he feels he should get the same setbacks as a  
22 property that's zoned entirely differently. He's  
23 brought it up again. He knows he's PUD -- R-2 PUD.  
24 The Capital district has different setbacks.

25 So just this expectation, this -- I thought it

1 three employees.

2 He was told there, warehouses were not  
3 permitted. He's come before us with the exact same  
4 drawing, the exact same square footage allocated to  
5 himself, and now he's saying it's a three car  
6 garage for his employees and office space for the  
7 same, 5,500 square feet.

8 Now, I don't know how big your house is. A  
9 three car garage, a good one, a big one, is about  
10 1,000 square feet. At least 4,500 square feet is  
11 for an office for three people. He's building a  
12 warehouse there, okay? And I think he's being  
13 disingenuous with everybody in this room, all  
14 right?

15 During that entire Q&A he made no mention of  
16 parking for his employees. That didn't start until  
17 after he was told he couldn't build a warehouse,  
18 okay? That leaves me -- any proposal he has, that  
19 has garage doors on it, I would be against, all  
20 right?

21 I'll also add, since one of you -- I can't  
22 remember -- brought it up tonight, about the access  
23 off of Hunting Lake, at that Zoning Committee  
24 meeting back in the fall, the most questions they  
25 had for him were concerns about emergency vehicles

1 was disingenuous for him to say that to you, the  
2 BZA, that he expects that same treatment. It's a  
3 different zoned property.

4 The only other thing that hasn't already been  
5 mentioned is that one of the Board members, I think  
6 at a meeting or two ago, said your primary  
7 responsibility is to enforce zoning. And I think  
8 this is such a clear case for that.

9 He can build within the current restrictions  
10 and make it economically feasible. That's just --  
11 how can you say otherwise? And I just ask that you  
12 reject this application and enforce the zoning.  
13 Just because it wasn't enforced in the past is no,  
14 you know, precedent for not enforcing it now.

15 Thank you.

16 CHAIRMAN SWEENEY: Thank you.

17 MR. SKULLY: Good evening.

18 CHAIRMAN SWEENEY: Hello.

19 MR. SKULLY: My name is Ron Skully. I've been  
20 sworn in. I'm at 7822 Hunting Lake Drive. I'm  
21 against the variance.

22 This two and a half acre parcel will yield the  
23 owner a reasonable return on investment without the  
24 variance, full stop. The owner purchased this  
25 parcel knowing the zoning restrictions and agreed

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1 with the restrictions at the time of the purchase.  
2 The variance, as you know, is substantial.  
3 Drive-thru and warehouse are not permitted, whether  
4 it's a Dunkin' Donuts or a bank that needs a  
5 drive-thru.  
6 Tenant business intent and the use, other  
7 tenants is unknown at this time. Granting the  
8 variance will overextend the land's intent, causing  
9 noise and safety issues, trucks, loading and  
10 unloading, increased traffic on a residential  
11 street, Hunting Lake Drive and Crile, possible  
12 storage of hazardous materials, propane, gasoline,  
13 argon, helium, and carbon dioxide, which is used in  
14 welding, and who knows what else.  
15 The owner does not need a variance to  
16 accomplish his goals, but is pushing the Board to  
17 its limits. Granting the variance will not  
18 preserve the spirit and intent of the zoning  
19 restrictions, and substantial justice will not be  
20 preserved. The owner is extending the intent of  
21 what is fair and reasonable for the size of this  
22 parcel.  
23 Huge resident concern is increased traffic,  
24 speeding on a residential street, noise and safety  
25 issues on Hunting Lake Drive.

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1 that while I was not here last month, I did spend a  
2 very long time watching the meeting, of which was  
3 112 -- or an hour and 12 minutes, that I watched  
4 all of you guys speak before it got tabled. So I  
5 was not here, but I did watch all of it, and  
6 Heather did correspond with me, as well, to make  
7 sure I had no questions for the meeting that I did  
8 miss.  
9 A VOICE: Thank you.  
10 CHAIRMAN SWEENEY: All right, thank you.  
11 Discussion?  
12 MR. HACH: Well --  
13 CHAIRMAN SWEENEY: Take it away.  
14 MR. HACH: The corner is going to be a  
15 commercial building or some development of some  
16 sort. It does seem like there's a lot going on. I  
17 do have some concerns about truck traffic,  
18 emergency vehicles.  
19 I'll be honest, I don't have an issue with the  
20 pine trees on the north side. I think it's going  
21 to be on a commercial -- abutting a commercial  
22 property. I don't have an issue with it.  
23 The ingress off of Hunting Lake, whether it's  
24 this building or a different concept, it's probably  
25 going to happen, unfortunately. Or fortunately.

58  
1 Please vote against the variance.  
2 Thank you.  
3 CHAIRMAN SWEENEY: Thank you.  
4 Would anyone else like to speak?  
5 If no one else would like to speak, I will now  
6 officially close the public hearing.  
7 All right, I will entertain a motion to  
8 approve the Application 2023-142.  
9 MS. GARCAR: I'll make a motion.  
10 CHAIRMAN SWEENEY: So moved?  
11 MS. GARCAR: Yeah.  
12 CHAIRMAN SWEENEY: All right, second?  
13 MR. HACH: Don't we usually discuss it?  
14 MR. GOLLING: This is just to vote on it.  
15 CHAIRMAN SWEENEY: This is just to vote on it.  
16 MS. GARCAR: We need a vote.  
17 CHAIRMAN SWEENEY: Just to vote on it.  
18 MR. HACH: Okay.  
19 CHAIRMAN SWEENEY: Second?  
20 MR. HACH: Second.  
21 CHAIRMAN SWEENEY: Give me a second. Okay.  
22 MS. GARCAR: Mr. Chairman, may I make a  
23 comment before we talk?  
24 CHAIRMAN SWEENEY: Absolutely.  
25 MS. GARCAR: I would like it on the record

60  
1 Whatever. But that is probably going to be the way  
2 it's going to be.  
3 I don't know. It's a tough spot.  
4 CHAIRMAN SWEENEY: Todd.  
5 MR. GOLLING: I did want to point out that  
6 from last month's meeting, we did have paperwork --  
7 which I have checked through, and I neglected to  
8 bring it -- from the county that that ingress and  
9 egress is actually required. So it's not like --  
10 A VOICE: Has that been submitted?  
11 MR. GOLLING: Say again?  
12 A VOICE: Is that available to the public?  
13 CHAIRMAN SWEENEY: We don't -- there's no  
14 comments from --  
15 A VOICE: Oh, sorry.  
16 CHAIRMAN SWEENEY: The public meeting is  
17 closed.  
18 MR. GOLLING: So the Lake County Engineer --  
19 and this is what I'm recalling from my paperwork,  
20 my stack from last time Mr. Victor was here -- said  
21 that that ingress and egress is a required -- they  
22 have to have it.  
23 CHAIRMAN SWEENEY: You're talking with us,  
24 Todd.  
25 MR. GOLLING: Yes. Right.

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1 CHAIRMAN SWEENEY: You're not talking to them.  
2 MR. GOLLING: Yeah, so with that -- but to the  
3 tree thing, like, I mean, Mr. Victor, we talked  
4 last month about the trees. And there's some dead  
5 ash, and there are some scrub trees, and there are  
6 some nice trees. But he also did the development  
7 right behind it, and it looks pretty nice.  
8 So with that -- I mean, I don't think he is a  
9 landscape architectural slack. I mean, I think it  
10 looks pretty good. So that's not my concern.  
11 Whatever -- should something go forward, and  
12 should something be planted there, I'm sure it  
13 would look aces. So that part is not my concern.  
14 But what we're talking about today is, to some  
15 of the well-described points, is the -- are we  
16 within the scope of the zoning text, and does this  
17 define hardship in here.  
18 So can this proceed if -- like I'm looking at  
19 it, if the water people said, you can't drive on  
20 our street no matter what, even though it's his  
21 property, I get it -- could he still build  
22 something on this lot if he didn't have access to  
23 the stuff on the other side of the driveway to the  
24 tower.  
25 And yeah, he could. You could still build

63  
1 one more space if that building never existed.  
2 MS. GARCAR: Yeah, ignoring --  
3 MR. GOLLING: The one on the corner.  
4 MS. GARCAR: Yeah.  
5 MR. GOLLING: The little one.  
6 MS. GARCAR: Yeah, ignore that one. Just  
7 this large one that he has listed as office and  
8 retail, the 13,433 square foot, he needs 68 parking  
9 spots. Without that 25-foot variance, he only has  
10 67 parking spots.  
11 MR. GOLLING: Is that just in the Phase 1, or  
12 is that if you put him in the Phase 2, as well?  
13 MS. GARCAR: He just has 67 parking spots on  
14 this entire listing.  
15 MR. GOLLING: Understood.  
16 MS. GARCAR: So I guess that would need some  
17 clarification between Phase 1 and Phase 2.  
18 MR. GOLLING: There's a little dotted line on  
19 the drawing.  
20 MS. GARCAR: Clarification of physically  
21 counting all the spots.  
22 MR. GOLLING: Okay.  
23 MS. GARCAR: Sorry.  
24 If he needs anything that's a different way of  
25 looking into it, though, is needing that extra

62  
1 something there. Would it be as big or as cool? I  
2 don't know. Maybe.  
3 But I think that that's what we're here to  
4 talk about is, can something be put on there as it  
5 was purchased and worked into the PUD.  
6 CHAIRMAN SWEENEY: Okay.  
7 MS. GARCAR: I feel like my biggest point of  
8 this all, mathematically with the parking spots, is  
9 large building. Ignore the additional buildings  
10 that may or may not have a drive-thru, the smaller  
11 one that's on his picture, bottom left, ignore that  
12 part.  
13 The big part, the big building that he has, he  
14 does need this variance, 25-foot setback variance,  
15 to build that big one, given the fact, without  
16 that, he is short one parking spot. And that's --  
17 MR. GOLLING: At existing, the 13,400.  
18 MS. GARCAR: The 13,433. So ignoring that  
19 3,700 building on the bottom.  
20 MR. GOLLING: Right, yeah.  
21 MS. GARCAR: So just --  
22 MR. GOLLING: That doesn't exist. So just  
23 without that.  
24 MS. GARCAR: Correct. Where is he at?  
25 MR. GOLLING: So he would need to squeeze in

64  
1 spot -- needing that variance for the one physical  
2 building that he has drawn up here.  
3 The 67 was Phase 1 and Phase 2, correct?  
4 MR. GOLLING: Well, just spit-balling here, if  
5 you're talking the entire lot, you fit 67 spots in  
6 there. Without the little building up front, then  
7 obviously he could add in another 12 to 15 spots,  
8 by my math. I'm guessing.  
9 MS. GARCAR: Yeah. I guess either way,  
10 Phase 2, with or without that, he doesn't have  
11 enough. It's 64 without Phase 2. If we approve  
12 the variances, it's still 64. So Phase 2 parking  
13 spots would have to be done.  
14 But either way, the way it's structured -- the  
15 way it's structured, if he did all the parking  
16 spots in one phase, he does need that variance to  
17 have those extra parking spots.  
18 MR. GOLLING: Or shrink the building down to  
19 fit the required number of spots.  
20 MS. GARCAR: Correct.  
21 So either -- to build a building the size  
22 that's on here, a singular building --  
23 MR. GOLLING: Yeah.  
24 MS. GARCAR: -- he needs a variance to have  
25 the correct amount of parking spots, or he needs to



65  
1 shrink it somehow to squeeze in one parking spot.  
2 MR. GOLLING: I think I get it.  
3 MS. GARCAR: I guess the basic thing for me  
4 is, this is all over one parking spot.  
5 Very pretty, like kept up landscaping. It's  
6 not -- we're not debating if he's building a second  
7 building or not, right now. It's just the parking  
8 spots. That allows him to building the first  
9 building. That's it.  
10 So is that a hardship of changing your  
11 building?  
12 MR. GOLLING: I think you just confused me.  
13 MS. GARCAR: Making him -- so he has his plan  
14 now.  
15 MR. GOLLING: Yeah.  
16 MS. GARCAR: He knows for the one building.  
17 We're not talking about a second building. We're  
18 talking about one building.  
19 MR. GOLLING: Right.  
20 MS. GARCAR: Do you make something look good,  
21 good landscaping, or change an entire structure of  
22 the building, are our options. So which one is  
23 easier? Which one is more of a hardship? Because  
24 we keep talking about the hardship --  
25 MR. GOLLING: Right.

67  
1 line up the Duncan factors and check them off.  
2 Each application is different. Each piece of  
3 property is different. And, you know, Duncan is a  
4 guide, I think.  
5 And when I look at Duncan factors -- and I  
6 have in this case a lot -- I don't focus on the  
7 number of Duncan factors that are either for or  
8 against. What I do is I look at the property, I  
9 look at what is being asked for, what is being  
10 asked for, what is being asked for, all right? And  
11 I vary it, depending on what is being asked for.  
12 And I limit my review -- it really comes up to the  
13 substantialness of what is going to be given or not  
14 given.  
15 And in this case, I have gone back and forth.  
16 And I -- at the end of the day, I don't see the  
17 substantialness that I need to see to say no. I  
18 just don't see it.  
19 I see a buffer. I see a buffer that is  
20 required to be 25 feet. How much of the 25 feet  
21 will he use? I don't even know. Is it going to be  
22 five feet, ten feet?  
23 So really, I just -- and yes, Mr. Victor is  
24 well aware of the requirements, and the zoning  
25 rules, and so on. But we say that to every

66  
1 MS. GARCAR: -- if we approve or not approve.  
2 Which one is more the hardship, changing your  
3 entire building, or planting trees that look good?  
4 MR. GOLLING: Well, nothing is built yet.  
5 What do you say, Brian?  
6 MR. FALKOWSKI: I'm trying to bring it back to  
7 just thinking about the buffer. And that's what --  
8 I'm trying to bring it back in my head.  
9 MR. GOLLING: Uh-huh.  
10 MR. FALKOWSKI: Sorry, I got a little confused  
11 on the parking. I'm, like, doing math in my head  
12 here.  
13 MS. GARCAR: Sorry.  
14 MR. FALKOWSKI: No, no, no. It's all good.  
15 And I am reading through the Duncan factors,  
16 as you did the last time. And there's some of  
17 them, I'm going back and forth on --  
18 CHAIRMAN SWEENEY: Yeah.  
19 MR. FALKOWSKI: -- I'm going to be honest with  
20 you.  
21 CHAIRMAN SWEENEY: Yeah.  
22 MR. FALKOWSKI: So I'm still kind of  
23 processing at this moment a little bit.  
24 CHAIRMAN SWEENEY: Yeah.  
25 To Brian's point, you know, this is not just

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1 applicant that comes before us. And all of those  
2 applicants, whether they're business interests, or  
3 private interests, residential interests, a lot of  
4 them, 90 percent of them, know the rules. They  
5 know the rules. We have had a tendency to take  
6 that into account. We look at the substantialness.  
7 I think we always have.  
8 And when I look at the substantialness in this  
9 case, I don't see it being as gross as maybe some  
10 of the popular opinion has led it to be. That's  
11 just my opinion.  
12 MS. GARCAR: I do have a question, though.  
13 With all of this, if we say that he can go past the  
14 25 feet, he still has to have this plan approved at  
15 another time --  
16 CHAIRMAN SWEENEY: Well, listen, I don't want  
17 to entertain anything. I'm looking at what he's  
18 asking for tonight.  
19 MS. GARCAR: Right, the 25 foot.  
20 CHAIRMAN SWEENEY: Yeah.  
21 MS. GARCAR: We say, you can have 25 feet, or  
22 you don't need that 25 feet.  
23 MR. FALKOWSKI: You can have 10 feet instead  
24 of 25 feet.  
25 MS. GARCAR: Thank you.

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1 What he does with that 10 feet, and stuff like  
2 that --  
3 CHAIRMAN SWEENEY: I don't care.  
4 MS. GARCAR: -- that still has to be approved  
5 later on. We're not saying you --  
6 CHAIRMAN SWEENEY: No, we're not the final  
7 word.  
8 MS. GARCAR: We're not saying you have to  
9 plant trees or you can have it cleared.  
10 CHAIRMAN SWEENEY: We're not the final word.  
11 There's traffic studies that still need to be  
12 done --  
13 MS. GARCAR: Okay.  
14 CHAIRMAN SWEENEY: -- and things like that.  
15 This is just a tiny, small piece.  
16 And I'll tell you something. What he did --  
17 what Mr. Victor did to put that wall up is like  
18 extraordinary. It looks beautiful. I don't care  
19 what side of this argument you're on, okay? And I  
20 don't think he needed to do that. But the point is  
21 this:  
22 I'm looking at a substantial impact. Is he  
23 going to substantially impact this? I just don't  
24 know if it's there.  
25 All right, any other discussion? Anybody have

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1 MR. HACH: Yes.  
2 MS. FREEMAN: Ms. Garcar.  
3 MS. GARCAR: Yes.  
4 MS. FREEMAN: Mr. Sweeney.  
5 CHAIRMAN SWEENEY: Yes.  
6 MS. FREEMAN: Mr. Golling.  
7 MR. GOLLING: No.  
8 CHAIRMAN SWEENEY: All right, your application  
9 has been granted. Congratulations. Thank you.  
10 And I thank everybody for their patience.  
11 All right, we have a second matter here, on  
12 the conditional use permit application.  
13 For those of you that would like to leave,  
14 please do so quickly, if we could.  
15 (Pause)  
16 CHAIRMAN SWEENEY: All right, if we can  
17 continue on, please. Thank you.  
18 The next matter in Old Business is Conditional  
19 Use Permit Application 2023-27. Ralph Victor  
20 Construction, Inc. is requesting approval for a  
21 conditional use permit in accordance with  
22 Section 13.05 to have a commercial center in  
23 the planned unit development as required in  
24 Section 16.07(E). This is for the property  
25 located at the corner of Crile Road and Hunting

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1 anything you want to add?  
2 Todd?  
3 MR. GOLLING: Sometimes I just think you ought  
4 to play the cards you're dealt, though. Sometimes  
5 you get a 2 and a 7, and that's what you've got.  
6 CHAIRMAN SWEENEY: Right. That's true.  
7 MS. GARCAR: I think you make the best of your  
8 2 and your 7, and you make the best of the gravel  
9 road you've got.  
10 CHAIRMAN SWEENEY: Yeah.  
11 MR. GOLLING: What's that?  
12 MS. GARCAR: I said, you make the best of your  
13 2 and your 7. You make the best of your gravel  
14 road that you have.  
15 CHAIRMAN SWEENEY: All right. So anything  
16 else, guys?  
17 All right, if there's no other discussion by  
18 us, the question here is on the approval of a  
19 Variance Application 2023-142. A yes vote is for  
20 the approval of the variance, and a no vote denies  
21 the variance.  
22 Heather, can you please call for the vote.  
23 MS. FREEMAN: Mr. Falkowski.  
24 MR. FALKOWSKI: Yes.  
25 MS. FREEMAN: Mr. Hach.

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1 Lake Drive, Parcel Number 08-A-020-C-00-002-0.  
2 Mr. Victor.  
3 MR. VICTOR: As on the plan before, we are  
4 presenting the building to be 13,000 square feet,  
5 approximately, and an outbuilding of 3,700 square  
6 feet. The designs have not been done yet. If this  
7 is granted, we will start the blueprints and bring  
8 the plans in to the Zoning Commission for approval.  
9 CHAIRMAN SWEENEY: Okay.  
10 And to clarify, there is no drive-thru in this  
11 plan?  
12 MR. VICTOR: No.  
13 CHAIRMAN SWEENEY: Okay.  
14 MR. VICTOR: There's no drive-thru, and  
15 there's no warehouse.  
16 CHAIRMAN SWEENEY: Okay.  
17 MS. GARCAR: Also, to clarify, you just said,  
18 15,000 square foot. The plan up in front of you is  
19 13,000.  
20 MR. VICTOR: Right, thirteen.  
21 MS. GARCAR: Thirteen, okay. I just want to  
22 make sure.  
23 CHAIRMAN SWEENEY: A total of fifteen?  
24 MR. VICTOR: A total of -- it would be  
25 thirteen plus thirty-seven, approximately.

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1 MS. GARCAR: Okay.  
2 CHAIRMAN SWEENEY: Okay.  
3 A VOICE: Seventeen-one.  
4 CHAIRMAN SWEENEY: Seventeen-one. Thank you.  
5 MR. HACH: So on the back side of the big  
6 building it says, garage access, but it's not a  
7 warehouse. Is that for car parking, or is that  
8 just --  
9 MR. VICTOR: That would be for our car  
10 parking.  
11 MR. HACH: So for what it's worth, whatever we  
12 do, it actually goes back to the Zoning Board,  
13 right?  
14 CHAIRMAN SWEENEY: Right. We're not the final  
15 word.  
16 MR. HACH: Exterior elevations, and things  
17 like that. So what you see is just a guess.  
18 CHAIRMAN SWEENEY: Right.  
19 MS. GARCAR: Yeah.  
20 MR. HACH: So garage door or no garage door,  
21 it's going to be reviewed again.  
22 MS. GARCAR: So we're just discussing that he  
23 can or cannot build this type of building --  
24 CHAIRMAN SWEENEY: Correct.  
25 MS. GARCAR: -- not this exact building.

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1 CHAIRMAN SWEENEY: Okay.  
2 MS. GARCAR: I just also want to be clear,  
3 because we're talking numbers.  
4 MR. VICTOR: We're --  
5 MS. GARCAR: We are approving the type of  
6 building you are making, and simply -- approving or  
7 denying the type of building you are asking.  
8 Whether there's two entrances, one entrance, how  
9 far away the entrance is from Huntington Lake, all  
10 of those little, fine details ultimately would be  
11 presented, and approved or denied from a different  
12 Board. We're just saying, yes, this is the type of  
13 building you can have.  
14 CHAIRMAN SWEENEY: Right.  
15 MR. FALKOWSKI: Yes.  
16 MS. GARCAR: So how far an entrance is from  
17 one thing or another, where the entrances are --  
18 CHAIRMAN SWEENEY: The elevations, everything.  
19 MS. GARCAR: -- doesn't have anything to do  
20 with us.  
21 CHAIRMAN SWEENEY: Not us.  
22 MS. GARCAR: Just this type.  
23 CHAIRMAN SWEENEY: Right.  
24 MS. GARCAR: Thank you.  
25 CHAIRMAN SWEENEY: That's it.

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1 CHAIRMAN SWEENEY: Correct.  
2 MS. GARCAR: Fine. Double-checking.  
3 MR. VICTOR: Also, someone mentioned about how  
4 close it is to Hunting Lake Drive. We're actually  
5 48 feet away from the curb of the road.  
6 A VOICE: Forty-eight feet, is that what I  
7 heard?  
8 MR. VICTOR: Yes. Right. It's forty -- yeah,  
9 forty --  
10 A VOICE: Wait, what's the --  
11 MR. VICTOR: It's forty --  
12 CHAIRMAN SWEENEY: Whoa, whoa, whoa.  
13 A VOICE: I can't hear him. Excuse me.  
14 MR. VICTOR: Forty-eight feet --  
15 CHAIRMAN SWEENEY: You'll have a chance to  
16 come up and get everything clarified if you have  
17 questions.  
18 MR. VICTOR: Yeah, it was mentioned that we  
19 were approximately 35 feet away --  
20 CHAIRMAN SWEENEY: Try and speak up.  
21 A VOICE: Thank you.  
22 MR. VICTOR: It was mentioned that we were  
23 approximately 35 feet away from the curb of the  
24 road. But we are 48 feet away from the curb of the  
25 road.

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1 Without a drive-thru.  
2 MR. VICTOR: No drive-thru.  
3 MS. GARCAR: A drive-thru would be another  
4 variance.  
5 CHAIRMAN SWEENEY: Yeah.  
6 MS. GARCAR: Okay.  
7 CHAIRMAN SWEENEY: That's a whole other story.  
8 MS. GARCAR: Making sure. Very clear.  
9 CHAIRMAN SWEENEY: All right, go on. I'm  
10 sorry.  
11 MR. VICTOR: We are -- on the back, we're  
12 almost 300 feet away from the back property line to  
13 the building, the proposed building.  
14 That's about it, really.  
15 CHAIRMAN SWEENEY: Is there a designated  
16 retention area?  
17 MR. VICTOR: Yes. The retention area --  
18 CHAIRMAN SWEENEY: Okay. All right.  
19 MR. VICTOR: -- is right there, in front of  
20 the water tower.  
21 CHAIRMAN SWEENEY: Okay. All right, thank  
22 you.  
23 All right, is there anyone in favor of  
24 granting the conditional use application, in favor  
25 of it? Come on up and speak. If not -- in favor

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1 of it? Okay, come on up.  
2 MR. GOLLING: What's your name again?  
3 MR. RICH: Ben Rich, 11260 Quail Hollow. I  
4 have been sworn in.  
5 I'm in favor of it.  
6 CHAIRMAN SWEENEY: Okay. All right, thank  
7 you.  
8 MRS. BRICKMAN: Sue Brickman, 9915 Ashley  
9 Lane. I've been sworn in, and I'm in favor.  
10 CHAIRMAN SWEENEY: Okay, thank you.  
11 If there's no others to speak -- in favor?  
12 MR. TRAFFIS: Yes.  
13 MR. GOLLING: Can we just say Wayne is in  
14 favor?  
15 CHAIRMAN SWEENEY: Yeah.  
16 MR. TRAFFIS: Wayne Traffis, 7419 Far Hill  
17 Drive, and I have been sworn in.  
18 CHAIRMAN SWEENEY: He's not carrying anything.  
19 That's good.  
20 MR. TRAFFIS: I'm in favor of the application.  
21 CHAIRMAN SWEENEY: I'm just kidding.  
22 MR. TRAFFIS: I understand.  
23 MR. GOLLING: Thank you, Wayne.  
24 MS. GARCAR: Thank you.  
25 CHAIRMAN SWEENEY: All right, those opposed?

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1 MS. KINCAID: This is my point.  
2 CHAIRMAN SWEENEY: -- of the property, ma'am.  
3 MS. KINCAID: What is any of our arguments  
4 worth anything, if you guys are going to sit up  
5 there and say, well, these are all prohibited, and  
6 these are the rules, and the Supreme Court says we  
7 must follow the rules but, you know, we don't feel  
8 like following the rules --  
9 CHAIRMAN SWEENEY: Well, wait, ma'am. We have  
10 a very --  
11 MS. KINCAID: -- so what's the purpose?  
12 CHAIRMAN SWEENEY: We have a very difficult  
13 job to do up here, okay? We do not take this  
14 responsibility lightly, and we appreciate not being  
15 insulted --  
16 MS. KINCAID: I'm not insulting you.  
17 CHAIRMAN SWEENEY: -- for doing our jobs.  
18 MS. KINCAID: I'm stating the facts.  
19 CHAIRMAN SWEENEY: Okay. Thank you.  
20 MS. KINCAID: I'm stating what's --  
21 CHAIRMAN SWEENEY: Do you have anything  
22 further to add?  
23 MS. KINCAID: Yeah. Mister --  
24 CHAIRMAN SWEENEY: On point.  
25 MS. KINCAID: Mr. Victor keeps calling this a

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1 On this side of the room, go by row. The  
2 second row, I guess we start again.  
3 Again, a reminder to all, not just you, any  
4 new arguments are welcome. Repetitive of old  
5 arguments, we've already heard, so please try to  
6 keep those to a minimum.  
7 MS. GARCAR: As well as talking about the  
8 topic.  
9 MS. KINCAID: Karen Kincaid, 7894 Hunting Lake  
10 Drive, and I've been sworn in.  
11 And I have got to say, I am totally  
12 100 percent disheartened. In the words of other  
13 Board members, if things are prohibited in the  
14 rules, and they get allowed all the time, what's  
15 the sense in having rules and what's the sense in  
16 having anything prohibited?  
17 This whole discussion was about landscaping.  
18 There was nothing mentioned about paving this  
19 25-foot --  
20 CHAIRMAN SWEENEY: All right, we've already --  
21 MS. KINCAID: -- section.  
22 CHAIRMAN SWEENEY: We've already --  
23 MS. KINCAID: No, this is my point.  
24 CHAIRMAN SWEENEY: This is on the conditional  
25 use --

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1 warehouse. A warehouse is not permitted. He  
2 called it a warehouse in his application. He  
3 called it a warehouse to the Zoning Board. And now  
4 all of a sudden, warehouse is taken off of the plan  
5 here, it's no longer showing up, but nothing else  
6 has changed about it.  
7 He's using deceptive labeling techniques when  
8 he wants to, to get what he wants to. When it  
9 comes down to it, he's still asking for things that  
10 are not allowed.  
11 The entrance continues to get moved back  
12 farther and farther into the residences' domain, if  
13 you want to. He says it's not in people's  
14 immediate backyard, but it is in their immediate  
15 backyard.  
16 Ms. Freeman said that no conditional use has  
17 ever been granted, so why are we starting now?  
18 In your own words, how can the conditional use  
19 permit be approved when he refuses to identify  
20 what's going in there?  
21 The Board has asked him to submit plans, and  
22 I'm still not seeing any plans that have changed  
23 since January.  
24 CHAIRMAN SWEENEY: Well, that's why we've  
25 repeated on several occasions tonight that this is

1 not the final step. This is the beginning of the  
2 process. We are not the final decision-maker here.  
3 MS. KINCAID: Yes, he does a nice job with  
4 landscaping along the south side of the water  
5 tower. That's not the issue here. If he puts --  
6 he's allowed to build things. We've never fought  
7 him building anything. All we ever wanted him to  
8 do was comply with the rules and the regulations  
9 set forth by the PUD since 1986.  
10 This isn't about if he's a nice guy, or what  
11 the family has done for the community, or if he's  
12 doing a nice job landscaping or anything. And it's  
13 not about favoritism. It's about following the  
14 rules. And I think giving him a conditional use  
15 variance gives him free rein to do whatever he  
16 pleases.  
17 CHAIRMAN SWEENEY: Thank you.  
18 MS. BENCIC: Linda Bencic, 7838 Hunting Lake  
19 Drive. I have been sworn in.  
20 I go back to looking at the plans, and I see  
21 the restaurant, which was pointed out in an earlier  
22 thing, with the back to our street and the side to  
23 the street.  
24 So what development has that? I mean, if  
25 you're a retail establishment, you usually want

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1 reiterate that this is a first step in a longer  
2 process.  
3 MS. BENCIC: Right. But my --  
4 CHAIRMAN SWEENEY: And that all of your  
5 concerns that you just brought up aren't ours to  
6 address.  
7 MS. BENCIC: Okay, so conditional use, then,  
8 is just, you can build -- you can put commercial in  
9 there? Is that basically all you're saying?  
10 CHAIRMAN SWEENEY: Yeah. In the parameters  
11 that he set forth, yes.  
12 MS. BENCIC: Okay. Well, I guess I have  
13 nothing else to say, then.  
14 CHAIRMAN SWEENEY: Stay tuned.  
15 Anyone else on this side of the room? Come on  
16 up.  
17 MS. HALKO: Hello, my name is Mary Halko. I  
18 live at 7825 Hunting Lake, and I've been sworn in.  
19 Regarding the conditional use permit, all of  
20 the R-2 zones in Concord appear to be 99 percent  
21 residential. The golf course structures are the  
22 obvious exception. R-2 has developed into being  
23 mainly mixed residential, and R-2 was likely  
24 carried to Crile Road to maintain continuity of  
25 Hunting Lake.

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1 yourself at the front of your main street. And  
2 he's got that restaurant turned sideways.  
3 So the use variance -- or the conditional use  
4 is for what he's proposing; am I correct in that?  
5 CHAIRMAN SWEENEY: Uh-huh.  
6 MS. BENCIC: Okay. So what he's proposing is  
7 just not a good design. It's not a good use of the  
8 property. If he wanted his building to be up in  
9 front, and be there, maybe that would make more  
10 sense. But it's just -- you know, that access  
11 coming in off of Hunting Lake, where big trucks can  
12 go right to the back where he's got those garage  
13 doors for his showroom, which he called it tonight.  
14 So I'm not sure what the difference between a  
15 showroom and a warehouse is.  
16 Again, it just seems like it's a really big  
17 building with an undefined usage. And the  
18 restaurant -- I'm just wondering where the  
19 deliveries are going to be made. Are they going to  
20 be made on Hunting Lake? Because there's really  
21 no -- you know, most restaurants you see over on  
22 the other part of Crile, they come through the back  
23 part to drop off.  
24 CHAIRMAN SWEENEY: Ma'am, we don't even know  
25 if a restaurant is going in there. Again, I will

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1 Please do not allow this R-2 conditional use  
2 permit just because the lot is abutting Crile Road.  
3 Allowing a similar conditional use permit in any  
4 other R-2 zoned area would quickly be rejected.  
5 The area at Crile is an entrance to a 100 percent  
6 residential area, and it is obviously important in  
7 maintaining the residents' sense of neighborhood.  
8 The same comments apply in the future to the lot on  
9 the south side of the intersection.  
10 Again, Concord city documents speak frequently  
11 of maintaining high standards, preserving charm,  
12 maintaining a semi-rural lifestyle, and so on. For  
13 the residents of Hunting Lake and Hygrove Estates,  
14 and really for all of Concord, please keep those  
15 targets in mind and reject the requested  
16 conditional use permit.  
17 Thank you.  
18 CHAIRMAN SWEENEY: Thank you.  
19 Anyone else on this side of the room?  
20 Okay, this side of the room, anybody?  
21 MR. HALL: Now I can use my green book.  
22 CHAIRMAN SWEENEY: Lucky us.  
23 MR. HALL: All right, Dave Hall, 7806 Hunting  
24 Lake Drive, and I have been sworn in.  
25 All right. So now we go past the variance.

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1 We're talking about what the building is. We're  
 2 talking about what the buildings are.  
 3 When he brought this plan to you, he brought  
 4 this. Every building in every area on this, you  
 5 guys have to look at when you guys actually approve  
 6 it. This is the plan that he brought. No  
 7 problems. All right, if they match, they match to  
 8 what the rules say.  
 9 When it came to the warehouse, he changed the  
 10 vernacular, all right? That's my little speech  
 11 right here. I'm going to try to get through that  
 12 in about two minutes, because I don't need to go  
 13 20. All right.  
 14 Tonight, I really want to reach out and say  
 15 thank you. I love local bureaucracy and politics.  
 16 Also, I watch C-SPAN all day long. It's a hobby of  
 17 mine, but my wife doesn't like it too much. She --  
 18 don't worry about that.  
 19 All right, there's a lot of emotion that's  
 20 been shared tonight, all right, mostly because, you  
 21 know, there was a big middle finger put to our face  
 22 when all of that was clear cut, for no apparent  
 23 reason, last month when we opposed the trees being  
 24 cut down. That all got clear cut and thrown on the  
 25 ground. Whatever. All right, he owns it. He can

1 grow into, all right?  
 2 So tonight we want to talk about some of the  
 3 conditional use stuff that Mr. Todd has brought up.  
 4 In layman's terms, he wants to building an office  
 5 park/strip mall, and what we actually found out  
 6 tonight, he also wants to build a showroom. Okay,  
 7 these are things that we didn't know, all right?  
 8 So we're learning about that now.  
 9 He's bringing you a very rough draft of what  
 10 he wants. In the rough draft it says certain  
 11 things that you need to be able to read between the  
 12 lines of what it is, mostly because he just changes  
 13 the vernacular on it. When you change the  
 14 vernacular on it, it does not change the purpose  
 15 use.  
 16 In January he said he would be storing work  
 17 trucks, it would be employee parking, and he would  
 18 store -- and you can go back to the video -- he  
 19 would store parts and things that he had from  
 20 leftover houses in it, all right? That's a  
 21 warehouse. You can't do it.  
 22 So we're talking about what this actually is  
 23 for. This building, and this building alone, he  
 24 cannot use that building for those things. Again,  
 25 it's just the rules.

1 clear cut it.  
 2 All right, I want to start with a little  
 3 background on myself. I moved here a couple years  
 4 ago. This is the first year I've actually spent  
 5 four seasons in this city. I spent the last  
 6 13 years in either Iraq, Afghanistan, or Africa,  
 7 all right? So it's been really nice to move here.  
 8 And when we looked at Northeast Ohio, we looked  
 9 everywhere. First of all, my accountant said to  
 10 move here because (inaudible). So I said, let me  
 11 look at it. And I did. And when we got here, it  
 12 had everything that possibly wanted, all right?  
 13 So when I first came here, I told you guys I  
 14 was the youngest family in this neighborhood. I've  
 15 got a one-year-old boy right now, he'll be turning  
 16 one.  
 17 By the way, congratulations on your little  
 18 girl. I heard about that last time. The first  
 19 time I met you, you didn't look pregnant.  
 20 Congratulations on that.  
 21 MS. GARCAR: Thank you.  
 22 MR. HALL: All right. So when I'm looking  
 23 at Concord, I'm looking at five, to ten, to  
 24 thirty years from now living in this place,  
 25 hopefully seeing it grow into what we want it to

1 You guys went with a variance. You looked at  
 2 every part of them, you said, all right, these  
 3 rules can be set aside. Cool, awesome. Still --  
 4 CHAIRMAN SWEENEY: And again, we're not the  
 5 final arbiter.  
 6 MR. HALL: Exactly. But you guys are the  
 7 first step. And if you say no at the first step,  
 8 he needs to come up with something different to  
 9 ensure those final people have every one of your  
 10 constituents' hearts in mind, all right?  
 11 So some of the stuff that we've been talking  
 12 about tonight is very subjective. Mr. Sweeney,  
 13 last time you spoke about progress. Progress is  
 14 going to happen. You say that. I agree.  
 15 Ohio is pretty progressive. About two years  
 16 ago, we passed marijuana and abortion laws. Do we  
 17 want a dispensary here in Concord? Do we want a  
 18 Planned Parenthood in Concord? I don't  
 19 particularly, no.  
 20 CHAIRMAN SWEENEY: Let's trying to stick to  
 21 the application.  
 22 MR. HALL: I am. Because -- let me finish  
 23 this -- because when he puts this building in here,  
 24 we don't know who the residents are. You,  
 25 yourself, asked --

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1 CHAIRMAN SWEENEY: And as I've said -- as I've  
2 said over and over tonight, we're not the final  
3 arbiter.  
4 MR. HALL: Then why did you --  
5 CHAIRMAN SWEENEY: We're not the final  
6 decision-maker --  
7 MR. HALL: Sure.  
8 CHAIRMAN SWEENEY: -- of what goes in that  
9 building.  
10 MR. HALL: Last week -- correction -- last  
11 month you asked him, personally, you asked him who  
12 the people were that were going to rent that place.  
13 He said he didn't know. There's a lot of different  
14 emotions than last month when we were here. Cool.  
15 No problems.  
16 Well, here's when it comes to it. You need to  
17 be thinking about who is in this actual place.  
18 Because eventually, after serving your community  
19 and everything, you will retire. There will be a  
20 new set of Trustees in here, a new set of Board  
21 members, and they will decide what goes in that  
22 thing, all right?  
23 Because from what I understand, with  
24 conditional use, the renters must come and ask to  
25 be part -- or to actually rent that space with

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1 tonight then, because this is not built. This is  
2 not finalized.  
3 He has no architecture, no nothing. It's all  
4 hypothetical. So therefore, we have to go off of  
5 what we see. And what we're seeing is he is  
6 building things that are outside the limits of  
7 what's allowed. And the first hurdle is to make  
8 sure he is within the limits.  
9 CHAIRMAN SWEENEY: If you read the entire  
10 conditional use list of things that can occupy that  
11 property, they are almost limitless.  
12 MR. GOLLING: There's 30 things --  
13 A VOICE: Thirty.  
14 MR. GOLLING: Thirty in the PUD.  
15 CHAIRMAN SWEENEY: Limitless in terms of  
16 design and use.  
17 MR. HALL: This, underneath the Concord  
18 Zoning -- Township zoning resolutions --  
19 CHAIRMAN SWEENEY: Sir, don't --  
20 MR. HALL: -- on the purposes and  
21 everything --  
22 CHAIRMAN SWEENEY: Sir, you don't need to get  
23 so heated, all right?  
24 MR. HALL: You're right, I don't. I don't.  
25 CHAIRMAN SWEENEY: You're stating your

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1 their designated retail, what they decide, right?  
2 So if I wanted to sell weed --  
3 CHAIRMAN SWEENEY: It's not our decision.  
4 MR. HALL: I understand that. That comes to  
5 Concord, as a conditional use, that they have to  
6 ask, right?  
7 CHAIRMAN SWEENEY: It's not our decision,  
8 though.  
9 MR. HALL: Your decision, or not Concord's  
10 decision?  
11 CHAIRMAN SWEENEY: Our decision is clearing  
12 the first of many hurdles.  
13 MR. HALL: I understand that. But you're  
14 still a hurdle. You're still a hurdle, all of you.  
15 CHAIRMAN SWEENEY: I understand that. But,  
16 sir, you're presenting hypothetical occupants of a  
17 facility that hasn't even --  
18 MR. HALL: To a hypothetical building.  
19 CHAIRMAN SWEENEY: -- that hasn't even been  
20 built yet, that will pass, after us, through many  
21 other gates.  
22 MR. HALL: To a hypothetical building, with  
23 a hypothetical parking lot. Because tomorrow,  
24 Mr. Victor can go under, and none of this even  
25 matters. We are all speaking in hypotheticals

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1 opposition to this.  
2 MR. HALL: Yes.  
3 CHAIRMAN SWEENEY: I would ask that you stick  
4 to that, and complete it.  
5 MR. HALL: All right. My opposition to this  
6 is, over the last four months, through Mr. Victor's  
7 own words, through your guys' own words, this does  
8 not meet what the standards are that he is  
9 requesting, all right?  
10 He did a very good job in adjusting the  
11 restaurant, because he took out the variance for  
12 the drive-thru, all right? He listened to all of  
13 us, said it can't be done. He did a good job. But  
14 here's the thing. The rest of it is not right. So  
15 you guys have to vote on that, all right?  
16 I've got more to say, but I don't think it's  
17 for this committee. I think -- you know what?  
18 After I've learned -- I said I learned from you  
19 guys. These documents here, with how this is not  
20 beneficial to our community, goes to the next  
21 committee.  
22 So what I'm going to say is, vote no on this,  
23 because if not, we're just bending another rule,  
24 from a garage to a warehouse, in this building, all  
25 right?

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1 And we don't know about Phase 2. We're just  
2 making stuff up as we go along in a hypothetical.  
3 Thank you, gentlemen and ladies.  
4 CHAIRMAN SWEENEY: Thank you.  
5 MR. HALL: Have a good evening.  
6 MR. BARON: Dan Baron, 7895 Hunting Lake  
7 Drive.  
8 I won't repeat anything I said before, but I  
9 think it is very germane to what you are  
10 considering now. I don't want to this to sound  
11 snarky. It might. It's a sincere question. And I  
12 don't know if any of you can answer a question.  
13 But really, technically, what is the difference  
14 between a garage and a warehouse?  
15 CHAIRMAN SWEENEY: We can't address that.  
16 MR. BARON: Okay. All right.  
17 There was one other thing I wanted to say, and  
18 it's gone now.  
19 Oh. You've said a number of times, this is  
20 only the first step. I think you can decide to  
21 make it the final step, if you deny the conditional  
22 use permit, right?  
23 CHAIRMAN SWEENEY: Absolutely, we can.  
24 MR. BARON: So you're making it sound -- this  
25 is not just the first step. This could be the end.

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1 CHAIRMAN SWEENEY: I didn't mean it.  
2 MR. GOLLING: I know. With love, I know.  
3 CHAIRMAN SWEENEY: I said it tongue in cheek.  
4 All right.  
5 MS. MINARDO: Maria Minardo, 7895 Hunting Lake  
6 Drive, and I have been sworn.  
7 I would like you to decline this request. And  
8 I just wanted to be on the record, because I know  
9 you know we're all really disappointed. You keep  
10 saying, you know, this is -- you're not going to  
11 make these decisions, you're not going to decide on  
12 this, it has to go to the next Board, Zoning, and  
13 all these other things. But what you have done  
14 tonight is open the door for so much more, which is  
15 what we were trying to limit.  
16 By giving him that variance, you have enabled  
17 him to do a whole bunch more building, and a whole  
18 bunch more clearing, and very impactful things are  
19 going to be going in there.  
20 So we're going to have to deal with dumpsters  
21 being emptied, you know, at 5:00 in the morning  
22 when the restaurant gets put in. Because if this  
23 drawing comes to fruition, we're all going to be  
24 watching the rats run in and out of there. You  
25 know, it's just, you created a problem by granting

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1 And that's what I'm asking you to do.  
2 CHAIRMAN SWEENEY: It absolutely can be.  
3 MR. BARON: Until he starts with a much more  
4 reasonable plan, deny the conditional use.  
5 MR. GOLLING: I did want to clarify one thing  
6 he said about the differences between a garage and  
7 a warehouse, neither of which are allowed.  
8 CHAIRMAN SWEENEY: We don't need to address  
9 that.  
10 MR. GOLLING: I know. But I'm talking this  
11 out loud, so I understand it.  
12 CHAIRMAN SWEENEY: But we don't even need to  
13 address that.  
14 MR. GOLLING: I'm addressing it for me, so I  
15 understand it.  
16 CHAIRMAN SWEENEY: All right. Well, keep it  
17 to yourself.  
18 MR. GOLLING: I won't, simply because neither  
19 of which are allowed in the PUD, as I'm reading it.  
20 I'm just trying to understand it.  
21 MS. MATHENEY: And I do want to mention really  
22 quick, a garage and a warehouse are defined in the  
23 zoning resolution, in Section -- I think it's  
24 Article 5, or Section 5.  
25 A VOICE: Thank you.

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1 this variance, that none of us wanted to see, and  
2 I'm really disappointed in all of you.  
3 That's what I have to say.  
4 CHAIRMAN SWEENEY: Thank you.  
5 Next?  
6 MR. BENCIC: Michael Bencic, 7838 -- yes, I've  
7 been sworn in -- Hunting Lake Drive.  
8 Can I ask a question, or is that off limits?  
9 I'm looking for clarification on what --  
10 CHAIRMAN SWEENEY: Bridey --  
11 MS. MATHENEY: You can entertain anything.  
12 CHAIRMAN SWEENEY: We can? Okay.  
13 MS. MATHENEY: You might not have the answer,  
14 but you can --  
15 CHAIRMAN SWEENEY: All right.  
16 MR. BENCIC: This is a simple question,  
17 because it impacts what I may have to say. You  
18 might want to pay attention, too.  
19 Conditional use, what are we -- I mean, he's  
20 looking down at his -- sorry.  
21 So what are you actually looking at when it  
22 comes to conditional use? What do you want me to  
23 make a comment on, so that I'm on point?  
24 Is this about the buildings? Is it about the  
25 size of the building? Is it about -- so what is



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1 the conditional use, if I may ask?  
2 CHAIRMAN SWEENEY: It's about his presentation  
3 that he presented to us.  
4 MR. BENCIC: So I'm voting on the  
5 presentation?  
6 CHAIRMAN SWEENEY: In its final form.  
7 MR. BENCIC: So can I make a comment about the  
8 buildings, or is that --  
9 CHAIRMAN SWEENEY: You can say anything you  
10 want.  
11 MR. BENCIC: All right, so I find it very  
12 interesting that not one of --  
13 MS. GARCAR: The question, though, is, the  
14 buildings -- we're not voting on the buildings.  
15 MR. BENCIC: I understand you're not.  
16 Well, let me make one comment on the building.  
17 I found it very interesting, when you guys spent so  
18 much time calculating how many spaces on that, and  
19 the 13,400 square feet for his main building, not  
20 one of you asked about shrinking his 5,500 square  
21 feet down. Not one of you. You all focused on --  
22 MR. GOLLING: We did, last meeting.  
23 MR. BENCIC: I wasn't at the last meeting.  
24 I'm sorry, I was in Colorado.  
25 A VOICE: No, you didn't.

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1 And conditional use means you can set  
2 conditions on what -- if I'm reading this  
3 correctly, you can set conditions. Otherwise, I'm  
4 not really sure if we're just talking here about a  
5 bunch of boxes, which is a really interesting thing  
6 that you can do at home.  
7 I oppose this, obviously.  
8 CHAIRMAN SWEENEY: Thank you.  
9 Anyone else?  
10 All right. Thank you for your comments.  
11 If there are no more comments, I will close  
12 the public hearing for this matter.  
13 And I will entertain -- I will entertain a  
14 motion to approve the Conditional Use Permit  
15 Application 2023-27.  
16 MR. GOLLING: So moved.  
17 CHAIRMAN SWEENEY: Second?  
18 MS. GARCAR: Second.  
19 CHAIRMAN SWEENEY: All right. Discussion?  
20 MS. GARCAR: I have a question for you guys.  
21 And I might be wrong. I don't know.  
22 We are approving not necessarily the  
23 buildings. So if we say yes, he has his  
24 conditional use. He can, hypothetically,  
25 legitimately take this plan that he showed us and

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1 MR. BENCIC: Then my apologies.  
2 But not one of you, at least, brought it up  
3 today, in terms of, hey, 4,500 here, whatever.  
4 I will also say, the 3,800-square-foot  
5 restaurant, which was described by one of the  
6 township leaders who will remain unnamed, is  
7 actually the size of two Starbucks, two standalone  
8 Starbucks.  
9 And I, too, can go out and find facts on the  
10 internet. I'm actually really good at it. And if  
11 you use industry standards, you're going to have  
12 125 to 190 people in there. So when you look at  
13 how many spots you're going to have for parking and  
14 all that, factor that in there.  
15 So 180 people, if you have everybody there one  
16 night at a restaurant, that's 90 cars. So just so  
17 you're aware that you guys are worried about 66, or  
18 67, or whatever? 3,800 square feet is too big a  
19 restaurant for that spot. And the size -- I could  
20 care less, as we said all along. We know he's  
21 going to develop. That's not an issue. It's back  
22 to, there's too much in there, there's too much  
23 playing with words. A warehouse, he has backed off  
24 on that numerous times. You can look up the  
25 definition.

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1 give a completely different plan to Zoning.  
2 MR. FALKOWSKI: Yes.  
3 MS. GARCAR: We're not approving this plan at  
4 all whatsoever. We are approving, you can do --  
5 CHAIRMAN SWEENEY: Right.  
6 MS. GARCAR: -- this very large definition.  
7 Now make a very -- a different plan or keep the  
8 same, and give it to a completely different Board.  
9 CHAIRMAN SWEENEY: Right.  
10 MS. GARCAR: We're just saying, you can bring  
11 this to the next step of the Board.  
12 CHAIRMAN SWEENEY: If we approve it.  
13 MS. GARCAR: If we approve it.  
14 So what the buildings are or look like,  
15 whether there's a garage or not, that's not up for  
16 our debate.  
17 MR. HACH: What about square footages?  
18 MS. GARCAR: The same with square footage,  
19 that's not up for our debate. How many parking  
20 spots are not up for the debate.  
21 CHAIRMAN SWEENEY: Right.  
22 MS. GARCAR: Just whether or not he can --  
23 CHAIRMAN SWEENEY: If it moves forward.  
24 MS. GARCAR: Okay. I just want to be very  
25 clear, then.

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1 CHAIRMAN SWEENEY: Anything else?  
2 MR. GOLLING: No.  
3 MS. FREEMAN: Mr. Chairman, if you don't mind.  
4 CHAIRMAN SWEENEY: Yes.  
5 MS. FREEMAN: And I know you didn't read the  
6 entire conditional use permit application legal  
7 language, but just a reminder that the conditional  
8 use permit is supposed to be in accordance with  
9 Section 13.05, which are all the general criteria  
10 that are applicable to any conditional use permit,  
11 and also those in 16.07(E) that are specific to the  
12 PUD.  
13 CHAIRMAN SWEENEY: Right.  
14 MS. FREEMAN: So there are general factors  
15 that are to be looked at by the BZA that do relate  
16 to somewhat of the overall design of what he is  
17 presenting to you this evening --  
18 CHAIRMAN SWEENEY: Correct.  
19 MS. FREEMAN: -- including some of the items  
20 that you've talked about at a previous hearing,  
21 such as on-site circulation, adequate police, fire  
22 protection, and those kind of things.  
23 So you may not be approving this exact plan --  
24 CHAIRMAN SWEENEY: Right.  
25 MS. FREEMAN: -- but this plan is likely going

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1 the 13,433 --  
2 MS. FREEMAN: If he's proposing uses that are  
3 not permitted in the PUD, then you should consider  
4 that as part of your vote tonight.  
5 CHAIRMAN SWEENEY: Right.  
6 MS. GARCAR: It's a garage door, is the  
7 question.  
8 CHAIRMAN SWEENEY: If we feel that, as  
9 presented, the dimensions, and so on, don't meet a  
10 conditional use allowance, then you don't approve  
11 it.  
12 MS. GARCAR: Okay.  
13 CHAIRMAN SWEENEY: All right.  
14 All right, any other discussion?  
15 MR. HACH: No.  
16 CHAIRMAN SWEENEY: All right, the question  
17 here is on approval of the Application for  
18 Conditional Use Permit 2023-27.  
19 Heather, could you please call for a vote.  
20 MS. FREEMAN: Sure.  
21 Mr. Sweeney.  
22 CHAIRMAN SWEENEY: Yes.  
23 MS. FREEMAN: Ms. Garcar.  
24 MS. GARCAR: Yes.  
25 MS. FREEMAN: Mr. Hach.

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1 to be what he submits to the Zoning Commission for  
2 further approval.  
3 CHAIRMAN SWEENEY: Okay. So be it.  
4 MS. FREEMAN: So you really should be somewhat  
5 looking at the uses --  
6 CHAIRMAN SWEENEY: But the question is --  
7 MS. FREEMAN: -- and what his proposal is, and  
8 do you accept this concept as a commercial center  
9 at this particular property.  
10 CHAIRMAN SWEENEY: As meeting a conditional  
11 use.  
12 MS. FREEMAN: In accordance with 13.05 and  
13 16.07.  
14 CHAIRMAN SWEENEY: Right. Yeah.  
15 MS. GARCAR: So it's a broad statement of --  
16 MS. FREEMAN: And if legal counsel wants to  
17 chime in on that, you know, but --  
18 MS. MATHENEY: Exactly.  
19 MS. FREEMAN: -- I mean, you do have to  
20 consider what he is showing you here --  
21 MS. GARCAR: Correct.  
22 MS. FREEMAN: -- specific to the uses and the  
23 layout.  
24 MS. GARCAR: But like whether or not there's a  
25 garage door or not, whether or not it is exactly

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1 MR. HACH: No.  
2 MS. FREEMAN: Mr. Falkowski.  
3 MR. FALKOWSKI: Yes.  
4 MS. FREEMAN: Mr. Golling.  
5 MR. GOLLING: No.  
6 CHAIRMAN SWEENEY: All right. Mr. Victor,  
7 thank you. It has been granted.  
8 And we now move on to New Business. For those  
9 of you that still would like to leave, please do  
10 so.  
11 We are still in session, so if you could  
12 please exit as quickly as possible.  
13 MS. FREEMAN: Are you guys okay?  
14 CHAIRMAN SWEENEY: Yes.  
15 MR. GOLLING: I could get some more water. Is  
16 that all right?  
17 MS. GARCAR: I would love more water.  
18 MS. FREEMAN: Do you want to take two minutes?  
19 CHAIRMAN SWEENEY: All right, we'll take a  
20 two-minute recess.  
21 (Recess taken.)  
22 CHAIRMAN SWEENEY: All right, we are back in  
23 session. And for our next order of business, we  
24 can move on to New Business.  
25 And this will be Variance Application

1 2024-146. Jeffrey L. Weaver is requesting a  
 2 variance from Section 15.03 (A)(6) to allow two  
 3 accessory buildings on the property in lieu of the  
 4 maximum one permitted. This is for the property  
 5 located at 12375 Winchell Road, Parcel Number  
 6 08-A-002-0-00-057-0.  
 7 Mr. Weaver.  
 8 MR. WEAVER: Hello, my name is Jeffrey Weaver.  
 9 I've been sworn in. 12375 Winchell Road, Concord  
 10 Township.  
 11 CHAIRMAN SWEENEY: How are you this evening?  
 12 MR. WEAVER: Good.  
 13 CHAIRMAN SWEENEY: Good.  
 14 All right, so we've got your application here.  
 15 Can you please give us a rundown real quick?  
 16 MR. WEAVER: Yeah. I want to build a pool  
 17 house, and it's 12 by 16. I already have a  
 18 greenhouse on the property, which is my wife's, for  
 19 all her plants and such.  
 20 And I would like to put the pool house in to  
 21 house my mechanicals, and put my pool furniture  
 22 away, and all the pool supplies during the winter  
 23 months.  
 24 CHAIRMAN SWEENEY: Okay. All right, we've got  
 25 your application here. Is there anything else

1 MR. WEAVER: That's where she puts all her  
 2 pots.  
 3 Thank you.  
 4 MS. GARCAR: And then the pool house is going  
 5 on, of the pictures you submitted, this cement slab  
 6 that's sticking out?  
 7 MR. WEAVER: Yes, 12 by 16.  
 8 CHAIRMAN SWEENEY: Where's that? Which one is  
 9 that?  
 10 MS. GARCAR: This one right here. The cement  
 11 slab.  
 12 CHAIRMAN SWEENEY: Oh, yeah.  
 13 MR. FALKOWSKI: This smaller one here.  
 14 MR. GOLLING: You're looking at it the wrong  
 15 way.  
 16 MS. GARCAR: The small picture.  
 17 CHAIRMAN SWEENEY: Oh, there we go. Got it.  
 18 I've got a big version.  
 19 MS. GARCAR: Okay.  
 20 CHAIRMAN SWEENEY: Okay. All right.  
 21 Anything else?  
 22 MR. WEAVER: That's it.  
 23 CHAIRMAN SWEENEY: All right. Thank you very  
 24 much.  
 25 MR. WEAVER: Thank you.

1 you'd like us to know?  
 2 MR. WEAVER: It's going to color match the  
 3 house.  
 4 CHAIRMAN SWEENEY: Okay.  
 5 MR. WEAVER: It will look just like the house.  
 6 Siding, roof.  
 7 CHAIRMAN SWEENEY: Okay. And this will house  
 8 the mechanical?  
 9 MR. WEAVER: Yeah. The pump, and the filter,  
 10 and the heater.  
 11 CHAIRMAN SWEENEY: All right.  
 12 MR. WEAVER: I'm having a company build it,  
 13 Zion Structures, out of Mentor.  
 14 CHAIRMAN SWEENEY: This, right there?  
 15 MS. GARCAR: I think that's the greenhouse.  
 16 CHAIRMAN SWEENEY: Yeah.  
 17 That's the greenhouse, right?  
 18 MR. WEAVER: Uh-huh.  
 19 CHAIRMAN SWEENEY: The existing greenhouse.  
 20 MR. WEAVER: Yes.  
 21 MR. GOLLING: You've got a greenhouse?  
 22 MR. WEAVER: It's a combination shed/  
 23 greenhouse.  
 24 CHAIRMAN SWEENEY: Yeah, that's a nice looking  
 25 greenhouse.

1 CHAIRMAN SWEENEY: Is there anyone speaking  
 2 for or against this application?  
 3 All right, if not, I will approve a motion on  
 4 the application variance.  
 5 MS. MATHENEY: Did we get opposed, also? No  
 6 one is here to speak --  
 7 CHAIRMAN SWEENEY: Is there anyone here to  
 8 speak, for or against? Okay.  
 9 MS. MATHENEY: And then I would close.  
 10 CHAIRMAN SWEENEY: All right. I will close  
 11 the public hearing on that.  
 12 I will entertain a motion on the Variance  
 13 Application 2024-146.  
 14 MR. HACH: So moved.  
 15 CHAIRMAN SWEENEY: Second?  
 16 MS. GARCAR: Second.  
 17 CHAIRMAN SWEENEY: All right. Discussion?  
 18 MS. MATHENEY: Really quick, that was a motion  
 19 to approve, correct?  
 20 CHAIRMAN SWEENEY: Yes.  
 21 MS. MATHENEY: Okay.  
 22 CHAIRMAN SWEENEY: All right. Todd, what do  
 23 you think?  
 24 MR. GOLLING: You know I like pools. You know  
 25 I like talking about pools. Pool covers. But I --

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1 CHAIRMAN SWEENEY: All matters pool.  
2 MR. GOLLING: As someone who built pools since  
3 15 years old, I think, yeah, you need to -- you  
4 need to cover your equipment.  
5 First, no offense to your pool equipment, it's  
6 ugly. You've got to cover it. You've got to take  
7 care of it. You've got to keep it out of the sun  
8 and shade.  
9 I agree that he -- yeah, putting this thing  
10 up, I'm sure Zion is going to do a great job.  
11 Just real quick, no potties in there, no  
12 changing room?  
13 MR. WEAVER: No.  
14 MR. GOLLING: Okay. That's all I wanted to  
15 know from him.  
16 CHAIRMAN SWEENEY: Okay.  
17 MR. HACH: No concerns.  
18 CHAIRMAN SWEENEY: Brian?  
19 MS. GARCAR: Comments?  
20 MR. FALKOWSKI: I think it's an improvement.  
21 CHAIRMAN SWEENEY: Okay. Yeah, it looks nice.  
22 It looks like it fits in seamlessly.  
23 All right, if there's no more discussion, the  
24 question here is on the Variance Application  
25 2024-146. A yes vote is for the approval of the

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1 time.  
2 For the property located at 7921 Morley Road,  
3 Parcel Number 10-A-026-A-00-009-0, sub a., a  
4 variance from Section 15.04(B) to allow an existing  
5 shed to be located 15 feet from the front line, in  
6 lieu of the 50 feet required; and b., variance from  
7 Section 6.01(B)(2)(c)(iii) to allow an existing  
8 chicken coop to be located 45 feet from the front  
9 line, in lieu of the minimum 70 feet.  
10 Okay, come on up.  
11 MR. PACHINGER: Good evening. Jim Pachinger,  
12 7921 Morley Road.  
13 CHAIRMAN SWEENEY: All right. So we're going  
14 to take these one at a time.  
15 So why don't you tell us about the --  
16 MR. PACHINGER: Start with the shed?  
17 CHAIRMAN SWEENEY: The shed variance, yeah,  
18 how that came about and why you need it.  
19 MR. PACHINGER: Most definitely.  
20 We needed more storage for the yard for  
21 gardening equipment and whatnot. During COVID, we  
22 purchased and erected a shed in what we deemed the  
23 ideal location, high, and tucked into a corner.  
24 As you know -- probably know and understand,  
25 we live on a very clay-rich soil, so our yard

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1 variance, and a no vote denies the variance.  
2 Heather, please call for a vote.  
3 MS. FREEMAN: Mr. Golling.  
4 MR. GOLLING: Yes.  
5 MS. FREEMAN: Ms. Garcar.  
6 MS. GARCAR: Yes.  
7 MS. FREEMAN: Mr. Hach.  
8 MR. HACH: Yes.  
9 MS. FREEMAN: Mr. Falkowski.  
10 MR. FALKOWSKI: Yes.  
11 MS. FREEMAN: Mr. Sweeney.  
12 CHAIRMAN SWEENEY: Yes.  
13 All right, thank you very much.  
14 MR. WEAVER: Thank you very much.  
15 CHAIRMAN SWEENEY: Enjoy your pool.  
16 MR. WEAVER: Thank you.  
17 CHAIRMAN SWEENEY: For our next matter of New  
18 Business, it will be Variance Application 2024-147,  
19 James Pachinger -- is that the correct  
20 pronunciation?  
21 MR. PACHINGER: That's not bad. Not bad at  
22 all.  
23 CHAIRMAN SWEENEY: And I just want to go over  
24 what you're requesting here. You're requesting two  
25 variances. We're going to address them one at a

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1 floods constantly. So we were just trying to find  
2 a location that was up out of the swamp.  
3 So that's the reasoning why we put it in that  
4 location. It's high. It's high off the road, so I  
5 don't think it imposes any danger from traffic  
6 coming by, because they would careen into the  
7 hillside before the building.  
8 CHAIRMAN SWEENEY: Uh-huh.  
9 MR. PACHINGER: It's aesthetically appealing.  
10 It color matches the home. And I do believe that  
11 most or all of my neighbors appreciate the look of  
12 it.  
13 CHAIRMAN SWEENEY: And they know about that?  
14 MR. PACHINGER: Yes.  
15 CHAIRMAN SWEENEY: They know about it, your  
16 intentions, at least?  
17 MR. PACHINGER: Correct, yes.  
18 CHAIRMAN SWEENEY: Well, it's already  
19 existing.  
20 MR. PACHINGER: Yes, it is.  
21 MR. GOLLING: We have a letter in support from  
22 his neighbor, Mr. Norton --  
23 CHAIRMAN SWEENEY: Yeah, there's a couple.  
24 MR. GOLLING: -- who apparently loves it.  
25 MR. PACHINGER: Excuse me?

1 MR. GOLLING: Mr. Norton thinks you're  
 2 awesome.  
 3 CHAIRMAN SWEENEY: Yeah, Will Norton.  
 4 MR. PACHINGER: Sorry?  
 5 CHAIRMAN SWEENEY: Will Norton.  
 6 MR. NORTON: Present.  
 7 CHAIRMAN SWEENEY: Neighbor.  
 8 MR. PACHINGER: Oh.  
 9 MR. GOLLING: He thinks you're the cat's  
 10 pajamas.  
 11 CHAIRMAN SWEENEY: All right. How about that  
 12 for support.  
 13 MR. PACHINGER: William is here. I believe we  
 14 got a letter from our neighbor, Rich, also.  
 15 CHAIRMAN SWEENEY: Okay.  
 16 MR. PACHINGER: In compliance, or in support.  
 17 So hopefully, there's additional I don't know  
 18 about. But if the negatives are pouring in, then  
 19 let's hear about it.  
 20 CHAIRMAN SWEENEY: You mentioned the water  
 21 retention in a lot of the rest of your yard area.  
 22 MR. PACHINGER: Yes.  
 23 CHAIRMAN SWEENEY: And that's a difficulty.  
 24 MR. PACHINGER: We have a very odd build on  
 25 our property. If you see the overhead view of it,

1 MS. GARCAR: It does.  
 2 CHAIRMAN SWEENEY: Yeah.  
 3 How long has it actually been there?  
 4 MR. PACHINGER: Four years.  
 5 CHAIRMAN SWEENEY: Okay.  
 6 MS. GARCAR: The shed, or the --  
 7 CHAIRMAN SWEENEY: So the rooster gave you  
 8 away.  
 9 MR. GOLLING: That's nothing to crow about.  
 10 Come on.  
 11 CHAIRMAN SWEENEY: Bad.  
 12 MR. PACHINGER: There was a point in time  
 13 where we inadvertently picked up six chickens, that  
 14 ended up all being roosters. So as they got to  
 15 age, and they annoyed everybody -- amongst  
 16 ourselves, too -- so we kindly relocated them.  
 17 MR. GOLLING: To your belly?  
 18 MR. PACHINGER: We're down to one now. And I  
 19 believe everybody is happy and friendly with the  
 20 one rooster waking them up at 7:00 in the morning.  
 21 CHAIRMAN SWEENEY: All right.  
 22 Anything else from anyone?  
 23 MR. HACH: No.  
 24 CHAIRMAN SWEENEY: All right. So Heather, you  
 25 want us to entertain this completely separate,

1 we have, I believe, 1.6 acres of property, but the  
 2 home was built 15 feet from the back lot line,  
 3 which really shrunk our backyard to a degree. And  
 4 our whole front yard, per se, is our leach bed for  
 5 our septic. So we were kind of trying to keep that  
 6 shed back in our backyard, I guess.  
 7 CHAIRMAN SWEENEY: Got it. All right.  
 8 Anybody else?  
 9 MS. GARCAR: I have a question.  
 10 So this is for an existing shed?  
 11 CHAIRMAN SWEENEY: Right.  
 12 MS. GARCAR: And without completely speaking  
 13 on the second one, it's once again for an existing  
 14 thing.  
 15 How did this get brought up, that you've  
 16 already built it, and now you're asking for a  
 17 variance after the fact it's built?  
 18 MR. PACHINGER: I believe that there was an  
 19 investigation about some noises coming from my  
 20 home, meaning a rooster that has since been taken  
 21 care of, that escalated into noticing that building  
 22 on my property.  
 23 CHAIRMAN SWEENEY: Oh.  
 24 MR. PACHINGER: Does that answer your  
 25 question?

1 right?  
 2 MS. FREEMAN: There should be two votes.  
 3 CHAIRMAN SWEENEY: Okay, so two separate  
 4 votes. All right.  
 5 So then for the sub a. variance section for  
 6 the 15 feet in lieu of the 50 feet required, the  
 7 question -- I'm sorry, we're not done with the  
 8 public.  
 9 All right. So, sir, I interrupted you.  
 10 Continue on, if there's anything else you'd like to  
 11 present.  
 12 MR. PACHINGER: From me? No, not at all.  
 13 CHAIRMAN SWEENEY: All right.  
 14 MR. PACHINGER: Should I get up and down?  
 15 MS. GARCAR: Up and down.  
 16 CHAIRMAN SWEENEY: You may sit.  
 17 MS. GARCAR: Up and down.  
 18 CHAIRMAN SWEENEY: And I think our discussion  
 19 was actually finished.  
 20 MR. GOLLING: Now we can hear --  
 21 MS. GARCAR: Closing comments.  
 22 CHAIRMAN SWEENEY: Are there any comments for  
 23 or against?  
 24 MS. GARCAR: Correct.  
 25 CHAIRMAN SWEENEY: Are there any -- anyone

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1 speaking for the approval of this?  
2 MS. GARCAR: The shed.  
3 CHAIRMAN SWEENEY: Come on up.  
4 And this is just the shed.  
5 MR. NORTON: Just the shed. Got it.  
6 CHAIRMAN SWEENEY: Have you been sworn in?  
7 MR. NORTON: Yes, I've been sworn in.  
8 CHAIRMAN SWEENEY: Your name and address,  
9 please.  
10 MR. NORTON: Will Norton, 7932 Morley Road. I  
11 live directly across the street from him.  
12 CHAIRMAN SWEENEY: Okay.  
13 MR. NORTON: I've lived there eight years.  
14 He's lived there about four. So I've been there  
15 since before any of this was there.  
16 Everything that's there is aesthetically  
17 pleasing. The shed, you know, it's the right  
18 colors, it's concealed by vegetation.  
19 Absolutely -- just experientially as his  
20 neighbor, no problems at all with any of the stuff  
21 that he's done. And we're just talking about the  
22 shed.  
23 CHAIRMAN SWEENEY: Yep.  
24 MR. NORTON: That's all I have to say.  
25 CHAIRMAN SWEENEY: Okay. You can come back up

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1 we went past -- we did the motion.  
2 Did we do the motion?  
3 MS. GARCAR: We did the motion to open the  
4 public hearing.  
5 CHAIRMAN SWEENEY: But that was it?  
6 MR. FALKOWSKI: Yeah.  
7 CHAIRMAN SWEENEY: All right. Do I have a  
8 motion --  
9 MR. HACH: So moved.  
10 MR. GOLLING: Second.  
11 CHAIRMAN SWEENEY: Okay. All right, Heather.  
12 MS. FREEMAN: Was there any discussion by the  
13 Board?  
14 CHAIRMAN SWEENEY: Any discussion?  
15 MR. HACH: No.  
16 MR. GOLLING: No. I have no chicken jokes.  
17 CHAIRMAN SWEENEY: No more chicken jokes. All  
18 right.  
19 If not, Heather, can we take a vote.  
20 MS. FREEMAN: Sure.  
21 Ms. Garcar.  
22 MS. GARCAR: Yes.  
23 MS. FREEMAN: Mr. Hach.  
24 MR. HACH: Yes.  
25 MS. FREEMAN: Mr. Falkowski.

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1 for the next one, if you choose.  
2 All right, anybody else for or against?  
3 Mr. Traffis?  
4 MR. PACHINGER: There's a rooster out here.  
5 Please note that.  
6 CHAIRMAN SWEENEY: All right, if there's no  
7 more public comments, I will close the public  
8 portion of the hearing.  
9 MR. GOLLING: Wayne will come up. He's no  
10 chicken.  
11 A VOICE: Boo.  
12 MR. GOLLING: I earned that one. I earned  
13 that one.  
14 A VOICE: Tough crowd.  
15 CHAIRMAN SWEENEY: Any other discussion?  
16 MR. HACH: No.  
17 CHAIRMAN SWEENEY: All right. If not, the  
18 question here is for the approval of sub a.,  
19 Variance Application 2024-147, for the 15 feet  
20 setback in lieu of the 50 feet. A yes vote is for  
21 the approval of the variance, a no vote denies it.  
22 Heather, can you please call for the vote.  
23 MR. FALKOWSKI: Did we do a motion and  
24 discussion?  
25 CHAIRMAN SWEENEY: Yeah, I think we kind of --

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1 MR. FALKOWSKI: Yes.  
2 MS. FREEMAN: Mr. Golling.  
3 MR. GOLLING: Yes.  
4 MS. FREEMAN: Mr. Sweeney.  
5 CHAIRMAN SWEENEY: Yes.  
6 All right, the first part has been granted.  
7 Congratulations.  
8 MR. PACHINGER: Thank you.  
9 CHAIRMAN SWEENEY: Now we will address the  
10 second part, if you could come back up.  
11 And this is to allow an existing chicken coop  
12 to be located 45 feet from the front lot line, in  
13 lieu of the minimum 70 feet requirement.  
14 Go ahead.  
15 MR. PACHINGER: To reintroduce, Jim Pachinger,  
16 7921 Morley. Okay, chicken coop.  
17 So we have a home for our chickens underneath  
18 a very expensive structure that I built for my  
19 wife, strategically located again in our backyard  
20 behind our garage, with access from the back of the  
21 house through the kitchen, again, keeping it behind  
22 the house for safety.  
23 Again, I don't know if anybody understands  
24 that, but we have a big hawk problem in Concord,  
25 and we lose chickens every year to hawks. So we

1 try to keep them confined and safe. And that  
 2 seemed to be an ideal location for all the above,  
 3 feeding, watering, cleaning, and whatnot.  
 4 CHAIRMAN SWEENEY: Okay. All right.  
 5 MS. GARCAR: I do have a question.  
 6 CHAIRMAN SWEENEY: Oh, I'm sorry. Any  
 7 questions? Yes.  
 8 MS. GARCAR: If this was denied, how hard is  
 9 it to move the chicken coop?  
 10 MR. PACHINGER: So --  
 11 MS. GARCAR: The fact that it seems like it  
 12 might be attached to your house partially.  
 13 MR. PACHINGER: So we will be completely  
 14 transparent here. So there are some structures  
 15 that can be removed to increase that linear footage  
 16 from that center line. But when I was applying for  
 17 the variance, I thought, in my best judgment, just  
 18 to ask for the whole kit and caboodle.  
 19 So the physical home where they sleep, it  
 20 would be very hard to move.  
 21 MS. GARCAR: Okay.  
 22 MR. PACHINGER: But I can condense down some  
 23 of the runs to keep it farther away from the  
 24 street.  
 25 MS. GARCAR: Are your chickens free range? Do

1 CHAIRMAN SWEENEY: The structure.  
 2 MR. PACHINGER: Again, COVID, probably six  
 3 months into it, into our move-in, yes.  
 4 MR. GOLLING: And is it permanently attached  
 5 to the house?  
 6 MR. PACHINGER: No. There is a permanent  
 7 awning that's made with the house, that we  
 8 purchased and put the coop underneath. So there's  
 9 two purchased cages, eight by eight square, next to  
 10 each other, which is the cage, and then inside of  
 11 them is the coop that they live upon -- live  
 12 inside.  
 13 MR. GOLLING: Okay.  
 14 MR. PACHINGER: I apologize for not bringing  
 15 pictures. I was ill-prepared.  
 16 CHAIRMAN SWEENEY: That's fine. We get the  
 17 idea. All right.  
 18 MS. GARCAR: I have no further questions.  
 19 CHAIRMAN SWEENEY: Anybody else?  
 20 All right. Thank you.  
 21 MR. PACHINGER: Thank you.  
 22 CHAIRMAN SWEENEY: Do we have anyone speaking  
 23 for or against the approval?  
 24 MR. NORTON: Staring right at you.  
 25 CHAIRMAN SWEENEY: Come on up again. You have

1 they run out on Morley Road?  
 2 MR. PACHINGER: Yes.  
 3 Do I let them out in the middle of the road?  
 4 MS. GARCAR: Yes.  
 5 MR. PACHINGER: No. They know their  
 6 boundaries.  
 7 MS. GARCAR: Okay.  
 8 MR. GOLLING: Why would a chicken even cross  
 9 the road?  
 10 MR. NORTON: To get to the other side.  
 11 A VOICE: To get to the neighbor's.  
 12 MS. GARCAR: I've seen some properties, that  
 13 they have chickens in the middle of the road.  
 14 That's why I was asking.  
 15 MR. PACHINGER: We do have quite a few  
 16 neighbors that raise chickens, also. And we've  
 17 seen it, you know, going up and down. You'll see  
 18 them walking the roadway.  
 19 We have a herding dog that keeps them under  
 20 control. So they stay on, I'm going to say, the  
 21 east side on Morley, and they roam upon our  
 22 property and Richard Crowe's.  
 23 CHAIRMAN SWEENEY: And this has been there  
 24 since you moved in?  
 25 MR. PACHINGER: Richard? Or the structure?

1 been sworn in.  
 2 MR. NORTON: I've been sworn in. Will Norton,  
 3 7932 Morley Road. I can attest to the chickens not  
 4 crossing the road. That was a good one.  
 5 MR. GOLLING: Thanks.  
 6 MR. NORTON: Seriously, no issues with the  
 7 chickens. Even the noises mentioned, I never  
 8 noticed. It's whatever. It's not an issue, as a  
 9 neighbor.  
 10 I don't see anything, other than some chickens  
 11 roaming, which, you know, my kids love it. So I  
 12 think it adds to the appeal of the neighborhood.  
 13 No issues.  
 14 CHAIRMAN SWEENEY: Are you the neighbor across  
 15 the road?  
 16 MR. NORTON: Yes, sir.  
 17 CHAIRMAN SWEENEY: Okay.  
 18 Who is the neighbor behind you?  
 19 MR. PACHINGER: That's Rich Crowe.  
 20 CHAIRMAN SWEENEY: Okay. Gotcha.  
 21 MS. GARCAR: Do we have a letter?  
 22 CHAIRMAN SWEENEY: I think we got a letter,  
 23 didn't we, from him?  
 24 MR. PACHINGER: Yes, you did. You did. We  
 25 live in his mother's home. His mother had passed.

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1 CHAIRMAN SWEENEY: Oh, wow.  
2 MR. PACHINGER: That's how we ended up being  
3 neighbors.  
4 CHAIRMAN SWEENEY: Oh, that's great.  
5 All right, anything else?  
6 MR. GOLLING: Nothing else.  
7 CHAIRMAN SWEENEY: Okay. Anybody else  
8 speaking for or against?  
9 All right, if not, I will close the public  
10 hearing on this part of the application.  
11 Discussion?  
12 MS. GARCAR: Motion.  
13 CHAIRMAN SWEENEY: Can I entertain a motion on  
14 the approval of the variance, 2024-147 b.  
15 MR. FALKOWSKI: So moved.  
16 MS. GARCAR: Second.  
17 CHAIRMAN SWEENEY: All right. Discussion now.  
18 MS. GARCAR: I maybe had a question. So it  
19 seems like this all got -- actually, never mind.  
20 It doesn't matter.  
21 CHAIRMAN SWEENEY: Are you sure?  
22 MS. GARCAR: I was going to ask if the rooster  
23 situation had been taken care of, but that is  
24 nothing of what we are voting on or discussing, so  
25 it truly does not matter.

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1 MR. GOLLING: Yes.  
2 MS. FREEMAN: Mr. Sweeney.  
3 CHAIRMAN SWEENEY: Yes.  
4 All right, congratulations. Thank you very  
5 much for coming in.  
6 MR. PACHINGER: Thank you, all.  
7 CHAIRMAN SWEENEY: All right, our next matter  
8 on the agenda is Variance Application 2024-148,  
9 Daniel Garry, on behalf of the property owners  
10 Richard and Melissa Pottenger, is requesting a  
11 variance from Section 15.04(B) to allow for an  
12 addition to the home to have a side yard clearance  
13 of 14.1 feet in lieu of the minimum 15 feet  
14 required. This is for property located -- who is  
15 Mr. Garry?  
16 MR. HORTON: Dan Garry is the builder. And he  
17 initially submitted the application, but he was not  
18 able to be here. I have been --  
19 CHAIRMAN SWEENEY: Okay.  
20 MR. HORTON: -- helping them, as the owners'  
21 rep.  
22 CHAIRMAN SWEENEY: And your name again is?  
23 MR. HORTON: Mark Horton, with CT Consultants.  
24 CHAIRMAN SWEENEY: Got it. Thank you.  
25 MR. HORTON: So in your application packet, I

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1 CHAIRMAN SWEENEY: I think it was. I think he  
2 mentioned that it was taken care of.  
3 MR. PACHINGER: A residential complaint that  
4 spurred, I believe, Heather's visit.  
5 MS. GARCAR: Was it a residential --  
6 MR. PACHINGER: It was a noise issue.  
7 MS. FREEMAN: There was initially a complain t  
8 about a rooster. There has not been any complaint  
9 since then.  
10 CHAIRMAN SWEENEY: Okay. Anybody else?  
11 If not, I will entertain a motion on the  
12 approval --  
13 MS. GARCAR: We already did that.  
14 CHAIRMAN SWEENEY: I'm sorry.  
15 MS. GARCAR: We just need a vote from Heather.  
16 CHAIRMAN SWEENEY: If no more discussion,  
17 Heather, we can take a vote. A yes vote approves  
18 the variance, a no vote denies it.  
19 MS. FREEMAN: Mr. Falkowski.  
20 MR. FALKOWSKI: Yes.  
21 MS. FREEMAN: Mr. Hach.  
22 MR. HACH: Yes.  
23 MS. FREEMAN: Ms. Garcar.  
24 MS. GARCAR: Yes.  
25 MS. FREEMAN: Mr. Golling.

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1 believe that you have a signed affidavit in  
2 support. Their neighbors, Bob and Patricia Rader,  
3 are here in support, in case you have any  
4 questions.  
5 The work that we're trying to do is to put an  
6 addition on the Pottengers' home. It is a  
7 split-level home with bathrooms on the upper and  
8 the lower. And what this addition would do is to  
9 give her -- give them a master suite with a  
10 bathroom there on the ground floor.  
11 Melissa is having her first knee replacement  
12 next Wednesday. Then praying that that will all go  
13 well, she will have her next one sometime in the  
14 fall. And so until this addition is completed,  
15 she's, you know, going to be dealing with a porta  
16 potty.  
17 MRS. POTTENGER: Let's not be quite that a  
18 graphic.  
19 MR. HORTON: So what I wanted to do -- I'll  
20 leave that -- I don't think you can make a joke  
21 about that one, Todd.  
22 MS. GARCAR: Please don't.  
23 MR. GOLLING: I could, but I'm not going to.  
24 MR. HORTON: I have some additional exhibits  
25 to magnify the site plan that you have. I thought



1 that this would help --  
 2 CHAIRMAN SWEENEY: Thank you.  
 3 MR. HORTON: -- give you a better  
 4 understanding of the area, the location.  
 5 The area, that's computed on the second page,  
 6 is 2.7 square feet, which is less than half of the  
 7 tabletop area for Heather's desk. That's what's  
 8 shown in orange.  
 9 The metrics on the second page show that the  
 10 area of the setback, in orange, is less than  
 11 1 percent of the total area of the addition.  
 12 So there are several compelling reasons to  
 13 approve this variance. But again, I wanted to give  
 14 you the opportunity -- let me say that we knew  
 15 there was a setback variance, that there was a  
 16 setback requirement. In consulting with the owners  
 17 of both properties, we thought we knew where the  
 18 property line was, and we thought we were six  
 19 inches inside of it.  
 20 But to Heather's credit, when Dan and I came  
 21 with the Zoning Permit, she said, I really  
 22 encourage you to get a certified property surveyor  
 23 to come out and locate it. And when that happened,  
 24 eureka.  
 25 So the design has been done, the building

1 And so we've been in conversation as they put  
 2 together the plans, and we think it's -- for us,  
 3 it's a no-brainer, because it doesn't affect our  
 4 property line, it doesn't affect our variance.  
 5 And so they're going to take a little piece off  
 6 of their variance, and that's it. So it's a  
 7 no-brainer.  
 8 We've lived there since 1985. They've lived  
 9 there since 1987.  
 10 CHAIRMAN SWEENEY: Wow.  
 11 MR. RADER: So we've got a lot of years  
 12 together. Our kids played together, go to the same  
 13 church, so on and so forth.  
 14 CHAIRMAN SWEENEY: That's great.  
 15 MR. RADER: So we're glad to support them.  
 16 MR. GOLLING: Very nice.  
 17 CHAIRMAN SWEENEY: That's outstanding. Thank  
 18 you.  
 19 MR. RADER: Don't want to see them move.  
 20 CHAIRMAN SWEENEY: If anybody wants to come  
 21 up and talk, come on up. We have to do this  
 22 officially.  
 23 A VOICE: (Clucking.)  
 24 CHAIRMAN SWEENEY: All right, Mr. Traffis.  
 25 MR. TRAFFIS: Wayne Traffis, 7419 Far Hill

1 plans are already at Lake County, the contract is  
 2 executed, everything is priced out, we're poised to  
 3 go. And then we find out we've got a problem.  
 4 CHAIRMAN SWEENEY: It doesn't look to be a  
 5 gigantic problem.  
 6 So are you saying that the area, the square  
 7 footage of the entire encroachment is half the size  
 8 of Heather's desk?  
 9 MR. HORTON: It's less than half the size.  
 10 It's 2.7 square feet.  
 11 CHAIRMAN SWEENEY: Okay, I just wanted to get  
 12 a visual on that.  
 13 MR. HORTON: Yeah, it's that orange --  
 14 CHAIRMAN SWEENEY: I see. Or barely see.  
 15 MR. HORTON: -- triangle.  
 16 CHAIRMAN SWEENEY: All right.  
 17 MR. HORTON: But it needs to be dealt with.  
 18 CHAIRMAN SWEENEY: Anything further?  
 19 MR. HORTON: Not from me. Thank you.  
 20 CHAIRMAN SWEENEY: Thank you very much.  
 21 Anyone speaking for or against? Come on up.  
 22 Have you been sworn in?  
 23 MR. RADER: Yes, I have. Robert Rader, 11810  
 24 Jason Avenue, and we share the adjacent property  
 25 line.

1 Drive. And the only reason I'm here tonight, we  
 2 moved in, in '85. We live on the corner of Jason  
 3 and Far Hill, and they live down the way on Jason,  
 4 around the curve. And that presents a challenge to  
 5 their property, because it's not a really regular  
 6 shape there. It kind of goes up in divergent  
 7 straight lines.  
 8 And to make matters worse, his house is  
 9 actually built sideways. So it creates a situation  
 10 where, yeah, he wants to add on a little bit. It  
 11 just barely, barely, tickles the property line. If  
 12 it was straight, no problem.  
 13 MR. HACH: Are you in favor of this?  
 14 MR. TRAFFIS: Oh, yes.  
 15 MR. HACH: Okay.  
 16 CHAIRMAN SWEENEY: You should still consider  
 17 law school.  
 18 MR. TRAFFIS: Yes, I'm in favor.  
 19 MR. HACH: Thank you.  
 20 A VOICE: Put that in your folder.  
 21 MR. TRAFFIS: It's not signed by a judge.  
 22 CHAIRMAN SWEENEY: All right, anyone else? If  
 23 not, I will close the public portion, and I will  
 24 entertain a motion.  
 25 MS. GARCAR: Motion.

1 MR. FALKOWSKI: Second.  
 2 CHAIRMAN SWEENEY: Second.  
 3 All right, discussion? Any discussion at all  
 4 on this?  
 5 MR. HACH: No.  
 6 CHAIRMAN SWEENEY: I wouldn't think.  
 7 MS. FREEMAN: And that was a motion to  
 8 approve, right?  
 9 MS. GARCAR: Yes.  
 10 CHAIRMAN SWEENEY: Motion to approve, yes.  
 11 MS. FREEMAN: Thank you.  
 12 CHAIRMAN SWEENEY: If there's no discussion at  
 13 all --  
 14 MR. GOLLING: No jokes, if that's what you're  
 15 asking.  
 16 CHAIRMAN SWEENEY: Yes.  
 17 A yes vote approves the variance, and a no  
 18 vote denies it.  
 19 Heather, can you take a roll call.  
 20 MS. FREEMAN: Sure.  
 21 Mr. Golling.  
 22 MR. GOLLING: Yes.  
 23 MS. FREEMAN: Mr. Sweeney.  
 24 CHAIRMAN SWEENEY: Yes.  
 25 MS. FREEMAN: Ms. Garcar.

1 MR. NOWAK: I don't need help. I just need to  
 2 go to bed.  
 3 Hi. My name is Greg Nowak, 7481 Brenel Drive.  
 4 I have been sworn in.  
 5 I'm looking for the variance. I recently  
 6 moved into this house on Brenel, and when I got  
 7 there and actually took possession, I realized that  
 8 the shed that's there is in very poor shape.  
 9 And I contacted Zoning. I came and I talked  
 10 to Heather for quite a while, because I do about --  
 11 technically, Kellogg Creek goes through my  
 12 backyard. So when I stopped to ask about where I  
 13 can put the shed, I got some very interesting news  
 14 with the drawings about these setbacks.  
 15 These were not disclosed to me upon sale, and  
 16 there was really no good way to know about those.  
 17 There's nothing on the Auditor's site. If you  
 18 look at the GIS drawings, there's nothing that  
 19 represents this. And like I said, it wasn't  
 20 disclosed on the seller's, and the insurance  
 21 company said nothing about it.  
 22 So I did check. I asked specifically about  
 23 flooding. It did not flood in 2006, and it did not  
 24 flood August 25th, I guess it was, of last year,  
 25 when the tornadoes came through, and we had

1 MS. GARCAR: Yes.  
 2 MS. FREEMAN: Mr. Hach.  
 3 MR. HACH: Yes.  
 4 MS. FREEMAN: Mr. Falkowski.  
 5 MR. FALKOWSKI: Yes.  
 6 CHAIRMAN SWEENEY: All right, congratulations.  
 7 MR. HORTON: Thank you. Good luck to you.  
 8 MR. GOLLING: Good luck, Patricia, with your  
 9 knee surgery.  
 10 CHAIRMAN SWEENEY: Yes, good luck.  
 11 MR. HACH: Godspeed.  
 12 CHAIRMAN SWEENEY: All right, we are on to the  
 13 next matter this evening, Variance Application  
 14 2024-149.  
 15 We'll give you a minute to get out of here. I  
 16 see light at the end of the tunnel.  
 17 All right, for our next matter, we are at  
 18 Variance Application 2024-149. Gregory Nowak is  
 19 requesting a variance from Section 17.07(A) and  
 20 17.04(B) to allow for the construction of an  
 21 accessory building to have a 26-foot riparian  
 22 setback in lieu of the 75-foot required. This is  
 23 for the property located at 7481 Brenel Drive,  
 24 Parcel Number 10-A-028-E-00-035-0.  
 25 Mr. Nowak, are you here? Come on up.

1 substantial rain with quite a bit of flooding in  
 2 the area.  
 3 So after being with Heather, she recommended  
 4 that I talk with her and Tracy -- is that correct,  
 5 do I have that right -- from the Lake County  
 6 Engineers.  
 7 So came out, looked at where the creek was and  
 8 everything. And the location I wanted to put the  
 9 shed was about the same distance away, but a little  
 10 closer to the front of the house. Upon discussing,  
 11 and doing the measurements, and looking at the  
 12 drawings, there is no place on the property that  
 13 you can place anything at this point.  
 14 I understand these maps were redone recently,  
 15 or relatively recently, 2018, or something like  
 16 that. So I was asking, what are my options. My  
 17 options were to ask for a variance.  
 18 So to ask for this variance, I selected a spot  
 19 within my current fenced yard on a gravel patch of  
 20 property. My understanding, that used to be a  
 21 pool, an in-ground pool. I am still trying to find  
 22 said pool. I'm finding pieces of it.  
 23 There really are no other options available.  
 24 If you look at the drawings that are in the packet,  
 25 the entire lot is a problem. The only place I

1 could be out of those would be within 50 feet of  
 2 the center line of the road.  
 3 Further, the new location is actually further  
 4 from the creek than where the prior shed is. And  
 5 again, in discussion with the Lake County Engineer,  
 6 the proposed location is a better location than  
 7 where it is currently.  
 8 I have included pictures of the location where  
 9 I'm planning on setting that. Those bricks are the  
 10 approximate location, and it goes towards the  
 11 fence.  
 12 The second picture shows the current shed  
 13 right up against the fence, which is right on the  
 14 bank of the creek. The original shed will be  
 15 removed once I transition to the new shed.  
 16 Since we're talking color coordination all the  
 17 way through this, it will be color coordinated with  
 18 the house. But the shed is getting painted first,  
 19 then the house, assuming it goes that direction.  
 20 I'm trying to think if there's anything else.  
 21 I guess that really pretty much sums everything up.  
 22 MR. HACH: Cool. All right.  
 23 MR. NOWAK: Thank you for your time. If you  
 24 have any questions.  
 25 MS. GARCAR: I just want to make sure, I'm

1 from Chad.  
 2 CHAIRMAN SWEENEY: Chad.  
 3 MR. GOLLING: If Chad says it's cool, it's  
 4 cool.  
 5 CHAIRMAN SWEENEY: Lake Soil and Water.  
 6 MR. GOLLING: So -- Lake Soil and Water. Chad  
 7 said it's already void of natural vegetation, the  
 8 water quality has already been compromised, and  
 9 therefore the impacts of water quality are  
 10 negligible. The location of the proposed building  
 11 along the stream is an inside meander therefore  
 12 less likely to be impacted by meandering erosion.  
 13 So it's cool.  
 14 CHAIRMAN SWEENEY: Yes.  
 15 MR. FALKOWSKI: Agreed. That was a material  
 16 piece of evidence.  
 17 MR. GOLLING: Thanks.  
 18 CHAIRMAN SWEENEY: Chad, the man.  
 19 MR. GOLLING: And also, I know what you were  
 20 going after, because we've had issues with sheds in  
 21 the past.  
 22 We should probably set a timeline, timeline  
 23 expectations for, within completion of said new  
 24 shed, the old one has got to be cleaned out and  
 25 demoed.

1 clarifying. You currently have the old shed still  
 2 on your property?  
 3 MR. NOWAK: Yes.  
 4 MS. GARCAR: You will be removing that old  
 5 shed once the new shed, once up, is approved.  
 6 MR. NOWAK: No.  
 7 MS. GARCAR: If approved, and the new shed  
 8 goes up --  
 9 MR. NOWAK: Once the new shed is in, I will  
 10 remove the old shed. But I have no place to put  
 11 the stuff currently.  
 12 MS. GARCAR: Thank you.  
 13 MR. NOWAK: Anything else?  
 14 MR. HACH: No.  
 15 MR. NOWAK: Thank you.  
 16 CHAIRMAN SWEENEY: Anybody for or against? If  
 17 not, I will close the public meeting.  
 18 I will entertain a motion.  
 19 MS. GARCAR: For approval.  
 20 CHAIRMAN SWEENEY: For approval.  
 21 MR. GOLLING: So moved.  
 22 MS. GARCAR: Second.  
 23 CHAIRMAN SWEENEY: Anybody?  
 24 MR. GOLLING: So my barometer with the  
 25 riparian thing -- and I learned a lot about it

1 MS. GARCAR: Is that necessary if the fact is  
 2 it's only half an acre, and he's only allowed one  
 3 piece anyway, so he'd have to bring back a variance  
 4 anyway and ask for it? I'm not sure if that's  
 5 necessary.  
 6 MR. GOLLING: Should we just let it ride?  
 7 CHAIRMAN SWEENEY: Any further discussion?  
 8 MR. HACH: No.  
 9 CHAIRMAN SWEENEY: If not, the question is on  
 10 approval for the application of the variance. A  
 11 yes vote approves the variance, a no vote denies  
 12 the variance.  
 13 Heather.  
 14 MS. FREEMAN: Mr. Hach.  
 15 MR. HACH: Yes.  
 16 MS. FREEMAN: Mr. Falkowski.  
 17 MR. FALKOWSKI: Yes.  
 18 MS. FREEMAN: Ms. Garcar.  
 19 MS. GARCAR: Yes.  
 20 MS. FREEMAN: Mr. Golling.  
 21 MR. GOLLING: Yes.  
 22 MS. FREEMAN: Mr. Sweeney.  
 23 CHAIRMAN SWEENEY: Yes.  
 24 All right, thank you very much.  
 25 MR. NOWAK: Thank you.

1 CHAIRMAN SWEENEY: Good luck. 141  
2 MR. NOWAK: Thank you.  
3 CHAIRMAN SWEENEY: All right. And for our  
4 final application tonight -- and we appreciate your  
5 patience -- it is Variance Application 2024-150,  
6 Jeremy and Jessica Wolford are requesting a  
7 variance from Section 15.03(A)(6) to allow two  
8 accessory buildings on the property in lieu of the  
9 maximum one permitted. This is for the property  
10 located at 10719 Johnnycake Ridge, Parcel Number  
11 08-A-016-F-00-008-0.  
12 All right, come on up.  
13 MR. WOLFORD: One of us, both of us?  
14 CHAIRMAN SWEENEY: It doesn't matter. You  
15 both can come on up.  
16 MR. WOLFORD: My name is Jeremy Wolford. This  
17 is my wife, Jessica Wolford. I've been sworn in.  
18 MRS. WOLFORD: I have been sworn in.  
19 CHAIRMAN SWEENEY: All right.  
20 MR. WOLFORD: We both live at 10719 Johnnycake  
21 Ridge in Concord Township. We recently moved in,  
22 about two years ago.  
23 MRS. WOLFORD: It was September of '22.  
24 MR. WOLFORD: And we didn't know about this  
25 zoning stuff. We came from Madison city.

1 We got it. We had to gut the whole thing. 143  
2 There's holes in everything, and blah, blah, blah,  
3 blah. That's an ongoing issue. We're trying to  
4 get that up and going. But we needed a place to  
5 store all of the other equipment, as well.  
6 We talked about building onto that wood shop,  
7 and putting on another accessory shed or building  
8 for the kids to get all of their stuff. But then  
9 our neighbors behind us have cows, so there's an  
10 electric fence behind us, and we don't want our  
11 kids going all the way down there.  
12 MRS. WOLFORD: Yeah. It's back there. Heaven  
13 forbid they touch something, or trip or fall.  
14 CHAIRMAN SWEENEY: Where is this?  
15 MR. WOLFORD: So we wanted to put a --  
16 MR. GOLLING: Johnnycake Ridge.  
17 CHAIRMAN SWEENEY: But where on Johnnycake?  
18 MR. GOLLING: Do you know where Chestnut is?  
19 CHAIRMAN SWEENEY: Yeah, yeah. On Chestnut.  
20 Okay, those cows.  
21 MS. GARCAR: Right there.  
22 CHAIRMAN SWEENEY: Right. Oh, yeah, those  
23 cows.  
24 MR. WOLFORD: To bring up the chickens, our  
25 neighbors behind us have roosters and chickens.

1 MRS. WOLFORD: A tiny, little house. 142  
2 MR. WOLFORD: A really tiny, little house. We  
3 wanted to get our new feet in the door and have our  
4 family in this community. So we chose Concord.  
5 It's close to all the hospital systems. Both -- my  
6 wife and I are both registered nurses. We work in  
7 the operating room. I assist in surgery, and it's  
8 crucial for me to be close to the highway. I have  
9 a 30 minute call-in time. And with traumas and  
10 emergencies, I need to be ready.  
11 Hence we needed to build a shed to put all of  
12 our kids', like, UTVs, Power Wheels --  
13 MRS. WOLFORD: Yeah, Power Wheels, water  
14 tables, balls, jump ropes, bicycles.  
15 MR. GOLLING: But not the kids themselves.  
16 MR. WOLFORD: We have an ATV, and our riding  
17 lawnmower.  
18 We have three children, five, seven, and ten.  
19 We have an outbuilding out back that was  
20 already on the property when we purchased the  
21 house, and that was intended to be a workshop.  
22 I've been a woodworking hobbyist for some  
23 time, and that was -- like one of the big selling  
24 factors of the house was, oh, sweet, now I have a  
25 wood shop, this is going to be cool.

1 MR. GOLLING: You don't want roosters. 144  
2 CHAIRMAN SWEENEY: Yeah, okay.  
3 MR. WOLFORD: It's a nice little area. We  
4 chose the house because it was centrally located to  
5 everything that we needed to be near. We wanted a  
6 ranch, and nice acreage for the family to be in.  
7 MRS. WOLFORD: But the reason for the shed --  
8 the main reason for the shed is that we don't want  
9 the kids going anywhere near the routers, and  
10 drills, and saws.  
11 MR. WOLFORD: Wood slabs and everything.  
12 MRS. WOLFORD: All that stuff. They're still  
13 little. If they were teenagers, it would be  
14 different.  
15 CHAIRMAN SWEENEY: And the electric fence  
16 behind you.  
17 MRS. WOLFORD: So the location that we put the  
18 shed, it's on the side of the house, and it's in  
19 like a location that it's not close to the road,  
20 it's not near anywhere that they could possibly get  
21 hurt. So they can go outside, grab whatever they  
22 want, play in the yard, in front, in the driveway,  
23 and it's safe. That's the big thing, it's safe.  
24 MR. HACH: Yeah.  
25 MR. WOLFORD: And it was dead space in our

1 yard.  
 2 MRS. WOLFORD: Yeah, it's dead.  
 3 MR. WOLFORD: Literally, there was nothing you  
 4 could do there. It was dirt. There was no grass  
 5 growing. It was just -- we were like, hey, let's  
 6 put a shed here.  
 7 So then, not knowing about the zoning issues,  
 8 we purchased the shed. It's up. It's on gravel,  
 9 so it's not a permanent structure. It could be  
 10 moved.  
 11 But we built -- we had the shed built for that  
 12 space. So there's windows that let light in. It's  
 13 behind shrubbery. There's two doors that open  
 14 access. It's perfect for that spot.  
 15 MR. GOLLING: Can you see it from the road?  
 16 MR. WOLFORD: You can see it from the road.  
 17 And that's what brought up -- I believe that's what  
 18 brought up --  
 19 MR. GOLLING: Is it on the right half of your  
 20 house as you look at it, or the left half?  
 21 MR. WOLFORD: Yes, on the right.  
 22 MS. FREEMAN: On the left. Actually, if  
 23 you're looking at the house from Johnnycake, it's  
 24 on the left.  
 25 MRS. WOLFORD: It's on the left. If the house

1 CHAIRMAN SWEENEY: Okay.  
 2 MR. WOLFORD: And we're very friendly, our  
 3 neighbors are friendly. We help each other out all  
 4 the time. And any time we need yard care -- like  
 5 we help trim each other's branches.  
 6 MRS. WOLFORD: Good relationship.  
 7 MR. WOLFORD: We have good relationships.  
 8 MR. GOLLING: I've got your picture up. Is it  
 9 over here, like in the shade?  
 10 MRS. WOLFORD: Yeah, it's behind the bushes.  
 11 MR. WOLFORD: It is behind those bushes.  
 12 MRS. WOLFORD: You can see the window and  
 13 the --  
 14 MR. GOLLING: Got it. Okay.  
 15 MR. WOLFORD: I have a --  
 16 MR. GOLLING: It's okay. We're good. I know  
 17 where it is.  
 18 MS. GARCAR: I think it's here.  
 19 CHAIRMAN SWEENEY: All right. Okay. All  
 20 right, thank you.  
 21 Anything further?  
 22 MR. HACH: I don't think so.  
 23 CHAIRMAN SWEENEY: All right, anybody for or  
 24 against?  
 25 If not, I will go ahead and close the public

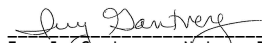
1 is in front of you, and you're looking at it from  
 2 the road, the shed is on the left in the back.  
 3 MR. GOLLING: Got it.  
 4 MS. GARCAR: How did this get brought up, that  
 5 you cannot have two?  
 6 MR. WOLFORD: We don't know.  
 7 MRS. WOLFORD: We don't know.  
 8 MR. WOLFORD: When I talked to Mike -- is that  
 9 the Assistant, Mike -- he said that some people  
 10 drive around and they notice new construction.  
 11 This is a new -- it looks different, because  
 12 it's brand new, metal roof, painted. Like our  
 13 house is brick. It doesn't match the same colors.  
 14 So he said they notice new construction. So  
 15 then they pulled it to see if there was a permit.  
 16 And then we went through that process after it was  
 17 already up.  
 18 CHAIRMAN SWEENEY: Have either of your  
 19 neighbors to either side had a problem with it?  
 20 MR. WOLFORD: No. And before we even put it  
 21 up, we were talking to them saying, hey, we're  
 22 going to put up a shed. They're like, okay.  
 23 MRS. WOLFORD: The one neighbor, the neighbors  
 24 to the left of us, that this shed faces, we talked  
 25 to them about it before.

1 hearing.  
 2 Discussion?  
 3 MS. GARCAR: A motion to approve.  
 4 CHAIRMAN SWEENEY: Can I get a motion --  
 5 MS. GARCAR: For approval?  
 6 CHAIRMAN SWEENEY: -- for approval.  
 7 MS. GARCAR: I will make a motion for  
 8 approval.  
 9 MR. FALKOWSKI: Second.  
 10 CHAIRMAN SWEENEY: Any discussion?  
 11 MR. GOLLING: No.  
 12 MR. HACH: No.  
 13 CHAIRMAN SWEENEY: None?  
 14 MR. GOLLING: No.  
 15 CHAIRMAN SWEENEY: If not, the question is on  
 16 the approval of the variance. A yes vote is for  
 17 the approval of the variance, a no vote denies the  
 18 variance.  
 19 Heather, can we take a roll call.  
 20 MS. FREEMAN: Ms. Garcar.  
 21 MS. GARCAR: Yes.  
 22 MS. FREEMAN: Mr. Hach.  
 23 MR. HACH: Yes.  
 24 MS. FREEMAN: Mr. Falkowski.  
 25 MR. FALKOWSKI: Yes.

1 MS. FREEMAN: Mr. Golling.  
 2 MR. GOLLING: Yes.  
 3 MS. FREEMAN: Mr. Sweeney.  
 4 CHAIRMAN SWEENEY: Yes.  
 5 All right, congratulations.  
 6 MRS. WOLFORD: Thank you.  
 7 CHAIRMAN SWEENEY: Thank you very much.  
 8 Election of Chair and Vice-Chair tonight?  
 9 MS. FREEMAN: It's your choice, if you do not  
 10 want to do that this evening. But we normally do  
 11 that in --  
 12 MR. HACH: I think we can table that.  
 13 CHAIRMAN SWEENEY: Let's table it.  
 14 MS. FREEMAN: We do that in April.  
 15 MS. GARCAR: Before we table --  
 16 CHAIRMAN SWEENEY: I will second that motion.  
 17 MS. GARCAR: Before we table, if we do not, is  
 18 the term up for current Chair and Vice-Chair? What  
 19 happens next meeting? If we do not talk about it,  
 20 what happens next meeting? When is that term up,  
 21 legally?  
 22 MR. FALKOWSKI: That's a fair question to ask.  
 23 MS. FREEMAN: Historically -- we don't really  
 24 have it in our -- there's no set procedural manual  
 25 for this Board. So I don't know. I guess I would

1 evening. Thank you.  
 2 (Whereupon, the meeting was adjourned at  
 3 9:45 p.m.)  
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1 defer to legal.  
 2 MR. GOLLING: It doesn't matter.  
 3 MS. MATHENEY: It's just --  
 4 MR. GOLLING: It doesn't matter.  
 5 CHAIRMAN SWEENEY: It doesn't matter.  
 6 MS. GARCAR: So we are still good operating  
 7 next month with our current Chair and Vice-Chair if  
 8 we table it?  
 9 MR. GOLLING: It doesn't matter.  
 10 MS. FREEMAN: Yes.  
 11 MS. GARCAR: Okay. I'm fine.  
 12 CHAIRMAN SWEENEY: Next would be a call for a  
 13 motion to approve the minutes from May 8th -- I'm  
 14 sorry -- not from May 8th.  
 15 MR. GOLLING: February.  
 16 CHAIRMAN SWEENEY: From February.  
 17 I will abstain. I don't believe I was at  
 18 that --  
 19 MS. GARCAR: There's no minutes.  
 20 CHAIRMAN SWEENEY: Are there any minutes? No,  
 21 there are no minutes. Okay.  
 22 MS. GARCAR: No minutes.  
 23 CHAIRMAN SWEENEY: All right, the next Board  
 24 meeting, May 8th, 2024.  
 25 And that concludes the hearing for this

1 CERTIFICATE  
 2 State of Ohio, }  
 3 county of Cuyahoga. } ss:  
 4  
 5 I, Ivy J. Gantverg, Registered Professional  
 6 Reporter and Notary Public in and for the State of Ohio,  
 7 duly commissioned and qualified, do hereby certify that  
 8 the foregoing is a true, correct, and complete transcript  
 9 of my stenotype notes which were taken at the time and  
 10 place in the foregoing caption specified.  
 11 I do further certify that I am not a relative or  
 12 counsel of either party, or otherwise interested in the  
 13 event of this action.  
 14  
 15  
 16   
 17 Ivy J. Gantverg, Notary Public  
 18 in and for the State of Ohio,  
 19 Registered Professional Reporter.  
 20 My Commission Expires November 5, 2028.  
 21  
 22  
 23  
 24  
 25



**A VOICE: [26]** 9/14  
16/7 16/17 19/24 40/12  
41/7 41/9 47/18 47/21  
59/9 60/10 60/12 60/15  
73/3 74/6 74/10 74/13  
74/21 91/13 94/25  
97/25 118/11 118/14  
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**CHAIRMAN**  
**SWEENEY: [384]**  
**MR. BARON: [5]** 52/24  
93/6 93/16 93/24 94/3  
**MR. BENCIC: [9]**  
47/25 96/6 96/16 97/4  
97/7 97/11 97/15 97/23  
98/1  
**MR. BRICKMAN: [2]**  
21/4 21/7  
**MR. COLLINS: [2]**  
40/14 40/17  
**MR. FALKOWSKI:**  
**[29]** 5/10 9/2 18/5  
18/20 66/6 66/10 66/14  
66/19 66/22 68/23  
70/24 75/15 100/2  
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**MR. GOLLING: [133]**  
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145/19 146/3 147/8  
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150/4 150/9 150/15  
**MR. HACH: [52]** 4/24  
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58/18 58/20 59/12  
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118/16 119/9 119/15  
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132/15 132/19 133/5  
134/3 134/11 137/22  
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**MR. HALL: [21]** 51/18  
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86/22 88/6 88/22 89/4  
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90/13 90/18 90/22  
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**MR. HORTON: [13]**  
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**MR. LAZUKA: [1]**  
55/15  
**MR. NORTON: [11]**  
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**MR. NOWAK: [9]**  
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**MR. PACHINGER:**  
**[42]** 110/21 111/11  
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123/21 124/19 124/24  
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127/6  
**MR. RADER: [4]**

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**MR. RICH: [3]** 40/21  
40/23 77/3  
**MR. SKULLY: [2]**  
56/17 56/19  
**MR. TRAFFIS: [33]**  
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131/25 132/14 132/18  
132/21  
**MR. VANDERHORST:**  
**[4]** 20/2 20/6 20/10  
20/23  
**MR. VICTOR: [73]**  
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6/17 6/20 7/1 7/17 8/4  
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9/15 9/21 10/3 10/10  
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**MR. WEAVER: [17]**  
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**MR. WOLFORD: [21]**  
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146/8 146/20 147/2  
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**MRS. BRICKMAN: [6]**  
39/17 39/20 39/22 40/3  
40/8 77/8  
**MRS. POTTENGER:**  
**[1]** 128/17  
**MRS. WOLFORD: [16]**  
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144/12 144/17 145/2  
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**MS. BENCIC: [10]**  
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46/15 46/19 81/18 82/6  
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**MS. FELICE: [2]** 22/8  
22/11  
**MS. FREEMAN: [82]**  
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**MS. GARCAR: [155]**  
**MS. HALKO: [1]** 83/17  
**MS. KINCAID: [16]**  
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**MS. MATHENEY: [11]**  
4/20 5/22 94/21 96/11  
96/13 102/18 108/5  
108/9 108/18 108/21  
150/3  
**MS. MINARDO: [1]**  
95/5  
**\$**  
**\$15 [1]** 12/5  
**\$25,000 [1]** 37/1  
,  
'22 [1] 141/23  
'85 [1] 132/2  
,  
.1 [1] 16/25  
**1**  
**1 percent [1]** 129/11  
**1,000 [1]** 54/10  
**1.5 percent [1]** 36/15  
**1.6 acres [1]** 114/1

**1.75 [1]** 36/16  
**1.75 percent [1]**  
36/19  
**10 [3]** 1/11 68/23 69/1  
**10 feet [1]** 44/8  
**10 foot [1]** 44/11  
**10,000 [1]** 9/12  
**10-foot [1]** 7/6  
**100 percent [3]** 53/12  
78/12 84/5  
**10102 [1]** 20/7  
**10719 [2]** 141/10  
141/20  
**10th [1]** 2/3  
**11,000 [1]** 10/6  
**112 [1]** 59/3  
**11218 [1]** 22/12  
**11260 [2]** 40/23 77/3  
**11810 [1]** 130/23  
**12 [4]** 59/3 64/7  
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**12375 [2]** 105/5 105/9  
**125 [1]** 98/12  
**13 [1]** 86/6  
**13,000 [8]** 9/13 9/15  
9/17 9/19 10/6 15/22  
72/4 72/19  
**13,400 [2]** 62/17  
97/19  
**13,433 [5]** 9/16 16/5  
62/18 63/8 103/1  
**13,700 [1]** 9/14  
**13.05 [3]** 71/22 101/9  
102/12  
**14.1 feet [1]** 127/13  
**142 [3]** 3/19 58/8  
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**148 [1]** 127/8  
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**14th [1]** 24/18  
**15 [2]** 64/7 109/3  
**15 feet [5]** 111/5  
114/2 116/6 118/19  
127/13  
**15 percent [1]** 35/25  
**15,000 [1]** 72/18  
**15.03 [2]** 105/2 141/7  
**15.04 [2]** 111/4  
127/11  
**150 [1]** 141/5  
**16 [2]** 105/17 107/7  
**16.07 [3]** 71/24  
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**17.04 [1]** 134/20  
**17.07 [1]** 134/19  
**180 [1]** 98/15  
**190 [1]** 98/12  
**190 feet [1]** 7/10  
**1985 [1]** 131/8  
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