

CONCORD TOWNSHIP BOARD OF ZONING APPEALS

ON WEDNESDAY, JUNE 12, 2024,
COMMENCING AT 7:00 P.M.

BOARD MEMBERS: IVAN VALENTIC
TODD GOLLING
T.R. HACH
ASHLEY GARCAR
FRANCIS E. SWEENEY, JR

ALSO PRESENT: HEATHER FREEMAN - ZONING INSPECTOR
BRIDEY MATHENEY - LEGAL COUNSEL

TRANSCRIBED BY: BRIAN KUEBLER

MR. VALENTIC: Good evening. The Concord Township Board of Zoning Appeals meeting of June 12th, 2024 is now in session.

I would like to introduce my Board. To my far left is Skip Sweeney and Ashley Garcar. I'm Ivan Valentinc. To my right is T.R. Hach and Todd Golling. To our far right is Heather Freeman, our Zoning Inspector.

Under the advice of counsel, we ask that anyone speaking tonight must be sworn in. So if you plan on speaking, please stand and raise your right hand to be sworn in.

Okay. Do you swear that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth, so help me God? If so, say, I do.

ALL: I do.

MR. VALENTIC: Thank you. Please be seated. This evening, when presenting your case or commenting on any case, you have to come up to the microphone and state your name and address and confirm that

you've been sworn in, okay?

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

MS. FREEMAN: Yes, they were.

MR. VALENTIC: Great. We have one item on old business which we'll move down to after our new business.

For new business, we have two variance applications.

A three-vote majority is required to either approve or deny an appeal. If the request is denied, you can -- you have the right to file an appeal.

So, first on our agenda is Variance Application 2024-157. Mr. Joseph Rinella, on behalf of property owner Mark Rinella is requesting a variance from Section 15.03(A)(6) to allow the construction for an accessory building that would be 1,120 square feet, in lieu of the maximum 1,024 square feet permitted. This is for the property located at 6496 Coleridge Road, also known as Parcel Number 08-A-032-D-00-023-0. Please come up.

MR. RINELLA: Hi, I'm Joseph

Rinella, and I've been sworn in --

MR. VALENTIC: And your address, for the record, please.

MR. RINELLA: Pardon?

MR. VALENTIC: Your address?

MR. RINELLA: My address is 10267 Cherry Hill, Concord, Ohio. The address and concern is 6496 Coleridge, which is my son's property, which he's at work tonight, he's an ER nurse at TriPoint. So he works, like, four or five nights, he's off Saturday and Sunday, so he can't make a lot of these meetings.

MR. VALENTIC: Okay.

MR. RINELLA: So, I've got the zoning permit for him when he built the house -- and actually, I got all the permits when he built the house, so I can get the good interest rates, and then I got the zoning permit this time for him, and Scott Spangler is going to be the contractor that's going to be getting the building permits and everything.

MR. VALENTIC: Okay.

MR. RINELLA: And the reason why

1 I'm asking for the extra 100 square feet,
2 right now everything's stored in my
3 mother-in-law's property on 6528 Mardon,
4 Judy Bell, and she passed away unexpectedly
5 two months ago. And so, all my -- I've got
6 a tractor, a backhoe, a small one, I've got
7 jet skis, I've got zero-turn mower, I've
8 got a 20-foot trailer, it's all stored in
9 her barn right now, and her barn's 28x40.

10 And so right now, two of the items
11 are stored at my son's house at Coleridge
12 in the garage, and his two vehicles are
13 outside, because you can't use the
14 vehicles.

15 And I was going to build a pole
16 barn on my property, but I got overruled by
17 the boss. But he's got 1.1 acres, and I
18 only had 0.5 acres.

19 So, I went through this whole
20 thing with my son, it's like a learning
21 thing, he's never got a permit, never dealt
22 with any of the inspectors. And during the
23 whole building process of the house, I was
24 there working with the inspectors and the
25 builder, because I've been in the

1 construction trade for over 50 years.

2 So, I'd really, you know,
3 appreciate if they can consider that extra
4 almost 100 square feet. It'll meet the
5 needs of all the equipment out of my
6 mother-in-law's barn. And once we sell her
7 property, which it should hopefully be
8 before school starts, so, we're in a crunch
9 time to, you know, get this thing built,
10 and Scott Spangler will get the building
11 permit once this is taken care of, one way
12 or the other.

13 MR. VALENTIC: Did you consider
14 just, you know, lopping off 100 square
15 feet, just tightening it up a little bit
16 and being --

17 MR. RINELLA: I considered that,
18 but then I couldn't fit everything in the
19 pole barn. And I was talking to Bonnie Cox
20 at the end of the street, she built a 30x40
21 last year, which is a lot taller than ours,
22 and she was allowed to keep her shed on top
23 of that, which I was going to build a shed,
24 but I couldn't see having a shed and have
25 to do a pole barn and then have two, you

1 know, because they don't allow two.

2 So, 28x40 will suffice all our --
3 all my equipment that sit presently in my
4 mother-in-law's pole barn.

5 And my son, he's got the jet skis
6 at his house right now, because we don't
7 have room in her pole -- we're trying to
8 get -- liquidate everything out of the
9 house on Mardon, and right now the jet skis
10 are in Cleveland in his garage, so he can't
11 park his car in that garage.

12 MR. HACH: Any comments from your
13 neighbors? Are they...

14 MR. RINELLA: They're -- I was
15 with two of them yesterday. One said give
16 me a million dollars and I'll give the
17 okay, but they said they have no problem,
18 because one neighbor's got a 50x60 pole
19 barn right next to me. And the neighbor
20 two doors down, they've got a bigger pole
21 barn than that, but it's been there for
22 years.

23 So, all the neighbors that I know
24 of, you know, gave the okay unless they
25 didn't -- weren't forthright, but I was

1 with two of them today.

2 MR. GOLLING: Heather, can I
3 ask -- the 30x40 where you said it's across
4 the street?

5 MR. RINELLA: No, it's down the
6 street.

7 MR. GOLLING: Down the street.

8 MR. RINELLA: Bonnie Fox.

9 MR. HACH: Did that go through
10 these channels?

11 MS. FREEMAN: There was a
12 variance, I believe, for the Foxs on
13 Coleridge, I don't remember the size of it
14 though. Yes, it was approved.

15 MR. HACH: Okay.

16 MR. RINELLA: Okay. They've got a
17 12-foot door, because they got a motor home
18 they're putting in there too. We're
19 getting a 10-foot door, so I can get the
20 tractor and that in.

21 MR. VALENTIC: Is there, you know,
22 is there any other reason besides having
23 too much stuff that you need this?

24 MR. RINELLA: Well, I've got in my
25 shed -- which I've got a 12x16, which is

1 too small -- I do a lot of woodworking, so
2 I've got radial arm saw, I've got table
3 saw, I've got a lot of equipment there that
4 I want to get out and put that in the pole
5 barn and make a little workshop, so I can
6 go over there and we have some room to
7 store our little lawn tractor, because
8 right now it's really congested in that.

9 MR. VALENTIC: I'm just looking at
10 something. If anyone else has questions.

11 MR. SWEENEY: Yeah, I'm trying to
12 visualize what 96 square feet looks like.

13 MR. GOLLING: My pickup truck,
14 it's about --

15 MR. SWEENEY: The bed of your
16 pickup truck?

17 MR. GOLLING: No, my pickup truck
18 is about 100 -- consumes about 100 square
19 feet of space, parking space.

20 MS. GARCAR: Parking space.

21 MR. SWEENEY: So, a parking space.

22 MR. GOLLING: 10x10, yeah, parking
23 space.

24 MR. HACH: It's actually less than
25 that, give or take.

1 MR. SWEENEY: All right.

2 MR. GOLLING: So, if you think
3 of --

4 MR. SWEENEY: So, basically this
5 area right here [indicating]?

6 MR. RINELLA: Probably be right
7 where your pen is right here [indicating].

8 MS. GARCAR: Smaller.

9 MR. VALENTIC: Or smaller.

10 MR. GOLLING: Or a jet ski
11 trailer.

12 MR. RINELLA: Basically the jet
13 ski trailer, if I put it sideways, that's
14 exactly what it'd be.

15 MR. SWEENEY: Okay. Yeah.

16 MR. VALENTIC: Maybe if he made
17 it -- what did you have this thing at?

18 MR. RINELLA: 28x40?

19 MR. VALENTIC: If he just made it
20 two-and-a-half feet narrower.

21 MR. RINELLA: Then it wouldn't be
22 wide enough to fit my garden trailer and
23 tractor and zero turn with the depth,
24 because the trailer, the garden trailer is
25 24 feet with the tongue. It's 20 feet long

1 and then the tongue is 4 feet. So I
2 calculate everything I need and that'll
3 give me some space to put a workbench in
4 the back and put the table saw and
5 everything to get out of my shed.

6 MS. GARCAR: Now, sir, everything
7 you need, your items, but this is your
8 son's property?

9 MR. RINELLA: This -- it's his --
10 we are paying for this pole barn, part of
11 the estate, and he is going to be -- all
12 the equipment that is mine, it's actually,
13 he uses it.

14 MS. GARCAR: Oh, wait. So but
15 what I'm saying is this is your son's
16 property --

17 MR. RINELLA: It's his property.

18 MS. GARCAR: -- but your items are
19 going into the pole barn?

20 MR. RINELLA: It's -- I don't use
21 the jet skis, I don't want to hurt my back,
22 so the kids use the jet skis. The --
23 Mark's been using the trailer, because I
24 don't know how to drive a backhoe and
25 front-end loader, and so, he has been using

1 that for work around his house, our house,
2 and I just been what -- I purchase stuff.
3 And same with the table saw, all the
4 equipment, that's his, because I bought a
5 little portable one, the other one's too
6 big for me.

7 So, I couldn't put a pole barn on
8 my property without tearing down the shed,
9 plus we don't have the room, we only have
10 .56 acres.

11 MR. VALENTIC: Skip, do you have
12 any questions?

13 MR. SWEENEY: Nuh-uh.

14 MR. GOLLING: I mean, it's a
15 classic case of six pounds of stuff in a
16 five-pound bag. And I mean, for me, I ran
17 into this with my little 12x16 shed, my
18 wife said, sell the stuff. So, I get rid
19 of the stuff and everything fits.

20 So 1,024, I mean, for me, I mean,
21 I would love a 1,024 pole barn. I think it
22 would be awesome to have for my stuff -- I
23 got a -- you know, I'd like to put a
24 trailer in there, but it just seems like
25 there's gotta be a way to make it fit,

1 because I could put my tractor on my
2 trailer and push it all right into the
3 barn, therefore I save a little bit more
4 space. The jet skis --

5 MR. RINELLA: Well, the tractor --
6 if I had in a trailer, that means I'd have
7 to drive a truck behind the house on the
8 grass, hook up the trailer, and move it out
9 and get the tractor off each time, where --

10 MR. GOLLING: Does he use the
11 tractor and trailer for like a business
12 or --

13 MR. RINELLA: No, we've been doing
14 a lot of stuff for family, friends, and
15 actually a lot of the neighbors recently,
16 we've been -- there's an older gentleman
17 named Bill, and I've helped -- actually
18 Mark's helped him out moving mulch and
19 topsoil, helping him dig up some trees.

20 MR. GOLLING: So, in the drawing
21 here we've got the shed, and then there's
22 like, an overhang thing too --

23 MR. RINELLA: Right.

24 MR. GOLLING: -- right? What goes
25 under the overhang?

1 MR. RINELLA: That's going to be a
2 picnic table and a -- there's going to be a
3 fire pit outside of the area, that's going
4 to be like, a gathering area, picnic table
5 and that.

6 MR. SWEENEY: Is that factored
7 into the total square footage?

8 MR. RINELLA: It'll look like
9 Bonnie Fox's, but a lot smaller --

10 MR. SWEENEY: Yeah, I'm sorry,
11 sir?

12 MR. RINELLA: It'll look like
13 Bonnie Fox's, but a lot smaller.

14 MR. GOLLING: What does that mean?

15 MR. RINELLA: She's got an
16 overhang from the door too.

17 MR. GOLLING: Who's Bonnie Fox?

18 MR. RINELLA: The one that built
19 that 30x40 last year.

20 MR. GOLLING: Okay.

21 MR. VALENTIC: Yeah.

22 MR. GOLLING: Which was approved.

23 MR. RINELLA: Right.

24 MS. GARCAR: We also don't know
25 how large her property was, the reasons,

1 the hardships, there's a lot of --

2 MR. HACH: Yeah, I get it, I
3 understand.

4 MR. RINELLA: So, that extra eight
5 foot is -- it'd really help as far as being
6 able to work around, otherwise we'll be
7 jammed like we are in my mother-in-law's
8 right now, because there really isn't a lot
9 of room other than her car in her front to
10 get around with everything in there.

11 MR. GOLLING: So, it's your
12 mother-in-law's stuff that is inherited
13 to --

14 MR. RINELLA: No, it's my
15 mother-in-law's pole barn we've been using
16 with all our stuff.

17 MR. GOLLING: Okay. Got it.
18 Okay. So this isn't, like, her stuff --

19 MR. RINELLA: No, no.

20 MR. GOLLING: You're selling the
21 house, so you lose the barn?

22 MR. RINELLA: Yeah, yeah. Her car
23 was the only thing that was in there and
24 that was sold through the estate.

25 MS. MATHENEY: Mr. Chairman, do we

1 have authorization from the property owner
2 that this is okay to apply for?

3 MR. RINELLA: Yes, my son signed a
4 letter authorizing me to speak on his
5 behalf. And my other son's an attorney,
6 and he was going to write a letter too, but
7 I said I don't think there's any need for
8 that. Heather had me sign -- had Mark sign
9 a letter.

10 MS. FREEMAN: It might not be in
11 the packet --

12 MR. GOLLING: Is it this?

13 MR. VALENTIC: That looks like it.

14 MS. MATHENEY: That's okay.

15 Great, thank you. I just wanted to make
16 sure. Thank you.

17 MR. RINELLA: And actually, most
18 of the kids in their twenties wouldn't know
19 a thing about permitting or anything or
20 even discussing it.

21 MR. HACH: Time to learn.

22 MR. RINELLA: So, I try to teach
23 my kids after I did all the stuff, filled
24 out paperwork, I went over them, this is
25 what I did. He'll probably never have to

1 get another permit the rest of his life for
 2 anything.
 3 MR. VALENTIC: How many -- the
 4 garage is attached to the house. Is that a
 5 two-car or three-car garage?
 6 MR. RINELLA: Two, should have
 7 been a three. I kick myself, and he kicks
 8 himself because he said, I can deal with a
 9 two.
 10 MR. VALENTIC: And he's got a
 11 two-car garage, I'm assuming two cars?
 12 MR. RINELLA: Yes.
 13 MR. VALENTIC: Okay.
 14 MR. RINELLA: And he's got a huge
 15 zero-turn that he can barely get the pickup
 16 truck in there, because you've gotta lift
 17 the gates up and everything. A lot of
 18 times he leaves it outside because it takes
 19 up too much room.
 20 MR. HACH: How big is a zero-turn?
 21 MR. RINELLA: 530, Z530 John
 22 Deere.
 23 MR. HACH: How big of a cut is
 24 that?
 25 MR. RINELLA: I think it's 52

1 inches.
 2 MR. GOLLING: For about a third of
 3 an acre?
 4 MR. RINELLA: It's 1.1 acres.
 5 MR. GOLLING: Oh, cuttable, I
 6 would say.
 7 MR. RINELLA: Oh, it's going to be
 8 cuttable on the side of the shed and in the
 9 back later on, right now it's overgrown
 10 weeds.
 11 MR. GOLLING: Got it.
 12 MR. VALENTIC: So, you have a lot
 13 of stuff. You only have -- you have a
 14 two-car garage, you have two cars, and
 15 you've maximized everything there, right?
 16 MR. RINELLA: Right.
 17 MR. VALENTIC: So, you're looking
 18 to build this garage above what's allowed
 19 by 94 square feet so you can fit the rest
 20 of the stuff out there? It meets all the
 21 other requirements, it's not really
 22 visible -- it's not visible from the
 23 street.
 24 MR. RINELLA: That's true, it's
 25 right behind the house. So, unless you're

1 going from south to north, you may get a
 2 glimpse of it, but you won't see it.
 3 Because it is right behind the house.
 4 About 75 foot back from the house, I
 5 believe.
 6 MR. VALENTIC: Okay. Is there any
 7 other questions from the Board? Nope. I
 8 think you can be seated.
 9 MR. RINELLA: Okay. Thank you.
 10 MR. VALENTIC: Is there anyone
 11 else this evening speaking for this appeal
 12 that'd like to come up?
 13 MR. HOMINSKY: I guess that me.
 14 My name is Thomas Hominsky, 7382 Holly
 15 Park. And I'm asking for a five-foot
 16 variance for an existing shed --
 17 MR. VALENTIC: Oh, you're the next
 18 appeal.
 19 MR. HOMINSKY: Oh, okay.
 20 MR. VALENTIC: We're still on this
 21 one.
 22 MR. HOMINSKY: All right. Sorry.
 23 MR. VALENTIC: I just wanted to
 24 see if there's anyone else that would like
 25 to speak on this one.

1 MR. HOMINSKY: Oh, okay.
 2 MR. VALENTIC: Is there anyone
 3 that would like to speak against this
 4 appeal?
 5 MR. HOMINSKY: Oh, I'm sorry.
 6 MR. VALENTIC: No, you're good,
 7 sir. Thank you.
 8 All right. If there's no further
 9 questions, the public hearing for this
 10 appeal, which is number -- sorry --
 11 2024-157 is now closed to the public.
 12 Can I get a motion to approve the
 13 appeal?
 14 MR. HACH: So moved.
 15 MR. SWEENEY: Second.
 16 MR. VALENTIC: All right. Thank
 17 you.
 18 Discussion from the Board, who
 19 would like to start?
 20 MR. HACH: Yeah, I personally
 21 think, you know, 94 square feet isn't a big
 22 deal, so...
 23 MR. VALENTIC: Yeah, and the
 24 Duncan factors -- yeah, that's one of the
 25 things on the Duncan factors, right, is the

1 variance substantial? It's nine point
 2 something percent, so it's less than ten
 3 percent, so I guess I could agree with
 4 that, yeah.
 5 MR. SWEENEY: Yeah. It's a close
 6 call if you apply the Duncan factor, but I
 7 think the two that aren't in the
 8 Applicant's favor is this was clearly known
 9 had they wanted to look when they bought
 10 the property, I'm assuming.
 11 And can the objective be met
 12 through some other means? I think it can.
 13 I mean, there's not a terrible burden here,
 14 you know, I think things can be moved
 15 around, whatever, things can be stored in
 16 other places and so on, but other than
 17 that, I think the remaining factors, it's
 18 not substantial, we agree to that I think.
 19 The character of the neighborhood is not
 20 going to be changed, it doesn't affect
 21 government services. I think if we granted
 22 it it would still move forward the spirit
 23 and the intent behind the zoning
 24 requirements.
 25 So, although there are some

1 factors that are against them, I think for
 2 the most part it meets the factors.
 3 MR. VALENTIC: Yeah.
 4 MR. SWEENEY: Or it's outweighed
 5 in the Applicant's favor.
 6 MR. VALENTIC: Ashley?
 7 MS. GARCAR: I think I have an
 8 opinion of he's coming to us ahead of time
 9 before he builds it, which means changing
 10 the drawings is not very much of a hardship
 11 to make it smaller. And if your property
 12 doesn't allow for something or you don't
 13 have that kind of space, you find someplace
 14 else to store it or get rid of things. I
 15 don't see a very large hardship at all, I
 16 see it more as a convenience than a
 17 hardship.
 18 MR. GOLLING: I agree.
 19 MR. VALENTIC: Yeah, I -- yeah,
 20 that's kind of where I was at at first,
 21 but --
 22 MR. SWEENEY: But Duncan doesn't
 23 require that you show hardship, I don't
 24 think.
 25 MS. MATHENEY: It's practical

1 difficulties. It's whether or not the
 2 property owner has encountered practical
 3 difficulties.
 4 MS. GARCAR: So, I will change my
 5 verbiage from "hardship" to "practical
 6 difficulties".
 7 MR. HACH: Well, but I mean, we
 8 haven't seen his stuff. We, you know,
 9 maybe it fits perfect in a little bit
 10 smaller building, maybe it doesn't, you
 11 know, I'm not here to --
 12 MR. VALENTIC: Right.
 13 MR. HACH: -- make judgment on
 14 that.
 15 MR. SWEENEY: Right.
 16 MR. VALENTIC: Yeah, and part of
 17 it that I think, Ashley, I was kind of
 18 going the same route you were at first, but
 19 what maybe sways me a little bit is that
 20 they do have a two-car garage, and if
 21 anyone had a two-car garage, you had two
 22 vehicles, you know, it could be hard to
 23 pack too much more -- too many more other
 24 items there as well in that two-car garage.
 25 So, I could see maybe the need for some

1 kind of accessory building.
 2 MR. GOLLING: Or the remedy to his
 3 retrospective, he's extrapolating, "I
 4 probably could have added -- made a
 5 three-car garage". There's your answer
 6 right there. So, you comply with the
 7 1,024, and then you do the three-car
 8 garage, and now everything fits. And it's
 9 attached to the house.
 10 MR. HACH: A lot more expensive
 11 though.
 12 MR. GOLLING: I know, but we have
 13 1,024 and we have a lot of stuff. So, have
 14 less stuff or put it where you can put it,
 15 legally.
 16 MR. VALENTIC: Yeah, okay. Any
 17 other thoughts, I mean, from the Board?
 18 MR. SWEENEY: Nope.
 19 MR. VALENTIC: Okay. Heather,
 20 then the question is on approval of
 21 Variance 2024-157, a yes vote approves the
 22 variance and a no vote denies the variance.
 23 Please call the vote.
 24 MS. FREEMAN: Mr. Sweeney?
 25 MR. SWEENEY: Yes.

1 MS. FREEMAN: Mr. Golling?
 2 MR. GOLLING: No.
 3 MS. FREEMAN: Ms. Garcar?
 4 MS. GARCAR: No.
 5 MS. FREEMAN: Mr. Hach?
 6 MR. GOLLING: Yes.
 7 MS. FREEMAN: Mr. Valentic?
 8 MR. VALENTIC: Yes. Variance is
 9 approved, barely. Slim margins, but it's
 10 approved. Congratulations.
 11 MR. SWEENEY: All right. Thank
 12 you, sir.
 13 MR. VALENTIC: Okay.
 14 MR. SWEENEY: Heather?
 15 MR. HACH: Do you have a question?
 16 MR. RINELLA: Can I say one thing
 17 or --
 18 MS. MATHENEY: I mean -- sure.
 19 MR. RINELLA: This would not have
 20 been an issue if my mother-in-law didn't
 21 pass away, they wouldn't have even thought
 22 about anything.
 23 MR. VALENTIC: Okay.
 24 MR. RINELLA: I'm sorry.
 25 MR. VALENTIC: All right. The

1 next on our agenda is Variance Application
 2 2024-158, Mr. Thomas Hominsky is requesting
 3 a variance from Section 15.03(A)(6) to
 4 allow two accessory buildings on a lot
 5 which is only permitted to have one
 6 accessory building, and a second variance
 7 from Section 15.04(B), which requires a
 8 minimum side yard clearance of ten feet for
 9 the accessory building. Accessory building
 10 is five feet from the property line and
 11 also crosses over the other property line.
 12 This is for the property located at 7382
 13 Holly Park Drive, also known as Parcel
 14 Number 10-A-028C-C-00-044-0 and
 15 10-A-028-C-00-006-0.
 16 MR. HOMINSKY: Yes, my name is
 17 Thomas Hominsky, 7382 Holly Park.
 18 MR. VALENTIC: You've been sworn
 19 in, sir?
 20 MR. HOMINSKY: Pardon me?
 21 MR. VALENTIC: You've been sworn
 22 in?
 23 MR. HOMINSKY: Yes, I've been
 24 sworn in.
 25 MR. VALENTIC: Okay.

1 MR. HOMINSKY: I went to the
 2 County Auditor when I bought the house
 3 eight years ago they said I have another
 4 parcel and -- can I show you? I don't know
 5 if you have the picture of it, where the
 6 blue line is.
 7 MR. SWEENEY: Yeah, the new line?
 8 MR. HOMINSKY: Yeah.
 9 MR. SWEENEY: The additional line,
 10 yeah.
 11 MR. HOMINSKY: Yeah, well, we had
 12 a fence put up for our dogs, and that was
 13 put on what was supposedly the property
 14 line. Well, when I talked to my neighbor
 15 next door, he said where the existing fence
 16 was, we went the fence line with -- she had
 17 a split-rail fence, he told me that where
 18 that split rail was, I owned property over
 19 from there.
 20 So when we had the shed erected we
 21 had a new driveway put in, because what
 22 happened was our -- the way Holly Park is,
 23 it's like this [indicating]. Water was
 24 coming -- because my neighbor's driveway
 25 was six inches higher, water was all

1 shedding into my driveway, into my garage,
 2 so then we had a new driveway put in, and
 3 then we had drainage put in all the way
 4 from where the shed is, all the way down,
 5 halfway down the driveway connected to the
 6 sewer going out to the storm sewer, out to
 7 the road. So, that took care of all that
 8 water.
 9 And then I found out when the
 10 inspector came out to inspect the driveway,
 11 he said that our shed was over the property
 12 line. Well, then when I went to the
 13 County, I'm five feet -- you know, I should
 14 be ten feet, I'm five feet. So, I'm asking
 15 for variance for that five foot.
 16 Well, ever since we put the
 17 driveway in, put the drainage in, we no
 18 longer have -- my neighbor no longer has
 19 water. It used to shed through our
 20 backyard. It would -- where we were going
 21 to originally put the shed, it was too --
 22 it was like, mush, and water always laid in
 23 there. So then it would shed through my
 24 backyard along the fence, going to my
 25 neighbor's.

1 Now, ever since we did the
2 driveway, had the shed and the drainage put
3 in, and the concrete patio, nobody has
4 water problems anymore. So, that's why I'm
5 asking for this five feet, because we
6 prevented -- we just spent \$50,000 on all
7 this stuff, because when it rained real
8 hard, my garage was, I had to take a broom.
9 So when the guy came out and did the
10 driveway, he -- you know, he sloped
11 everything into our driveway drain. So,
12 now my neighbor next door, when he washes
13 his car or anything, I don't get water
14 anymore. It used to just -- because he was
15 so much higher than me, so that's what I'm
16 here for, for that five foot.

17 And ever since we've done that, my
18 neighbor don't get anymore water, my
19 backyard don't get flooded anymore, and we
20 have all that drainage now. And then we
21 found that the person that had the house
22 before us, they tried putting a drain in
23 there, but they did it wrong. So, we had
24 to have that all tore out and we had to
25 have new drains, everything put in, so.

1 This house has been nothing, but a
2 nightmare since we bought it. And my
3 neighbor said it's always had a water
4 problem. Now when it pours rain, nobody
5 has any water, so...

6 MS. GARCAR: The two pieces you
7 have that you -- I'm sorry.

8 MR. VALENTIC: No, go ahead.

9 MS. GARCAR: You said you bought
10 the house eight years ago --

11 MR. HOMINSKY: Yeah.

12 MS. GARCAR: -- had a fence put on
13 and you were not aware of the second
14 parcel. Do you know why it's two parcels?
15 Did you purchase it from the neighbor? How
16 did you get two parcels?

17 MR. HOMINSKY: We bought it --
18 well, what it was is it -- the County
19 finally combined it together, because when
20 we used to get our tax bill we used to get
21 one for that little parcel there --

22 MS. GARCAR: Uh-huh.

23 MR. HOMINSKY: -- and then we got
24 one for the big parcel. So then when I
25 went to the County, when I came to Heather,

1 I went to the County, they said that that
2 parcel was combined and they made it one
3 whole parcel. So, that's why you see the
4 red line, but you see the blue line, that's
5 where my property line does end, right
6 there.

7 MS. GARCAR: So you have made it
8 all one parcel now?

9 MR. HOMINSKY: Yeah, it's all --
10 the County just combined it all together.

11 MS. GARCAR: When did that happen?

12 MR. HOMINSKY: Probably five years
13 ago, four years ago.

14 MS. GARCAR: As of?

15 MR. HOMINSKY: We were having --
16 we were getting two tax bills -- I gave you
17 a copy of my --

18 MR. GOLLING: Right, right.

19 MS. GARCAR: Yeah.

20 MR. GOLLING: It wasn't a
21 different transaction, it was you bought
22 the house and it came with the two parcels?

23 MR. HOMINSKY: Yeah, they said it
24 was -- the County says because it was such
25 a small parcel, they just combined it

1 because it was so cheap, you know what I
2 mean? It was like, I don't know, like \$2
3 or something like that, because it was
4 probably -- where my fence is, there's
5 probably like, another foot from the fence
6 where that -- piece of that parcel was
7 right there.

8 MR. VALENTIC: So, that shed
9 that's just off the driveway --

10 MR. HOMINSKY: Right.

11 MR. VALENTIC: -- is five feet off
12 of your neighbor's property line, correct?

13 MR. HOMINSKY: Yeah, so I need a
14 variance for five feet.

15 MR. VALENTIC: Okay. Okay. Got
16 that, I'm following so far. Then there's
17 another shed?

18 MR. HOMINSKY: Yeah, the one in
19 the back when we bought it, a lot of people
20 don't think -- it's probably 50 yards from
21 our house. So, right now all we use it for
22 is like, the leaf blower -- you know, I
23 have one of those big leaf blowers, a
24 lawnmower, some yard stuff. And the one
25 that we built now, we're going to put, we

1 have lawn furniture, stuff like that.
 2 Because the other shed you can't -- we
 3 can't really put all that stuff in.
 4 Because we don't have a basement, and we
 5 came from a 3,600 square foot house to this
 6 house with no basement, and we used to have
 7 a basement in our other house, we just
 8 don't have the room. And in our garage,
 9 because they put the man door here, when I
 10 get my truck in, and the car and my
 11 motorcycle, there's no room at all.
 12 Because the garages back then, they built
 13 them so small. I went from a 26x26 garage
 14 down to, what was it, 20x20.

15 MR. VALENTIC: But you understand
 16 that you also need a variance to have two
 17 accessory buildings?

18 MR. HOMINSKY: Yeah, and I'd like
 19 to like to keep the other one --

20 MR. VALENTIC: You're only allowed
 21 one, but you have two?

22 MR. HOMINSKY: Yeah.

23 MR. VALENTIC: But you have two
 24 constructed sheds on your property already?

25 MR. HOMINSKY: Right. But we just

1 need the storage, because we don't have a
 2 basement. I mean, there's like,
 3 wheelbarrows in there and, you know, rakes
 4 and, you know, stuff like that, lawnmower,
 5 leaf blower. And then the other shed we
 6 have now, we put like our -- we have like,
 7 those long couches and chairs and we got
 8 tables, like if we have a party or
 9 something, we use the tables and set them
 10 up in our garage.

11 Because we have a large family, we
 12 got eight grandkids, and four kids, so --
 13 when we lived in our other house, that's
 14 what we used to do, we used to use our
 15 garage as, you know, for parties,
 16 Christmas.

17 MR. HACH: Is there any
 18 correspondence from your neighbor, whether
 19 how they feel about it?

20 MR. HOMINSKY: Pardon me?

21 MR. HACH: Is there any
 22 correspondence from your neighbors --

23 MR. HOMINSKY: No, they all came
 24 up to us and said they were -- the house
 25 sat for --

1 MR. HACH: But there's no
 2 documentation of that?

3 MR. HOMINSKY: No, no. I mean,
 4 they sent -- they came over and said they
 5 got letters, and they didn't --

6 MR. HACH: Do you have those
 7 letters?

8 MR. HOMINSKY: No, I don't have
 9 them, but they were sent to them and then
 10 they --

11 MR. HACH: Oh, no, no, did they
 12 have a letter saying they didn't mind?

13 MR. HOMINSKY: Oh, no, I could get
 14 them if you need them, yeah. Yeah, they
 15 all came and just said, we've done a
 16 beautiful job with the house and, I mean,
 17 here I can --

18 MR. HACH: Sometimes it's helpful,
 19 just in our consideration is all.

20 MR. HOMINSKY: I took some
 21 pictures.

22 MS. GARCAR: I think those are in
 23 our packet.

24 MR. HACH: Yeah, we have -- these
 25 are new ones.

1 MR. HOMINSKY: See this right
 2 here, this is where we put all the drains.
 3 The water used to shed -- because he's six
 4 inches higher, so when the guy did the
 5 driveway and we had a new garage floor in,
 6 this water would shed down here, go into my
 7 garage, go out this way [indicating], flood
 8 my backyard, so when we put -- see, here's
 9 the peak of the shed. Well, here now, ever
 10 since we did that, and there's a little --
 11 we put a patio back here for our lawn
 12 furniture, no water now, it's all gone.
 13 Everybody's dry, my neighbors don't get
 14 anymore water.

15 MS. GARCAR: I want to go back to
 16 the property lines. You're stating that
 17 five years ago something happened with the
 18 County that they told you they were
 19 together.

20 MR. HOMINSKY: It was probably --
 21 because I didn't get two tax bills anymore,
 22 I just got one.

23 MS. GARCAR: So, my issue right
 24 now is when this packet was all put
 25 together, it is two different property

1 pieces. And as of the way I'm looking at
2 this -- and Heather, please correct me if
3 I'm wrong, or Bridey -- you have a shed
4 that is built on a property line. If it
5 was combined, that resolves the issue of
6 having a shed built on a property line. As
7 of right now, it is not combined.

8 MR. HOMINSKY: It is combined,
9 it's on --

10 MS. GARCAR: No.

11 MR. HOMINSKY: -- it's on my tax
12 bill, they put two parcels on one tax bill.

13 MS. GARCAR: So when this packet
14 was put together, the property was not
15 combined, the property --

16 MR. HACH: He said it was combined
17 five years ago.

18 MR. HOMINSKY: Yeah, they -- yeah,
19 because I quit getting two tax bills --

20 MS. GARCAR: A tax bill is
21 different than the property being -- they
22 might have combined the tax bill, but the
23 research from my understanding, Heather,
24 when you put this packet together, it was
25 two different property parcels.

1 MS. FREEMAN: Correct. So there
2 are two separate parcel numbers, a .03 acre
3 lot, and the larger .7652 acres.

4 I think the confusion is what the
5 Applicant is stating is that for tax
6 purposes, the treasurer decided to combine
7 his parcels into one bill --

8 MR. HOMINSKY: Right.

9 MS. FREEMAN: -- but legally, he
10 is paying taxes on two separate parcels.
11 So, yes, the shed currently sits over the
12 interior parcel line of the two that he
13 owns --

14 MS. GARCAR: Right.

15 MS. FREEMAN: -- and if those two
16 parcels were combined, then that would
17 eliminate the two separate legal parcels
18 that still exist as of right now, but he
19 would still need the five-foot variance
20 from the most southern parcel line and the
21 second variance to have --

22 MR. HOMINSKY: See, I had --

23 MS. FREEMAN: -- the second shed.
24 Excuse me, you shouldn't interrupt when
25 people are talking. Thank you.

1 MR. HOMINSKY: I'm sorry.

2 MS. GARCAR: So that's my -- I
3 think the biggest issue that I have is,
4 whether the tax bill is combined or not,
5 that does not mean that these are either
6 currently standing as two separate parcels.
7 Legally speaking, he can sell that .03.

8 And there is currently, even though he owns
9 both pieces, there is still currently a
10 building on a line that is not allowed if
11 there -- that's my biggest issue with where
12 the fence -- or not the fence --

13 MR. VALENTIC: The shed.

14 MS. GARCAR: -- the shed currently
15 lies. The five foot, definitely up for
16 discussion, but I think that is the number
17 one is we need to get these parcels
18 combined, because even though he owns both
19 properties, it's still sitting on a line.

20 MR. HOMINSKY: So, what I don't
21 understand is I got a permit for a fence,
22 and the fence is on that -- on the property
23 line and the shed is within, so is my fence
24 on another parcel?

25 MS. GARCAR: Your fence and

1 driveway is on -- your fence, driveway --
2 part of your fence, part of your driveway,
3 and part of your shed is on that .03 parcel
4 right now. Legally it's two different
5 numbers of parcels.

6 MR. HOMINSKY: So you're saying my
7 driveway is on -- so much of it is on
8 another piece of property?

9 MS. GARCAR: Yes.

10 MR. VALENTIC: Your other piece of
11 property.

12 MS. GARCAR: You own both pieces
13 of property, but your driveway, fence, and
14 shed aren't --

15 MR. HOMINSKY: Well, how did the
16 guy get a permit for the driveway if it
17 was --

18 MS. GARCAR: I cannot speak for
19 what happened in the past, maybe because
20 you own both, I don't know.

21 MR. HOMINSKY: I don't understand.

22 MS. GARCAR: I cannot speak for
23 what happened in the past of who did and
24 didn't get permits, but as it stands now,
25 you own two --

1 MR. HOMINSKY: So you're telling
2 me I'm going to have to tear up the
3 driveway?

4 MS. GARCAR: No, no. I'm saying
5 as it stands, you own two parcels. And
6 currently what we're talking about is the
7 shed is sitting on a property line. And I
8 think, in my opinion, that's the most
9 important thing is getting that situation
10 solved, that there is not a accessory
11 building sitting on a property line. Like,
12 that shed is split in half on a property
13 line.

14 MR. SWEENEY: But that's not what
15 we're here to decide.

16 MS. GARCAR: Well --

17 MR. HACH: Could it be a --

18 MS. GARCAR: -- it kind of I think
19 is, because it's sitting on a property
20 line, so five feet on a property length,
21 the shed is split in half on a property
22 line.

23 MR. SWEENEY: Well, I'm just
24 looking at the violations as set forth by
25 Heather.

1 MS. GARCAR: And one of them was a
2 property line.

3 MR. SWEENEY: And what we're here
4 to decide. If I could for one minute,
5 just -- I want to get centered here, okay?

6 All right. You bought this house
7 in what year?

8 MR. HOMINSKY: Probably about
9 eight years ago.

10 MR. SWEENEY: About eight years --

11 MR. HOMINSKY: Yeah, it's like,
12 we'll be there eight years in about a
13 month.

14 MR. SWEENEY: Okay.

15 MR. HOMINSKY: Yeah.

16 MR. SWEENEY: When you bought that
17 house, were either of these independent
18 structures on the property, these sheds?

19 MR. HOMINSKY: Just the one that's
20 like, 50 yards away.

21 MR. SWEENEY: Okay. So, when you
22 bought the house, the shed that we see in
23 the back of the yard was already there?

24 MR. HOMINSKY: Exactly.

25 MR. SWEENEY: Okay. When did you

1 build this second shed?

2 MR. HOMINSKY: It was in the --
3 like, December.

4 MR. SWEENEY: Of this past year?

5 MR. HOMINSKY: Yeah.

6 MR. SWEENEY: Okay. And is that
7 when all this came to light?

8 MR. HOMINSKY: No, when we did the
9 driveway.

10 MR. VALENTIC: When did you do the
11 driveway?

12 MR. SWEENEY: Okay. So when did
13 you do the driveway?

14 MR. HOMINSKY: We just -- the
15 driveway just got done --

16 MR. SWEENEY: Because that looks
17 brand new.

18 MR. HOMINSKY: Yeah, a month ago.

19 MR. SWEENEY: Okay. So the
20 driveway was done. That driveway was
21 allowed to be put in with all the permits
22 were granted for that?

23 MR. HOMINSKY: Yeah, ER Concrete
24 was the one --

25 MR. SWEENEY: Okay. So that was

1 done, no issues, right?

2 MR. HOMINSKY: No.

3 MR. SWEENEY: Okay. When you
4 built that second shed last December --

5 MR. HOMINSKY: Yes.

6 MR. SWEENEY: -- did you think
7 that you had any problems with anything
8 regarding whether you could put it there?

9 MR. HOMINSKY: No, because the guy
10 that -- we had Pine Craft -- I don't know
11 if you ever heard of them, from
12 Middlefield -- when we went there and they
13 erected this thing, they said they took
14 care of everything, and, you know --

15 MR. SWEENEY: What do you mean
16 "they took care of everything"?

17 MR. HOMINSKY: That they got the
18 permit that they --

19 MR. SWEENEY: All right. So you
20 were under the impression --

21 MR. HOMINSKY: Right, right.

22 MR. SWEENEY: -- when you had this
23 second shed built, that if there were any
24 problems with the shed, these guys were
25 going to handle it.

1 MR. HOMINSKY: Yeah, that's what
2 we paid them for.

3 MR. SWEENEY: And they told you,
4 because they had the expertise and the
5 experience to deal with these issues, like
6 permits and things like that?

7 MR. HOMINSKY: Yeah, they told us
8 that they worked in Concord, they
9 erected --

10 MR. SWEENEY: Okay.

11 MR. HOMINSKY: -- pole barns,
12 sheds, everything.

13 MR. SWEENEY: All right. So then,
14 when did you find out about these issues
15 that we're here tonight to discuss?

16 MR. HOMINSKY: Well, I was at work
17 and I came home and the --

18 MR. SWEENEY: When?

19 MR. HOMINSKY: That was --

20 MR. SWEENEY: What day? How long
21 after the driveway was built?

22 MR. HOMINSKY: Well, it was
23 probably like, three weeks, you know, it
24 was like, the week they were finishing it.
25 I think his name was Mike.

1 MR. SWEENEY: All right. So this
2 was a few weeks after the driveway was
3 finished?

4 MR. HOMINSKY: Yeah, he called
5 and --

6 MR. SWEENEY: Okay.

7 MR. HOMINSKY: -- he came down and
8 he looked, and he gave the owner of the
9 concrete company, ER Concrete, gave him a
10 card and said tell the owner to call me.
11 So when I got home, he gave me the card, I
12 called him and I said --

13 MR. SWEENEY: And that's when this
14 all started?

15 MR. HOMINSKY: Yeah, I said, what
16 is the problem? He goes, well, whenever
17 you get a new driveway put in, we inspect
18 it because we want to make sure that you're
19 not on someone else's property. He said
20 everything was fine, but your shed is five
21 feet short of being -- you know, you've
22 gotta file for a variance, and then that's
23 when I came and saw Heather and I talked to
24 Mike.

25 MR. SWEENEY: Did you think -- I

1 mean, just you, did you say to yourself
2 that shed is kind of close to the line?

3 MR. HOMINSKY: Well, because I
4 knew I had that little bit there, you know,
5 and then --

6 MR. SWEENEY: You knew you had --

7 MR. HOMINSKY: Yeah, with the
8 fence --

9 MR. SWEENEY: Yeah.

10 MR. HOMINSKY: -- and, you know,
11 with the fence being there, so I figured --

12 MR. SWEENEY: You thought that was
13 okay?

14 MR. HOMINSKY: Yeah, I thought,
15 you know, I was -- I thought I was, you
16 know, with, you know, knowing -- I said,
17 well, because I remember when I got that,
18 and I saw that, and I'm like, well, it is
19 close, but I didn't know exactly how close,
20 and my neighbor says, well, where your
21 fence is, you own a little bit of property
22 over.

23 MR. SWEENEY: And your neighbor
24 knew this and you didn't?

25 MR. HOMINSKY: Well, he knows

1 everything down there, so yeah, I didn't
2 know that. I just -- when I got this,
3 that's when I seen when I had to come talk
4 to Heather, because he said that the shed
5 was too close to the property line.

6 MR. SWEENEY: Okay. All right. I
7 don't have any other questions.

8 MR. VALENTIC: I'll just ask legal
9 counsel for clarification. The fact that
10 the shed is on two different parcels owned
11 by the gentleman here, is that relevant to
12 our evaluation of this -- of the appeal
13 tonight?

14 MS. MATHENEY: I don't think it
15 is.

16 MR. VALENTIC: Okay. Thank you.

17 MS. GARCAR: I'm going to go to
18 another question that's legal with that --
19 if it's not relevant, and he's asking for a
20 five-foot variance, what five-foot variance
21 is he asking for, on what property line?

22 MS. MATHENEY: From the neighbor's
23 property is the five-foot variance, as I
24 understand it.

25 MS. GARCAR: So if we -- but my

1 thing is then if we grant it, a five-foot
2 variance from the neighbor's property, then
3 he's still in violation for another
4 property line. Like, it's impossible for
5 him to fit that shed in that property line.

6 MR. HOMINSKY: We just thought we
7 were doing improvements, that's all. I
8 mean, I spent a lot of money to do this,
9 and I didn't want to do it illegally, we
10 just improved the home, our neighbors are
11 all happy with us, there's no complaints.
12 I mean, I can go around and get them to
13 sign letters or whatever.

14 If you look at the house, it's
15 beautiful now. It sat there for three
16 hundred and some days, nobody wanted to buy
17 it because it was ran down, and we took our
18 equity from our house in Eastlake and moved
19 there because we loved the neighborhood and
20 improved the house, improved the
21 neighborhood. And people just walk by all
22 the time -- I go to the mailbox and they
23 go, we love what you've done to this house.

24 MR. VALENTIC: I understand all
25 that --

1 MS. GARCAR: I completely
2 understand that. My concern is, if we
3 approve this five foot away with it being
4 on a property line, that grandfathers it
5 in. So, I want to make sure if we're going
6 to grandfather something in like this, it's
7 done correctly. Because the way I'm
8 looking at this as of right now, where we
9 would be -- even though he's asking for
10 five feet from his neighbor's line -- we
11 would be grandfathering in a building that
12 sits on two different pieces. He could
13 sell that .003 if he wanted to.

14 MS. MATHENEY: Of course, he could
15 also consolidate it.

16 MS. GARCAR: That's where I'm at,
17 like, simply consolidating it would solve
18 the issue --

19 MR. HACH: One of the conditions,
20 perhaps.

21 MS. GARCAR: Yeah, like, simply
22 consolidating the two properties would
23 solve the issue in my opinion, but I don't
24 want to grandfather something in that's
25 sitting on the property line.

1 MR. VALENTIC: Okay. Really
2 quick, would you be willing, as part of
3 this approval, to consolidate those two
4 parcels?

5 MR. HOMINSKY: Oh, sure.

6 MR. VALENTIC: Okay.

7 MR. HOMINSKY: I mean, if I can go
8 to the County and they can make it --

9 MR. VALENTIC: File the paperwork,
10 pay the fees, whatever --

11 MR. HOMINSKY: Yeah. See, that's
12 what I thought when I went there and I
13 brought the tax bill, because I asked them
14 down at the County and they said oh, it's
15 on your tax bill, it's all one property and
16 you pay taxes, only one. Instead of
17 paying, like, \$30 on that little one and
18 then paying, you know, 3,000 on the other,
19 they said they just put them both combined
20 together as one total price, you know what
21 I mean?

22 MR. VALENTIC: So, if we were to
23 amend this variance request for the
24 five-foot variance on the condition that
25 you get the parcel consolidated, you would

1 be okay with that?

2 MR. HOMINSKY: Oh, I'll do
3 anything. I mean, do I just go to the
4 County and have them do that, or do I write
5 a letter? Do I get an attorney to write a
6 letter or --

7 MS. FREEMAN: Sir, I can point you
8 in the right direction.

9 MR. VALENTIC: Yeah.

10 MR. HOMINSKY: Yeah, I need to
11 know, whatever I gotta do to make it right,
12 you know what I mean?

13 MR. VALENTIC: Okay.

14 MR. HOMINSKY: Because we got a
15 ton of money in this house, and, you know,
16 and we love the neighborhood, and we love
17 our neighbors, and, you know, if I would
18 have known this would happen, it would
19 never happened, you know what I mean?

20 MS. GARCAR: The way you phrased
21 that, that was my largest concern. Is just
22 combined, I'm okay with a five-foot away
23 from one of the property lines.

24 MR. VALENTIC: Okay.

25 MR. HOMINSKY: Yeah, if you point

1 me in the direction how to do it, you know,
 2 I took time off from work and brought, you
 3 know, the paperwork to Heather, and I went
 4 to the County Auditor, and I asked -- I
 5 told him them about the two parcels, and
 6 she said, well, it's on your tax bill,
 7 because it was so cheap that we just
 8 combined them --

9 MR. VALENTIC: Yeah.

10 MR. HOMINSKY: -- you know.

11 MR. VALENTIC: So -- okay. That's
 12 that issue, okay. Really quick, and, you
 13 know, we've heard this before where these
 14 companies come in, they told us they
 15 handled it all, they told us they handled
 16 it all --

17 MR. HOMINSKY: Right, and I
 18 learned that.

19 MR. VALENTIC: Okay. Tell your
 20 neighbors, tell your friends that they
 21 don't handle it all. You know, when we
 22 issue -- the Township sends out their
 23 Grapevine, we talk about all the zoning
 24 issues, you have to get -- any
 25 improvements, you gotta get a permit. So

1 just -- you have to get a permit --

2 MR. HOMINSKY: Right.

3 MR. VALENTIC: -- but we
 4 have another issue to discuss, and that's
 5 that second structure.

6 MR. HOMINSKY: Right.

7 MR. VALENTIC: You know, in
 8 hindsight, again, this is -- it seems
 9 simple, but this is a pretty complex issue
 10 in front of this Board tonight.

11 MR. HOMINSKY: Right.

12 MR. VALENTIC: You know, now we
 13 have this other issue of a second building.

14 MR. HOMINSKY: Right.

15 MR. VALENTIC: Where we could
 16 have -- if you would have came in ahead of
 17 time, got the permits, we could have made
 18 this one a little bit bigger --

19 MR. HOMINSKY: Right, exactly,
 20 exactly.

21 MR. VALENTIC: -- you could have
 22 got your five foot, and we wouldn't have a
 23 problem, now we got two structures also.

24 MR. HOMINSKY: Yeah.

25 MR. VALENTIC: So, we have to make

1 a decision on what we do with that variance
 2 as well.

3 MR. HOMINSKY: Well, when my wife
 4 told me, she says if you have to tear the
 5 other one down, you have to tear it down.
 6 I said, well, you're gonna have to find
 7 somewhere to put this stuff in, you know
 8 what I mean? Because like I said, we don't
 9 have a basement, and the way our garage
 10 is -- I originally, when I spoke to someone
 11 a few years ago, I wanted to put a 38x38
 12 garage back there, but our yard, my wife
 13 loves -- because we have woods back there,
 14 we have all these animals -- she goes, I
 15 don't want to put a garage back there
 16 because it takes away the view. So I said
 17 well, then you're going to have to get a
 18 shed to put all this stuff. So that's when
 19 we decided to put a shed instead of a
 20 garage.

21 I mean, I'm not a clutter person,
 22 I got OCD. I mean, our house is
 23 immaculate, and, you know, we made a
 24 mistake with this company, and we're gonna
 25 call them and tell them and...

1 MR. VALENTIC: Is this the shed in
 2 the back?

3 MR. HOMINSKY: Yeah. We have it
 4 facing that way because my wife sits out
 5 there, has coffee, and loves to look at the
 6 --

7 MR. HACH: That's the new shed.

8 MS. GARCAR: That's the new shed.

9 MR. VALENTIC: This is the one,
 10 yeah. This was the one.

11 MR. HOMINSKY: She likes looking
 12 at the scenery in the back.

13 MR. HACH: He doesn't have a
 14 picture of the old one.

15 MR. VALENTIC: Yeah. Oh, this is
 16 not the old one?

17 MR. HOMINSKY: That's the new one,
 18 yes.

19 MR. GOLLING: The aerial view.

20 MR. HACH: Yeah, just the aerial.

21 So there's no -- we don't know what the old
 22 one looks like.

23 MR. VALENTIC: Any other
 24 questions?

25 MS. GARCAR: There's kind of a

1 picture of old one, a little bit of a
2 zoomed-in aerial.

3 MR. HOMINSKY: Yeah, because the
4 other shed's so far away. You know, my
5 wife has bad knees, so -- and then you
6 gotta -- when the snow gets deep and, you
7 know, to go get Christmas stuff and all
8 that, it's just -- it's a real pain. So, I
9 just keep it for, like, stuff that -- like,
10 stuff she puts around the yard and stuff, I
11 put all that back there. The leaf blower,
12 the lawn mower, stuff like that, and once
13 that's in there, we don't use it anymore.

14 MR. VALENTIC: Okay. You guys
15 good on this side?

16 UNIDENTIFIED VOICE: Uh-huh.

17 MR. VALENTIC: Okay. You can be
18 seated. Thank you.

19 MR. HOMINSKY: Thank you.

20 MR. VALENTIC: Is there anyone
21 else this evening that would like to come
22 up to speak for this appeal, or against
23 this appeal?

24 Okay. If there's no further
25 questions, the public hearing for Variance

1 Application 2024-158 is now closed to the
2 public. Can I get a motion to approve?

3 MR. GOLLING: So moved.

4 MR. HACH: Second.

5 MR. VALENTIC: Discussion for the
6 Board.

7 MS. GARCAR: If he's willing to
8 combine the two parcels, I have no problem
9 with the five foot for the second shed.

10 It's the concern of grandfathering in that
11 property line, that's my biggest concern.

12 MR. GOLLING: I'm 100% in there
13 were no permits pulled. I mean, there
14 couldn't have been.

15 MR. HACH: Pulled on the driveway?

16 MR. GOLLING: Not for the barn --
17 the shed, I'm sorry. I meant the shed,
18 yeah.

19 MS. GARCAR: If he's willing --

20 MR. SWEENEY: Which one are we
21 addressing right now?

22 MS. GARCAR: Both.

23 MR. SWEENEY: Both of them?

24 MR. VALENTIC: Do we vote on --
25 well, we'll vote on them separately.

1 MS. GARCAR: That's fine.

2 MR. VALENTIC: Yeah, right?

3 MS. GARCAR: Yeah.

4 MR. VALENTIC: We'll vote on them
5 separately, we could discuss them both.

6 MS. GARCAR: Sure.

7 MR. VALENTIC: All right. So,
8 yeah --

9 MR. SWEENEY: Well this, you know,
10 we discussed Duncan factors, and we talked
11 about practical difficulty. This is it.

12 MR. GOLLING: Yeah.

13 MR. SWEENEY: Not regarding the
14 second shed, but regarding this property
15 line issue and the five foot and the shed,
16 this is what's called a "practical
17 difficulty", I think. And that's tough,
18 that makes it tough.

19 You know, you talk about
20 contingent -- or ancillary circumstances
21 that add to it, you know, the driveway and
22 everything, it just -- yeah, I don't have a
23 problem with it either.

24 MR. VALENTIC: What about the
25 second shed --

1 MR. SWEENEY: Just for the record,
2 I don't think this two parcel thing has
3 anything to do with anything, legally or
4 otherwise.

5 MR. GOLLING: I think it's cleaner
6 if it's combined.

7 MR. SWEENEY: But yeah, I just --
8 yeah, so.

9 MR. VALENTIC: Are you okay with
10 the second shed out there --

11 MR. SWEENEY: No, I'm not. I
12 don't see any hardship in removing that, he
13 said he could remove it if he had to.
14 Unfortunately, I have a problem with that,
15 I do.

16 MR. VALENTIC: Okay.

17 MR. GOLLING: Even combined, the
18 lot is under an acre. I still would feel
19 better if there was somebody here that came
20 to say, yeah, it's totally cool, it's
21 great, he keeps it up great, which I'm sure
22 he does, but --

23 MR. SWEENEY: You mean the
24 neighbor?

25 MR. GOLLING: Yeah, like the

1 neighbor, right.

2 MR. SWEENEY: Well, look what he
3 did for them.

4 MR. GOLLING: Yeah, right.

5 MR. SWEENEY: My God.

6 MR. GOLLING: Well, even, you
7 know, the other neighbor, it'd be nice to
8 hear from too, but absent of that I
9 can't --

10 MR. SWEENEY: But they got notice,
11 right, Heather?

12 MS. FREEMAN: We did notify the
13 adjacent property owners.

14 MR. SWEENEY: Yeah, so if they had
15 a big problem with it, I think they'd be
16 here.

17 MR. GOLLING: Yeah. So, but
18 bought the property 2017 with the knowledge
19 of the zoning restrictions, so they were
20 there. Especially with the knowledge of
21 the two-lot thing, I mean, kind of looks
22 like the previous owner may have bought a
23 little bit of land from the neighbor, that
24 type of thing, whatever, but --

25 MR. VALENTIC: Yeah, who knows.

1 MR. GOLLING: -- either way, it's
2 a mess, it can be fixed as far as the
3 property line thing goes, but the shed,
4 it's just sitting there. If the other
5 neighbor right next door, the one he fixed
6 all the drainage for, is cool with it, I
7 mean, that's a bonus that -- I would love
8 to hear that.

9 But it just seems like that he got
10 okie-doked with the shed being put out
11 there and the contractor going "totally
12 good, we gotcha, pal". And I would believe
13 my contractor too, that's what I would do.
14 I would trust them, there's a modicum of
15 trust there, but the second shed, Skip,
16 with you, I'm -- I mean, it's just -- we've
17 come into this a lot lately, and it's just
18 been -- we gotta -- it's a small lot, if
19 you want two sheds, you gotta have more
20 than two acres.

21 MR. VALENTIC: Yep. I mean, you
22 can always make this shed bigger.

23 MR. GOLLING: Yeah, right. Right.
24 So --

25 MR. VALENTIC: Grow it a little

1 bit and pick up a --

2 MR. GOLLING: Right.

3 MR. HACH: Or maybe the neighbor
4 won't like that. No, I'm kidding.

5 MS. GARCAR: If they built the
6 first one, and as you said, typically I
7 would say no to two sheds, and I do not
8 like the ask for forgiveness instead of
9 permission, but in this case the contractor
10 said I have the correct permits --

11 MR. GOLLING: Yeah.

12 MS. GARCAR: -- supposedly,
13 allegedly. I think that gives it a little
14 bit of a different story when you think
15 you're doing something correct.

16 MR. GOLLING: Well, there's some
17 civil remediation he'll have from the
18 contractor if it were to come to that, but
19 that's not involving us.

20 MS. GARCAR: Right.

21 MR. GOLLING: So two issues we
22 have to discuss is sitting the five feet
23 and the second shed.

24 MR. SWEENEY: Yes.

25 MS. GARCAR: Like, knowing he

1 attempted to do everything correctly with a
2 contractor at least, what he would seem to
3 be under the impression was doing
4 correctly, I'm okay with both if he is
5 agreeing to combine the two parcels to be
6 one parcel number and not two different
7 parcels where he could sell that .038
8 acres. That's my largest concern is --

9 MR. GOLLING: Yeah, I don't
10 know --

11 MS. GARCAR: -- two different
12 parcels --

13 MR. GOLLING: I don't know enough
14 about merging parcels, I'm not educated on
15 that, but I imagine they could smush them
16 together and call it one.

17 MR. HACH: Yeah, I don't think
18 it's that big a deal.

19 MS. GARCAR: That's not very
20 difficult, I don't think, combining two
21 parcels.

22 MS. MATHENEY: Although, is this
23 in a subdivision, a platted subdivision?

24 MS. FREEMAN: Yes, it is.

25 MS. MATHENEY: Would he have to

1 vacate or no, did that change?
 2 MS. FREEMAN: No. And I already
 3 spoke to the County Auditor and they would
 4 allow him to use the Lot Consolidation
 5 Form --
 6 MS. MATHENEY: Good. Okay.
 7 MS. FREEMAN: -- and do it
 8 administratively. So, I did inform the
 9 Applicant of that prior to tonight's
 10 hearing, but he didn't have time to go up
 11 there and do that, and wanted to move
 12 forward with the application as-is.
 13 MS. GARCAR: Okay. So when you
 14 spoke -- you said you spoke to the Auditor,
 15 correct? Or the Auditor's office?
 16 MS. FREEMAN: Yes.
 17 MS. GARCAR: It is simply filling
 18 out a form, possibly a small fee, not a
 19 hardship asking to combine the two?
 20 MS. FREEMAN: That's my
 21 understanding, correct, yes.
 22 MS. GARCAR: Okay.
 23 MR. VALENTIC: Okay. Thank you
 24 for checking in on that.
 25 Okay. Any other discussion points

1 for the Board?
 2 Okay. All right. We'll break
 3 these up then. The question is on the
 4 approval Variance 2024-158 from Section
 5 15.03(A)(6) to allow -- I'm sorry, I'll do
 6 the -- I want to do the two accessory
 7 buildings first, if that's okay with you
 8 guys? Okay.
 9 MR. HACH: That's fine.
 10 MR. VALENTIC: Yeah, okay. So,
 11 the first we're going to vote is on the two
 12 accessory buildings for Variance
 13 Application 2024-158 is to -- is a variance
 14 from Section 15.03(A)(6) to allow two
 15 accessory buildings on a lot, which is
 16 permitted to only have one accessory
 17 building -- yeah, one accessory building.
 18 Can I get a --
 19 MR. HACH: So moved.
 20 MR. GOLLING: Second.
 21 MR. VALENTIC: Okay. Heather,
 22 please call the vote on the two buildings.
 23 MS. FREEMAN: Okay. Mr. Hach?
 24 MR. HACH: No.
 25 MS. FREEMAN: Ms. Garcar?

1 MS. GARCAR: Yes.
 2 MS. FREEMAN: Mr. Sweeney?
 3 MR. SWEENEY: No.
 4 MS. FREEMAN: Mr. Golling?
 5 MR. GOLLING: No.
 6 MS. FREEMAN: Mr. Valentic?
 7 MR. VALENTIC: No.
 8 That variance has been denied.
 9 Okay. Next is a vote for a
 10 Variance Application 2024-158 for, from
 11 Section 15.04(B), which requires a minimum
 12 side yard clearance of ten feet for the
 13 accessory building, the accessory building
 14 is five feet from the property line.
 15 In addition to that, we are asking
 16 that there's a condition that the Applicant
 17 do a lot consolidation as part of that
 18 five-yard setback variance.
 19 MR. SWEENEY: Five foot.
 20 MR. VALENTIC: Five foot, yeah,
 21 thank you, Skip.
 22 Can I get a --
 23 MR. HACH: So moved.
 24 MS. GARCAR: Second.
 25 MR. VALENTIC: Heather, could you

1 please call the vote?
 2 MS. FREEMAN: Yes. Mr. Sweeney?
 3 MR. SWEENEY: Yes.
 4 MS. FREEMAN: Mr. Golling?
 5 MR. GOLLING: Yes.
 6 MS. FREEMAN: Ms. Garcar?
 7 MS. GARCAR: Yes.
 8 MS. FREEMAN: Mr. Hach?
 9 MR. HACH: Yes.
 10 MS. FREEMAN: Mr. Valentic?
 11 MR. VALENTIC: Yes.
 12 That variance has been approved.
 13 MR. HOMINSKY: Okay. So I have to
 14 tear down the other shed?
 15 MR. VALENTIC: Correct.
 16 MR. HOMINSKY: My wife's gonna be
 17 happy. [Unintelligible] you just made her
 18 day. [Unintelligible]. She's probably
 19 gonna send you guys gift cards.
 20 MR. VALENTIC: I know a guy that's
 21 building a new shed and might have some
 22 room.
 23 MR. HOMINSKY: She always goes, I
 24 hate that shed, mice in there.
 25 [Unintelligible].

1 MR. VALENTIC: All right. Well,
2 thank you, gentlemen.
3 MR. HOMINSKY: All right. Now, it
4 has a slab under there, can I leave the
5 slab or --
6 MR. VALENTIC: Heather can answer
7 any of those questions.
8 MR. HOMINSKY: All right. Thank
9 you.
10 MR. GOLLING: Thank you for your
11 time.
12 MR. VALENTIC: Thank you, guys.
13 MR. HOMINSKY: I'll call you next
14 week.
15 MS. FREEMAN: That's fine.
16 MR. HOMINSKY: Am I free to go?
17 MR. VALENTIC: Yeah, you guys are
18 free to go.
19 Next item is old business. We
20 need the election of chair and vice chair.
21 We need a nomination and a vote, we are
22 doing these separately. So, which one do
23 we do first, Heather? Does it matter?
24 MR. SWEENEY: Chair.
25 MS. FREEMAN: However you guys

1 want to do it.
2 MR. VALENTIC: Chair? Okay.
3 MR. SWEENEY: I move to nominate
4 Ivan Valentic for another term.
5 MS. GARCAR: I'll second.
6 MR. VALENTIC: All in favor say
7 aye.
8 ALL: Aye.
9 MR. VALENTIC: I'd just like to
10 say thank you, I appreciate it, and I look
11 forward to serving this board.
12 The next is a nomination for vice
13 chair.
14 MR. SWEENEY: I would move to
15 nominate Ashley Garcar.
16 MR. HACH: I'll second that.
17 MR. VALENTIC: Second, all in
18 favor?
19 ALL: Aye.
20 MR. VALENTIC: Congratulations.
21 MR. SWEENEY: All right.
22 MS. GARCAR: Thank you.
23 MR. VALENTIC: Great.
24 MS. GARCAR: Surprise, surprise.
25 MR. SWEENEY: Time to fill in.

1 MR. VALENTIC: We're all set there
2 then?
3 MS. FREEMAN: On the elections?
4 Yes.
5 MR. VALENTIC: Yeah, okay.
6 Perfect.
7 And then we can -- can they take
8 effect next month?
9 MS. GARCAR: Next meeting.
10 MR. VALENTIC: Next meeting. Our
11 next meeting.
12 MS. FREEMAN: Yeah.
13 MR. VALENTIC: Okay. Perfect. So
14 those will take effect in our next meeting.
15 All right. Next is the minutes,
16 we have two sets of minutes to approve.
17 The first is the approval of the March
18 13th, 2024 minutes. Can I get a motion?
19 MS. GARCAR: Motion.
20 MR. GOLLING: Second.
21 MR. VALENTIC: Is there any
22 discussion for the minutes? No.
23 All in favor of approving the
24 minutes from March 13, 2024 as written say
25 "aye".

1 ALL: Aye.
2 MR. VALENTIC: Is anyone
3 abstaining?
4 MR. HACH: I'm gonna abstain --
5 no, no, I'm going to say aye. I always do
6 that, sorry.
7 MR. VALENTIC: All right. We're
8 all on board.
9 Okay. Those are the minutes from
10 March are approved.
11 The next is the approval of the
12 minutes from April 10, 2024. Can I get a
13 motion.
14 MR. HACH: So moved.
15 MR. SWEENEY: Second.
16 MR. VALENTIC: Second. Any
17 discussion or changes to the April minutes?
18 None.
19 Okay. Can I get a -- all in favor
20 of approval of the April 10, 2024 minutes
21 as written say "aye".
22 ALL: Aye.
23 MR. VALENTIC: All right. The
24 minutes from April 10th, 2024 are also
25 approved.

1 Before we wrap up the meeting, we
2 do have one more thing to discuss as a
3 group really quickly. Is that talking
4 about some training for the BZA, kind of
5 refresh us on some procedures, answer any
6 questions on procedures. Option, we can do
7 this maybe before the next meeting or the
8 August meeting, you know, where we could
9 kind of check schedules. We could do it
10 before the meeting, or would you -- would
11 the Board prefer to do that maybe on a
12 separate day from the meeting? But it just
13 feels like since we're all here, it would
14 be easier.

15 MR. HACH: Well, actually, I'm an
16 alternate, I don't know who else is --

17 MR. VALENTIC: We would want
18 everybody, even the alternates to attend.

19 MR. HACH: Right, right. But I
20 just -- yeah, I didn't know if maybe it
21 made sense to reach out to other folks too,
22 but...

23 MS. GARCAR: I'm okay with meeting
24 before, I'm okay with it, but for everyone
25 else, if you work, how soon -- if you get

1 off work at 5:00 what is schedules of doing
2 it beforehand, is it scheduling wise
3 better?

4 MR. VALENTIC: I think for me 6:00
5 is doable.

6 MR. GOLLING: Yeah, sure.

7 MR. VALENTIC: Skip?

8 MR. SWEENEY: I'm good either --
9 either before or a separate day, it doesn't
10 matter to me.

11 MR. HACH: I prefer to do it
12 before.

13 MR. VALENTIC: Okay.

14 MR. SWEENEY: But before works.

15 MR. VALENTIC: I think our
16 preference is to do it before, Heather.

17 Let's take that as our direction from the
18 Board and try for either July or August.

19 MS. FREEMAN: Okay. And I can
20 follow-up with the other members and see
21 what works best. And I'll coordinate that
22 with Bridey then as well.

23 MR. VALENTIC: Yeah, I think if we
24 can do it sooner than later, maybe that's
25 better to get in front of folks.

1 MS. FREEMAN: Would the July
2 meeting work potentially for everybody
3 that's here this evening?

4 MS. GARCAR: I can make it work.

5 MR. HACH: What is the date on
6 that?

7 MR. VALENTIC: The 10th.

8 MR. HACH: That would work.

9 MR. VALENTIC: Yeah, that should
10 work for me.

11 MS. FREEMAN: And then the meeting
12 after that wouldn't be until August 14th.

13 MS. GARCAR: I am open on July
14 10th.

15 MR. VALENTIC: Yeah, I would
16 prefer --

17 MR. SWEENEY: And you're gonna
18 send an e-mail out to the others?

19 MS. FREEMAN: Yeah, I can. Yeah,
20 but I just didn't know if there are any
21 conflicts that you guys knew about at this
22 point.

23 MR. VALENTIC: I would prefer July
24 over August.

25 MR. GOLLING: Yeah.

1 MR. VALENTIC: But we can all
2 confirm -- okay. Cool, great.

3 Our next meeting will be, like we
4 just said, July 10th, 2024. Our meeting
5 for June 2024 is now closed to the public.

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CERTIFICATE

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I, Brian Kuebler, a Notary Public within
and for the State of Ohio, do hereby certify that
I attended the foregoing hearing in its entirety,
that I wrote the same in stenotypy, and that this
is a true and correct transcript of my
computer-aided notes.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal of office, at Cleveland, Ohio, this
26 day of JULY A.D. 2024.

B.K.



Brian Kuebler, Notary Public, State of Ohio
My commission expires June 12, 2027

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