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2 CONCORD TOWNSHIP BOARD OF ZONING APPEALS
3 LAKE COUNTY, OHIO
4 REGULAR MEETING
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8 Concord Town Hall
7229 Ravenna Road
9 Concord, Ohio 44077
10
11 August 14, 2024
12 7:00 p.m.
13 TRANSCRIPT OF PROCEEDINGS
14
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16 Zoning Commission members present:
17 Ivan Valentic, Chair
18 Davey Rowan, Member
19 Ashley Garcar, Member
20 Brian Falkowski, Member
21 Also Present:
22 Heather Freeman, Planning & Zoning Director/Zoning
Inspector
23 Bridey Matheney, Esq., Legal Counsel
24
25

1 A three vote majority is required to either
2 approve or deny your permit or your variance. As
3 you can see, we have four members this evening. So
4 a three vote majority is still required.
5 So, you know, when you come up to the board,
6 let us know if you do not want to move forward with
7 your case with four members. If that's how you
8 want to move forward, then let us know and you will
9 be tabled until our next session. If you don't say
10 anything, we're going to assume that you're good
11 with moving forward with a four member group, okay?
12 So first on our agenda is going to be
13 Conditional Use Permit Application 2024-29.
14 Anthony Zappitelli is requesting a conditional use
15 permit in accordance with Section 13.32 to allow
16 for the installation of a walk-in cooler that would
17 be located outside. This is for the property owned
18 by RNN LLC, and located at 7481 Auburn Road, also
19 known as Parcel Number 08-A-019-0-00-038-0.
20 Heather, can you please provide us a summary
21 of the application?
22 MS. FREEMAN: Sure, I'd be happy to.
23 Okay, up here on the screen over here, I just
24 provided basically a location map of where this
25 property is in question. As the Chairman

1 PROCEEDINGS
2 MR. VALENTIC: Good evening. The Concord
3 Township Board of Zoning Appeals for August 14,
4 2024 is now in session.
5 I would like to introduce my board. To my far
6 left is Brian Falkowski and Ashley Garcar. I'm
7 Ivan Valentic. To my right is Davey Rowan. To my
8 far right is Heather Freeman, our Zoning Inspector.
9 Under the advice of counsel, we ask that
10 anyone speaking tonight must be sworn in. So if
11 you would, if you plan on speaking, please stand
12 right now.
13 (Whereupon, the speakers were sworn en masse.)
14 MR. VALENTIC: Okay, thank you. Please be
15 seated.
16 When presenting your case or commenting, come
17 to the microphone, state your name and address, and
18 confirm that you've been sworn in.
19 Heather, were the legal notices published in a
20 timely manner?
21 MS. FREEMAN: Yes, they were.
22 MR. VALENTIC: Okay. So this evening we have
23 a pretty full agenda. We're going to move one
24 agenda item around. But we have three variances
25 and one conditional use permit.

1 indicated, it's at 7481 Auburn Road, which is
2 actually the Redhawk Bar & Grille -- Restaurant &
3 Grille. The property is zoned B-1, restricted
4 retail district. And as proposed, the applicant
5 is seeking permission to install an eight by ten
6 foot walk-in cooler outside of the building.
7 The walk-in cooler will be located
8 approximately six inches away from the south
9 wall of the building within an existing parking
10 lot. And pursuant to Section 22.03 Table of Uses
11 for the commercial and industrial districts,
12 outdoor storage in association with a permitted
13 or conditional use requires the approval of a
14 conditional use permit in accordance with
15 Section 13.32.
16 This next slide, just briefly, a little bit
17 more of a zoomed in map. This is just a GIS map
18 provided from the County Auditor site. You can see
19 just that blue little square there next to the
20 building on the south side, that is the approximate
21 location of where this walk-in cooler is. There is
22 a photo of it. It's being installed -- in the
23 process of being installed currently.
24 And that is all I have for my quick summary.
25 MR. VALENTIC: Thank you, Heather. That was

5

1 perfect.

2 Mr. Zappitelli, could you please come up and

3 present your case?

4 MR. ZAPPITELLI: Anthony Zappitelli. I live

5 at 7486 Waterfowl Way, Concord.

6 MR. VALENTIC: And you've been sworn in, sir?

7 MR. ZAPPITELLI: Yes.

8 I want to put the walk-in cooler in there so I

9 can eliminate the one we rent outside that's

10 portable. It costs me about 1,200 a month, for

11 four or five months. And it will take less space,

12 so we could really use that walk-in outside.

13 So if you have any questions.

14 MR. VALENTIC: Are you familiar with the

15 sections of the conditional use permit 13.32 and

16 13.05?

17 MR. ZAPPITELLI: No, no.

18 MR. VALENTIC: Okay.

19 MS. GARCAR: You just made a comment that you

20 want a walk-in cooler --

21 MR. ZAPPITELLI: Right.

22 MS. GARCAR: -- to replace one you're renting?

23 MR. ZAPPITELLI: I'm renting one on wheels.

24 MS. GARCAR: Where is that one currently

25 located?

7

1 and in a couple of years it looks terrible, you

2 know? If we need to, we will.

3 But the cooler is in great shape, you know,

4 stainless steel. Stainless steel or aluminum,

5 whatever it is, you know. It should last a long

6 time outside.

7 MR. VALENTIC: Yeah. Okay.

8 MR. ROWAN: Is there any plan to put any kind

9 of -- not a fence, but maybe some sort of barrier

10 to keep people from running into it?

11 MR. ZAPPITELLI: No.

12 MR. ROWAN: I mean, I guess that would be one

13 concern I would have is, you're gaining a parking

14 spot, and if somebody pulls in --

15 MR. ZAPPITELLI: Well, we haven't been using

16 that spot for a long time, you know. It's usually,

17 you know, people running out the back door, go to

18 the back patio. You know, so we really haven't

19 been using it. And in the past, we usually park

20 the food truck right there -- not food truck -- but

21 refrigerated walk-in cooler. It's right over

22 there.

23 MS. GARCAR: Heather, this --

24 MR. ZAPPITELLI: So there's a space. So if

25 they hit it, what are they going to do? There's

6

1 MR. ZAPPITELLI: Next to that one. We rent it

2 for five, six months, five months, and we usually

3 send it back.

4 MR. VALENTIC: Is that cooler going to be

5 locked?

6 MR. ZAPPITELLI: Yeah.

7 MR. VALENTIC: The cooler door gets locked?

8 MR. ZAPPITELLI: Yeah. It's to be used for

9 produce.

10 MR. ROWAN: Is this the trailer --

11 MR. ZAPPITELLI: Yeah.

12 MR. ROWAN: -- in the picture?

13 So if we look at this picture, there's a

14 trailer. You can see the wheels. That's what's

15 there currently. So he's renting that, and he

16 wants to --

17 MR. ZAPPITELLI: That's like in a parking

18 spot.

19 MS. GARCAR: Okay.

20 MR. VALENTIC: Okay.

21 MR. ZAPPITELLI: And we really need the

22 storage space.

23 MR. VALENTIC: Do you plan on putting anything

24 around it, or just the way it is?

25 MR. ZAPPITELLI: We could put a wood fence,

8

1 only so much damage they can do, you know, the

2 car -- the car, it would be minimal. You know,

3 it's all styrofoam panels.

4 MS. GARCAR: This might be a question for you,

5 but with the comment of replacing it, what's the

6 difference between now asking for a use to have his

7 cooler versus the fact that they've had one for six

8 months?

9 MS. FREEMAN: Well, I can say, I did not know

10 that they had one on wheels that they were renting

11 out --

12 MR. ZAPPITELLI: It's been there for two

13 years.

14 MS. FREEMAN: -- monthly. But the manager of

15 Redhawk had stopped in asking about applying for a

16 permit to get the cooler that they wish to have

17 outside installed. They were asking about getting

18 zoning approved to do that, which is where I

19 directed them towards the outdoor storage

20 conditional use permit request.

21 MR. ZAPPITELLI: So this is the second year we

22 had the cooler outside on wheels.

23 MS. FREEMAN: I can tell you, I did not know

24 about the cooler on wheels. Otherwise, we probably

25 would have had a conversation a couple of years ago

1 about that.
 2 MS. GARCAR: Okay.
 3 MR. ROWAN: And this is to replace that cooler
 4 on wheels. So you're just going to --
 5 MR. ZAPPITELLI: Yeah, so I don't have to rent
 6 one right there.
 7 MR. ROWAN: Yeah.
 8 MR. ZAPPITELLI: So I thought if it wasn't a
 9 permanent structure, that it could be moved, that
 10 we wouldn't have to --
 11 MR. VALENTIC: But that's not relevant to this
 12 conversation.
 13 MR. ZAPPITELLI: Okay, all right. Yeah, okay.
 14 MR. VALENTIC: I mean, if you do want to put
 15 something back on wheels that's temporary, please
 16 see the Zoning Department. That's all I ask for.
 17 MR. ZAPPITELLI: Okay.
 18 MR. VALENTIC: My only -- reading through
 19 13.32, my only comment is -- and I've been to the
 20 Redhawk several times. And I went back there to
 21 look at, you know, the cooler. The only thing I'm
 22 going to ask you is that, one of the comments is,
 23 outdoor storage areas shall be maintained in a neat
 24 and orderly fashion.
 25 All I ask you, my only comment is to follow

1 MR. VALENTIC: The door will serve as the
 2 gate, is what he's saying.
 3 MS. GARCAR: Okay. That's fine. Because it
 4 does continue on in the 13.32 that it is -- other
 5 storage areas shall be secured by a gate. So
 6 that's why I wasn't sure.
 7 MR. VALENTIC: Brian, any questions on your
 8 end, or are you all set?
 9 MR. FALKOWSKI: No, I'm good.
 10 MR. VALENTIC: Are you good, Ashley?
 11 MS. GARCAR: What's in the cooler?
 12 MR. ZAPPITELLI: It probably will be used for
 13 produce. Produce puts out a gas. So we're going
 14 to try to keep all the produce in there together,
 15 so it doesn't go to the meat, and the cheese, and
 16 everything else. So we're going to have a cooler
 17 just for produce. Plus, if they ever broke in,
 18 there's not much -- you know, produce, they're not
 19 going to break it. They steal it.
 20 MS. GARCAR: Okay. Because I'm assuming
 21 during business hours, will it be unlocked for ease
 22 for your chefs and such?
 23 MR. ZAPPITELLI: Oh, yeah. We run in and out.
 24 Somebody would be in there probably 20 times a day.
 25 MS. GARCAR: Okay.

1 Number 6 on here, and just clean up that area a
 2 little bit --
 3 MR. ZAPPITELLI: Okay.
 4 MR. VALENTIC: -- and organize it a little bit
 5 more. But I have no other issues or questions for
 6 you.
 7 MR. ZAPPITELLI: Okay. I'll do it.
 8 MR. VALENTIC: Okay. That's all I have.
 9 MR. ZAPPITELLI: Any other questions?
 10 MR. ROWAN: Again, so this is replacing the
 11 trailer. At the end of the day, at some point,
 12 there's going to be just this cooler?
 13 MR. ZAPPITELLI: Yeah. It's a lot smaller.
 14 Yeah.
 15 MR. VALENTIC: This will be permanent.
 16 MR. ZAPPITELLI: Yeah.
 17 MR. ROWAN: Okay.
 18 MS. GARCAR: And is it going to be locked up?
 19 MR. ZAPPITELLI: It's got to be locked up.
 20 MS. GARCAR: Okay. Well, it also says it
 21 needs to be secured by a gate, which it doesn't
 22 seem like there's a gate.
 23 MR. ZAPPITELLI: No. There won't be, no. A
 24 gate, it's like three times more work to get in and
 25 out.

1 MR. ZAPPITELLI: You ever work in a
 2 restaurant?
 3 MS. GARCAR: Yes.
 4 MR. ZAPPITELLI: How many times have you gone
 5 in a walk-in cooler?
 6 MS. GARCAR: A lot.
 7 MR. ZAPPITELLI: Okay.
 8 MS. GARCAR: So it will be monitored in the
 9 sense where you're not going to have --
 10 MR. ZAPPITELLI: Customers walking in there?
 11 MS. GARCAR: Correct.
 12 MR. ZAPPITELLI: Yeah.
 13 MS. GARCAR: Okay. That would be my
 14 questions.
 15 MR. ZAPPITELLI: For two years, with the
 16 portable unit, nobody ever went in it. We never
 17 locked that one.
 18 MS. GARCAR: Okay.
 19 MR. ZAPPITELLI: People are pretty good.
 20 Plus there's cameras all over the place.
 21 MS. GARCAR: Okay.
 22 MR. VALENTIC: Are you good? Okay.
 23 MR. ROWAN: Good.
 24 MR. ZAPPITELLI: Anything else?
 25 MR. VALENTIC: Thank you. Please be seated.

13
1 Is there anyone else here this evening that's
2 speaking for or against this conditional use permit
3 that would like to come up?
4 If there's no further questions, the public
5 hearing for Application Number 2024-29 is now
6 closed to the public.
7 Can I get a motion to approve Conditional Use
8 Permit 2024-29?
9 MR. ROWAN: So moved.
10 MS. GARCAR: Second.
11 MR. VALENTIC: Thank you.
12 Any discussion for the board? Anyone have
13 anything?
14 I'm good with it.
15 MR. ROWAN: I'm good, as well.
16 MR. VALENTIC: It's secured, you know, it's in
17 the back, and it's not really visible from the
18 road. And it just looks -- I mean, it's just a
19 simple gray.
20 MR. FALKOWSKI: Yeah, that was a big thing for
21 me. It was in the back, not visible from the road.
22 MR. VALENTIC: Yeah.
23 MS. GARCAR: The biggest for me was the locked
24 up, and not having random people going in and out,
25 and what's in there. And it seems like it's just

15
1 MS. FREEMAN: Mr. Valentic.
2 MR. VALENTIC: Yes.
3 Your conditional use permit has been approved.
4 Thank you.
5 Okay, next on the agenda is Variance
6 Application 2024-159. Christopher Lazuka is
7 requesting a variance from Section 34.04(A)(1) to
8 allow for the construction of an eight foot tall
9 privacy fence along the north property line which
10 will encroach in the front yard, in lieu of the
11 maximum four foot tall permitted. This is for the
12 property located at 8130 Orchard Road, also known
13 as Parcel Number 08-A-012-0-00-017-0.
14 Heather, can you provide your summary?
15 (Thereupon, Ms. Matheney entered the room.)
16 MS. FREEMAN: Yes, I'd be happy to.
17 Okay, up here on the TV screen for you I have
18 kind of a location map. The parcel in question is
19 on the north side of Orchard Road, off of Girdled
20 Road. It's outlined in red there. The property is
21 zoned R-1 residential. It's about five acres of
22 land. Around it you'll see to the north that land
23 is zoned R-2 Planned Unit Development. And the
24 other surrounding properties are the same zoning as
25 the applicant's, R-1.

14
1 produce. Historically it doesn't seem like we see
2 it mentioned, any alcohol in there.
3 MR. FALKOWSKI: Right. I debated on if there
4 should be some type of screen, or fence, or
5 something. But given the location in the back, I
6 kind of thought, what's the point?
7 MS. GARCAR: Yeah.
8 MR. VALENTIC: Yeah, I kind of thought the
9 same.
10 MS. GARCAR: It seems like it will be secured
11 shut when it's not open. When the restaurant is
12 not open, it will be secured shut. Okay, rephrase
13 that.
14 MR. VALENTIC: Okay. Well, the question is on
15 the approval of the variance -- of the conditional
16 use permit. A yes vote is for the approval of the
17 conditional use permit, a no vote denies the
18 conditional use permit.
19 Heather, please call the vote.
20 MS. FREEMAN: Mr. Rowan.
21 MR. ROWAN: Yes.
22 MS. FREEMAN: Mr. Falkowski.
23 MR. FALKOWSKI: Yes.
24 MS. FREEMAN: Ms. Garcar.
25 MS. GARCAR: Yes.

16
1 And Mr. Lazuka is requesting a variance on the
2 height of the fence. You'll see on these photos
3 and the map here, he has a single-family dwelling
4 with a shed in the back, but he also has already
5 about 150 feet of eight foot tall privacy fence
6 installed on his north property line that stops
7 right at the front edge of the house, if you were
8 to line it up. You can see the photo on the right.
9 The red line in the photo and/or the blue line
10 on the map is the approximate location of where the
11 variance request is for, to extend the fence
12 towards Orchard Road an additional 185 feet.
13 Typically, any fence that is between the front edge
14 of your house and the road is only allowed to be
15 four feet tall. So his request is to bring that up
16 to eight feet.
17 MR. VALENTIC: Thank you.
18 Any questions for Heather from the board?
19 Mr. Lazuka, can you please come up?
20 MR. LAZUKA: Chris Lazuka, 8130 North Orchard
21 Road. I have been sworn in.
22 MR. VALENTIC: You're good with moving
23 forward?
24 MR. LAZUKA: I'm good with moving forward.
25 Yeah, that's fine.

17

1 MR. VALENTIC: Thank you.

2 MR. LAZUKA: All right. So, yeah, I'm

3 requesting an eight foot privacy fence, primarily

4 because of, really, the sharp contrast in density

5 with what's going in with Ivy Ridge. I think I

6 provided, also, a plan of the Ivy Ridge, which

7 calls for -- this next phase calls for attached

8 condos right along our property line.

9 So my primary hardship is just really

10 maintaining the privacy that I've been accustomed

11 to, being a single house on five acres. So I would

12 like to carry that eight foot as far up to Orchard

13 as I can.

14 That's about it.

15 MR. VALENTIC: Yeah, their rear yards are

16 backing up to your side yard.

17 MR. LAZUKA: Correct.

18 MR. VALENTIC: Yeah.

19 MR. LAZUKA: Yeah.

20 MR. VALENTIC: I understand.

21 And then what's constructed is within where

22 you're allotted of the eight foot. So this is just

23 the remaining section of it.

24 MR. LAZUKA: Correct, yeah.

25 MR. VALENTIC: Okay.

19

1 what's reasonable.

2 MR. LAZUKA: Yeah.

3 MR. ROWAN: I mean, I don't know what other

4 people think.

5 MR. VALENTIC: Yeah.

6 MR. FALKOWSKI: I drove by. I think the woods

7 are very, very thick there.

8 MR. LAZUKA: Yeah.

9 MR. FALKOWSKI: It's a tough one.

10 MR. VALENTIC: Yeah. It's up to -- if the

11 board wants to recommend it, that's fine. I think

12 it's okay, eight foot, myself.

13 MR. LAZUKA: Okay.

14 MR. VALENTIC: But my process was the same

15 thought there.

16 MR. ROWAN: Yeah. I'm just trying to look at

17 this photo here in the front.

18 MR. VALENTIC: Uh-huh.

19 MR. ROWAN: I mean, it looks like it really

20 isn't, as of right now, an entrance there. It

21 looks like it's further up from there.

22 MR. LAZUKA: Correct. Yeah.

23 MR. ROWAN: Okay. I just want to make sure we

24 at least address that.

25 MR. LAZUKA: One of those pictures I tried to

18

1 MR. ROWAN: Just one question. I think I read

2 in the staff report that one concern is -- okay, so

3 eight feet out, but as you get closer to the road,

4 would you be open to sort of grading it down to

5 four feet?

6 MR. LAZUKA: Tapering it? Yeah. For line of

7 sight?

8 MR. ROWAN: Line of sight.

9 MR. LAZUKA: Yeah, I'm totally open to that.

10 You know, I would take it as far as I can with what

11 you guys tell me might be reasonable. I mean, the

12 woods are pretty dense all the way up to, really.

13 So whatever is reasonable, I'm certainly willing to

14 accommodate.

15 MR. VALENTIC: I had the same thought. And I

16 thought about it, and I looked at it. But then I

17 got to the same conclusion that he did. I'm like,

18 well, there's woods up to that line anyway which

19 would be blocking the line of sight. So I don't

20 know.

21 MR. LAZUKA: Well, even if it's for aesthetic

22 reasons, I'm willing to taper it down right towards

23 the end.

24 MR. ROWAN: Yeah. I mean, I don't think we're

25 looking at the whole -- you know, we're looking for

20

1 position close to the front of the new street. I

2 think it's -- I forget the new street name that

3 cuts off the cul-de-sac. But that line of sight

4 down -- going up Orchard Road, to be able to see

5 traffic coming down.

6 MR. VALENTIC: Yeah. This one (indicating).

7 MR. LAZUKA: Yeah.

8 MR. VALENTIC: Do you guys have any questions?

9 MS. GARCAR: Heather, I don't know if you know

10 this, maybe off the top of your head. How far back

11 is the setback for the new development that he is

12 trying to -- the first house?

13 MR. VALENTIC: The side yard setback?

14 MS. GARCAR: No -- yeah, the side yard.

15 Because it's going to be -- the fence is going to

16 be in the backyard of all these new houses.

17 MS. FREEMAN: Right.

18 MS. GARCAR: So how far is this, what would be

19 the side yard? What is that setback, if we said a

20 fence can only go to the houses being built?

21 MS. FREEMAN: Off of Orchard Road?

22 MS. GARCAR: Yes.

23 MS. FREEMAN: So the setback from the right

24 of way of Orchard Road for any houses that are

25 going to be developed on the property to the north

21

1 of him is going to be at least 30 feet.

2 MS. GARCAR: Thirty feet?

3 MS. FREEMAN: Yeah, back from the right of

4 way.

5 MS. GARCAR: Okay.

6 MS. FREEMAN: Yeah. But that first house,

7 though, at the corner, likely will have some side

8 yard there that they would likely use as their own

9 property.

10 MS. GARCAR: Right.

11 MS. FREEMAN: So there could be -- I mean,

12 there wouldn't be a home there, but definitely some

13 lawn and, you know --

14 MS. GARCAR: Right.

15 MS. FREEMAN: -- landscaping, and who knows

16 what else.

17 MS. GARCAR: Okay. I'm just saying, the line

18 of sight, as you guys are referring to, if there's

19 another street going in.

20 MR. ROWAN: Yeah, that's what I was trying to

21 figure out.

22 MS. GARCAR: I mean, yes, right now, it's not

23 a big deal, but there's not a street there.

24 MS. FREEMAN: Well, the street is there. So

25 if you did drive by, it is there right now.

23

1 MS. GARCAR: Yeah. I think this is the

2 street, right? This is his property (indicating).

3 MR. VALENTIC: No, that's the street.

4 MS. GARCAR: Oh, I'm on the opposite side.

5 Okay.

6 MR. VALENTIC: Davey, anything other

7 questions?

8 MR. ROWAN: No questions from me.

9 MR. VALENTIC: Ashley, any other questions?

10 MS. GARCAR: No.

11 MR. VALENTIC: Brian, are you good?

12 MR. FALKOWSKI: Yep.

13 MR. VALENTIC: Okay. Thank you.

14 MR. LAZUKA: Thank you.

15 MR. VALENTIC: Please be seated.

16 MS. FREEMAN: Mr. Chairman, also, we did

17 receive three letters of support for this variance

18 request. One from Dave Vitaz, who is a neighbor at

19 8075 North Orchard. He was unable to attend, but

20 he does agree with the variance being approved.

21 Also, Dick and Julie Bennett, that live at

22 8101 North Orchard Road, they also would like to

23 wish their support for the application. And then

24 finally, Andrew and Sara Salonen, they live at the

25 corner of Orchard and Girdled Road. They, again,

22

1 MR. VALENTIC: Yeah, it's there.

2 MS. GARCAR: Is it used? It's for

3 construction right now.

4 MS. FREEMAN: It's not being used.

5 MR. LAZUKA: There's no houses built. But

6 it's accessible. Like cars are going up and down

7 all the time.

8 MS. GARCAR: Okay.

9 MR. VALENTIC: But that fence from that street

10 entrance is going to be -- that's further than

11 30 feet.

12 MS. FREEMAN: Yeah.

13 MR. VALENTIC: From that fence to that street

14 entrance is -- it might be on that plan --

15 100-something?

16 MR. LAZUKA: I would say at least that.

17 MR. VALENTIC: Yeah.

18 MS. GARCAR: Okay.

19 MR. LAZUKA: From the treeline down to the

20 street.

21 MR. VALENTIC: Yeah.

22 MS. FREEMAN: Yeah.

23 MR. FALKOWSKI: That's right here, right?

24 MR. VALENTIC: Yeah. I think that's what

25 she's getting at.

24

1 also think it would be appropriate to approve the

2 variance.

3 MR. VALENTIC: Okay. We'd like to have those

4 entered into the record.

5 Is there anyone here that is speaking for or

6 against this appeal that would like to come up?

7 Okay. With that, the public hearing for

8 Variance Application 2024-159 is now closed to the

9 public.

10 Can I get a motion, please?

11 MR. FALKOWSKI: So moved.

12 MS. GARCAR: Second.

13 MR. VALENTIC: Thank you.

14 Discussion?

15 MR. ROWAN: I have no issues with this fence,

16 personally. So if anybody has any other thoughts,

17 I'm willing to listen.

18 MR. FALKOWSKI: I think if it was my parcel

19 and there was a change of density, I would feel the

20 same way and want the fence. And then I think if

21 you're in Ivy Ridge, since they did a similar fence

22 on Viceroy, I don't think there's a concern if

23 you're in the development, either. So I think I

24 would support this for sure.

25 MS. GARCAR: I think I would like to discuss

1 further the idea of tapering down around the
 2 30 foot part, just because that is -- I understand
 3 the privacy aspect of wanting to maintain that.
 4 But there will be more traffic going in and out.
 5 Having the trees be all knocked down, you want the
 6 privacy, but trees being knocked down, you're going
 7 to have a larger sight of vision for all that --
 8 MR. LAZUKA: The trees are on my property.
 9 MR. VALENTIC: The trees are -- yeah.
 10 MR. FALKOWSKI: This is Ivy Ridge. The trees
 11 are on his property.
 12 MS. GARCAR: Okay. Thank you.
 13 I don't know, I still go with the 30 feet of
 14 matching where the house is, the new houses being
 15 built are --
 16 MR. FALKOWSKI: So 30 feet, like stopping the
 17 fence, or tapering it and it being shorter?
 18 MS. GARCAR: Tapering it down to whatever
 19 the -- I think right now it's a four foot
 20 requirement at the front?
 21 MS. FREEMAN: (Nodding.)
 22 MS. GARCAR: So if we taper -- it's up to him.
 23 He can either have it or not have, but still within
 24 the four foot requirement of the 30 feet that goes
 25 by the setback of the backyard or the housing being

1 MR. ROWAN: I mean, I would say if it's
 2 eight feet, four foot at this end, eight feet at
 3 this end?
 4 MR. VALENTIC: That's up to you guys. If you
 5 want to make that, we can ask him to --
 6 MR. FALKOWSKI: I really don't have strong
 7 feelings on that. The woods on his property are so
 8 thick.
 9 MR. VALENTIC: Yeah.
 10 MS. GARCAR: I feel like I have the more
 11 stronger of opinions of the 30 feet. Four foot at
 12 30 feet, just to line up with the buildings.
 13 MR. ROWAN: I mean, we'd have to get the
 14 applicant to agree to that.
 15 MR. VALENTIC: Well, my question for the board
 16 is, Ashley is on board for making a modification
 17 that the first 30 feet are at four feet and the
 18 rest of it goes to eight. We need to know if the
 19 board has a majority of that recommendation.
 20 I'm just going to -- my stance is that I don't
 21 think it needs to be at four feet for 30 feet,
 22 that's my stance on it.
 23 MR. ROWAN: I'm in agreement with that.
 24 MR. FALKOWSKI: Agree.
 25 MS. GARCAR: It doesn't need it?

1 built -- houses being built on Ivy Ridge.
 2 MR. VALENTIC: Yeah, I feel like 30 feet is
 3 too much. I could see a panel, maybe. I think,
 4 for everything that has happened with this
 5 development and the impact to the neighboring
 6 properties and the change in density, I feel pretty
 7 strongly that it should just be eight feet for a
 8 good portion of that myself. I'll let you guys
 9 decide.
 10 MR. ROWAN: I would say if we were going to do
 11 anything, I think one panel, four feet, and then
 12 taper. But I also am okay with it being
 13 eight foot.
 14 I think the only issue, if there were any
 15 issue, I would assume -- I don't know if it would
 16 be a county issue, or some road department issue,
 17 and then they would have to address it.
 18 MR. FALKOWSKI: So how big would you say a
 19 panel is, the length of a panel?
 20 MR. ROWAN: Let's say it's eight feet.
 21 MR. FALKOWSKI: Eight feet? Okay.
 22 MR. ROWAN: Yeah.
 23 MR. FALKOWSKI: I was just trying to think in
 24 my mind.
 25 MR. VALENTIC: Yeah, I guess.

1 MR. VALENTIC: That it doesn't need it. Okay.
 2 MS. GARCAR: Do we need anything? Is there a
 3 middle ground for you guys?
 4 MR. VALENTIC: Yeah, do you guys have a middle
 5 ground?
 6 MR. ROWAN: I mean, I think --
 7 MR. FALKOWSKI: Between four -- no, are we
 8 asking, is there a middle ground between four and
 9 eight?
 10 MS. GARCAR: Between 30 feet and no feet.
 11 I'm saying, I really like the 30 feet for
 12 four feet. Ivan is saying, you don't need any. So
 13 I'm saying, is there a middle ground, like a
 14 15 feet. Whatever the panels are. They seemed
 15 like they were eight feet-ish. So 16 feet where
 16 the panel is.
 17 MR. ROWAN: Maybe look at the eight feet.
 18 MS. GARCAR: Do they have 15 -- a 14 to
 19 16 feet, depending on what the panels are, so we
 20 don't make him break a panel down.
 21 MR. VALENTIC: Yeah. Ask him to transition
 22 one or two panels? You guys let me know and I'll
 23 ask the applicant.
 24 MR. ROWAN: I'm fine with no panels. I mean,
 25 I think that's --

29

1 MR. VALENTIC: Okay. So as a board, three of
2 us are saying, leave it as is.
3 MS. GARCAR: Okay.
4 MR. VALENTIC: Okay. We'll leave it as is.
5 MS. MATHENEY: Mr. Chairman, if it's possible,
6 can we confirm this was a motion to approve? All I
7 heard was a motion and a second. Is it a motion to
8 approve the application?
9 MR. VALENTIC: Yes.
10 MS. MATHENEY: Okay. I just want to make
11 sure.
12 MR. VALENTIC: Thank you.
13 MS. GARCAR: Before we vote, is there
14 legitimately a -- is there a concern, Heather, a
15 concern within Concord of it going eight feet all
16 the way to the road?
17 I have read the staff report. So what is that
18 concern, a little more in detail?
19 MS. FREEMAN: I guess the concern was
20 expressed, just because that is typically why we
21 limit the height of fences in front yards.
22 Although, you know, I guess maybe if the other
23 connecting street onto Orchard was maybe closer,
24 maybe I would feel more strongly about it. But
25 being that the resolution really states that the

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1 MS. GARCAR: No.
2 MS. FREEMAN: Mr. Falkowski.
3 MR. FALKOWSKI: Yes.
4 MS. FREEMAN: Mr. Valentic.
5 MR. VALENTIC: Yes.
6 Thank you.
7 Your variance has been approved.
8 Next is Variance Application 2024-160.
9 Christopher McCarthy and Shannon Clark are
10 requesting a variance from Section 15.03(A)(6) to
11 allow for the construction of an accessory building
12 that will be 1,125 square feet in lieu of the
13 maximum 1,024 square feet permitted for lots under
14 two acres in size. This is the property located at
15 6240 Colleen Drive, also known as Parcel Number
16 08-A-016-G-00-035-0.
17 Heather, do you want to give us your report?
18 MS. FREEMAN: Sure. Let me get to that real
19 quick.
20 Okay, so the property, as stated, is at
21 6240 Colleen Drive, which is located in the Kellogg
22 Park Estates Subdivision.
23 Here on the map you can see the parcel
24 outlined in red. It's about a half acre lot zoned
25 R-1 residential. It's currently developed with a

30

1 fence -- anything forward of the house is supposed
2 to be that four feet, usually it's sight distance
3 concerns regarding that. So, I mean, if some of
4 you have been over there and you don't have those
5 same concerns, then, I mean, I'm fine with either
6 way that this board decides this evening.
7 MR. ROWAN: Yeah, I think if the road were
8 next to the property line, I would say, yeah,
9 absolutely, four feet. But since it's not next to
10 the property line, then I don't really have that
11 concern.
12 MR. VALENTIC: If it was in a neighborhood, a
13 typical neighborhood, where we had just lawn, lawn,
14 lawn, and all of a sudden there's this eight foot
15 panel separating two areas, I think it would be --
16 in between driveways, it could be a sight distance
17 issue, as well, I would imagine.
18 Okay. Well, then, Heather, I'm going to ask
19 for a motion, then, to approve it as the applicant
20 has requested for the variance application. Again,
21 a yes vote will approve it, a no vote will deny it.
22 Heather, please call the vote.
23 MS. FREEMAN: Mr. Rowan.
24 MR. ROWAN: Yes.
25 MS. FREEMAN: Ms. Garcar.

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1 single-family dwelling that has a two-car attached
2 garage. It was built in 1984. An above-ground
3 swimming pool with deck. And there's a sunroom
4 actually under construction currently, as well.
5 As proposed, the applicant is looking to
6 construct a two-story accessory building that will
7 be a total of 1,125 square feet. The accessory
8 building is going to be located in the backyard.
9 You can see on that blue square kind of there in
10 the image on the top left, it's about 20 feet back
11 from the rear property line, 10 feet from the side,
12 on the south side.
13 And pursuant to Section 15.03(A)(6), the
14 maximum square footage for any accessory building
15 in this district for a lot less than two acres is a
16 maximum 1,024 square feet. So the applicant is
17 asking for permission to have the accessory
18 building be 1,125 square feet instead. And down
19 there in the corner is just kind of a sketch that
20 was submitted by the applicant of what the style of
21 the shed is going to look like.
22 MR. VALENTIC: And this is currently under
23 construction, the shed?
24 MS. FREEMAN: Based on what was submitted by
25 the applicant, they started some excavation for the

33

1 foundation.

2 MR. VALENTIC: And did you guys catch this,

3 or --

4 MS. FREEMAN: Oh, no. They submitted -- no.

5 So what I had said, there's a sunroom that's under

6 construction currently.

7 MR. VALENTIC: Oh.

8 MS. FREEMAN: They came in to apply for the

9 zoning permit and decided that they wanted to try

10 to see -- instead of changing the plans to reduce

11 the square footage, they wanted to come to you and

12 see if you would approve the slightly larger

13 accessory building.

14 MS. GARCAR: So the construction is going on

15 for something that is not this building?

16 MS. FREEMAN: Maybe I can let the applicant

17 speak to that. But what he submitted to you had

18 shown evidence to us that he actually started the

19 construction of the accessory building without the

20 permit being approved, yes.

21 MR. VALENTIC: Okay. I just wanted your take

22 on that.

23 MS. FREEMAN: Yes.

24 MR. VALENTIC: Thank you.

25 Would you please come up and present your

35

1 bedroom for our son, and then a master on our

2 second floor. Our first floor has a standard

3 dining room, living room, family room, kitchen and

4 pantry, our hot water tank and furnaces, and then

5 our laundry room, but we don't have a basement.

6 And we have no storage in the attic area or above

7 our garage, it's just not finished up there.

8 Let's see. We have been renting a storage

9 unit from Chesterland Storage for four years, it's

10 a 10 by 20, about \$190 a month. We had to sell our

11 riding lawnmower last year. We just didn't have

12 room for it with all the stuff that we added for

13 our little guy.

14 Let's see. By adding the shed at its proposed

15 size ensures us that our family will be able to

16 stay in our home for years to come and not have to

17 consider moving to a larger home.

18 We are construction right now for a

19 three-season room that will add 480 square feet so

20 we can have a dedicated play area for our son.

21 With the current plans for our home, we expect it

22 to raise our property values closer to our

23 neighbors.

24 The last reason for asking for the variance is

25 the fact that I misinterpreted the square footage

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1 case.

2 MR. McCARTHY: Hello. My name is Christopher

3 McCarthy. I have been sworn in. And I'm okay with

4 proceeding.

5 MR. VALENTIC: Can you state your address for

6 the record?

7 MR. McCARTHY: Oh, yes. 6240 Colleen Drive in

8 Concord Township.

9 MR. VALENTIC: Thanks.

10 MR. McCARTHY: So I, Christopher McCarthy, and

11 my wife, Shannon Clark, have requested to build an

12 accessory building pursuant -- which violates

13 Section 15.03(A)(6) by 101 square feet for a

14 property that's under two acres. There's also a

15 note on my denial that states that the building is

16 to be used solely for personal use, not for

17 business.

18 My wife and I are formally asking Concord

19 Township to consider this variance based on a few

20 important reasons for us. Last year, on July 23rd,

21 we added a baby boy to our family that has added to

22 our need for storage. We love our home and our

23 community, but we lack storage.

24 We have a standard colonial, with two bedrooms

25 being dedicated to offices for my wife and I, a

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1 calculation when I had the blueprint drawn. I

2 assumed that the total square footage -- let's

3 see -- I assumed that the square footage would not

4 count the areas that came up and you couldn't walk

5 on totally, the half wall areas that the roof came

6 up, which was completely my misunderstanding.

7 So after we had gotten the approval for the

8 sunroom, because they were there, I figured I would

9 save some dollars and have them dig out the area.

10 So technically, no construction is being started on

11 that at all, it's just been dug. So nothing has

12 been started with that.

13 So I understand if the board denies our claim,

14 we will change the size of the building, re-dig,

15 and replace the footer supports.

16 I made a mistake, and I will take full

17 financial responsibility for it, if that's what you

18 guys deem.

19 Attached are the photos of our storage unit,

20 which we don't use for any commercial activities.

21 Currently, all of our belongings that are in our

22 shed are now in our garage waiting for our building

23 to be constructed. There are also photos of the

24 footers that were dug for the accessory building

25 that show what has been done so far.

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1 We can promise the Board of Trustees and all
 2 the residents of Concord that we never intended
 3 to manipulate the bylaws concerning accessory
 4 buildings in any way.
 5 We also want to make it clear this building
 6 will not be involved in any commercial capacity by
 7 my company, CLE Exterior Cleaning, or CLE Carpet
 8 Cleaning, nor will that office in the accessory
 9 building be used as an office for either of the
 10 businesses.
 11 And then I have a letter from my neighbor.
 12 They couldn't make it because school starts
 13 tomorrow for them, so they could not make it
 14 tonight, but they wanted to give a letter of
 15 support for us.
 16 Yeah, thank you for your consideration. And
 17 any questions you have, I can answer for you.
 18 MR. VALENTIC: Can you explain how you
 19 miscalculated it? I read it, and hearing it, I'm
 20 still not fully understanding.
 21 MR. McCARTHY: Yeah. So when I was reading --
 22 because I kind of designed all this stuff. So when
 23 I was reading through, I thought that as the stairs
 24 go up, it wouldn't count, because that wouldn't be
 25 usable storage space where the stairway was coming

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1 which is vacant and you can't build on it.
 2 MR. VALENTIC: Okay. We'll include the letter
 3 of support into the record.
 4 MR. McCARTHY: Okay. I appreciate it.
 5 MR. VALENTIC: So what's in the garage right
 6 now? What all is in the garage?
 7 MR. McCARTHY: Do you guys have the pictures?
 8 MR. VALENTIC: I have those pictures. Is that
 9 from your garage, or is that the storage?
 10 MR. McCARTHY: Oh, you know what? I didn't
 11 take the garage. So the garage right now has --
 12 MR. VALENTIC: Do you park cars in there?
 13 MR. McCARTHY: We don't have room for that
 14 right now. So in there is -- we've got Rubbermaid
 15 containers full of clothes, we've got boxes for
 16 baby stuff. We adopted our little guy out of the
 17 blue, so we got a lot of stuff donated to us that
 18 we didn't need at that time, and we just don't have
 19 enough places to put it. So we exhausted our
 20 storage unit.
 21 So yeah, it's pretty much -- and then I have a
 22 desk in there and a file cabinet in there for the
 23 company, that I use, in the garage.
 24 MR. VALENTIC: And I guess I had never thought
 25 about the company, but you put it in your letter.

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1 up on the second floor. And then because it's
 2 24 feet long, my assumption was that a foot or so
 3 on the very side, you know, because it's almost a
 4 half wall, if you can see the -- I don't know if
 5 you can put it up on the board again. But that
 6 second floor kind of comes back up, so it's not
 7 full standing room. So I misinterpreted. When I
 8 talked to Heather, she had said it's wall to wall.
 9 So that was my misunderstanding. So that area --
 10 MR. VALENTIC: You went from the inside of the
 11 wall?
 12 MR. McCARTHY: Correct, correct, instead of
 13 going from the outside. And the top area, I did
 14 not assume that that would be the same square
 15 footage pretty much as the top, because it's not
 16 all usable, you know, up there. So 100 percent my
 17 misunderstanding.
 18 Behind my property is an open two-acre lot
 19 behind me. My neighbors that are closest to this
 20 side of the property, they have given an okay. You
 21 can't see it from the road because there's trees
 22 blocking everything. There's trees and woods next
 23 to where this will be built. Yeah, there's no way
 24 to see this from the road or anyone else's
 25 property, except for the property behind mine,

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1 So I'm not sure why that came up. There's no
 2 equipment for the company?
 3 MR. McCARTHY: No. It was on the denial, that
 4 it had to be used solely for personal uses, not for
 5 business. So I just wanted to address it, that it
 6 will not be used whatsoever for business.
 7 I'm actually in the process of either renting
 8 a building, or I'm actually in talks right now of
 9 buying a commercial property in Painesville. So it
 10 wouldn't be any issue at all.
 11 MR. VALENTIC: Okay.
 12 MS. GARCAR: You made a comment about an
 13 office in this building?
 14 MR. McCARTHY: No, there will not be an office
 15 in this building for either of my businesses.
 16 MS. GARCAR: Oh, there's not.
 17 MR. McCARTHY: Right. It wouldn't be used for
 18 anything business-wise.
 19 MS. GARCAR: It's going to be used for
 20 storage?
 21 MR. McCARTHY: Correct.
 22 MS. GARCAR: Okay. When you said it was an
 23 office, that made me believe you were putting
 24 electricity in.
 25 MR. McCARTHY: No. Well, there will be

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1 electricity in there, you know, for lights and
 2 stuff --
 3 MS. GARCAR: Okay.
 4 MR. McCARTHY: -- you know, and then a fan, of
 5 course, because it's a fairly big building. But I
 6 just wanted to put it out there. Because in the
 7 bylaws, it says you can't have an accessory
 8 building and have an office in that. So I just
 9 wanted to clarify that we would not be.
 10 MS. GARCAR: Okay. So this building is to be
 11 used for storage purposes only.
 12 MR. McCARTHY: Yep. Correct.
 13 MS. GARCAR: Okay.
 14 MR. VALENTIC: Do you plan on putting any
 15 landscape around the building, or buffering or
 16 screening it at all?
 17 MR. ROWAN: Go ahead.
 18 MR. McCARTHY: Yeah, so we are going to be
 19 doing -- there's two little windows in the front.
 20 There's going to be -- it's kind of like a door
 21 entryway out to the side yard. But I don't know
 22 in particular of any shrubbery or anything.
 23 MR. ROWAN: Is your backyard fenced in?
 24 MR. McCARTHY: Yes.
 25 MR. ROWAN: Completely, right?

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1 footage. He's going over because he's going
 2 upwards, not because he's going out and expanding.
 3 Is that correct, Heather? I'm sorry.
 4 MS. FREEMAN: Right. Yeah, so the first
 5 floor -- it's a 24 by 24 foot building, right? So
 6 if it literally was just the one story, he would be
 7 576 square feet, right? So being that it has a
 8 second story, second floor, calculated at 549,
 9 because they did subtract out the steps that go up
 10 there, right, so if he made it not as tall, and
 11 just did the first floor, then he would be fine.
 12 MS. GARCAR: Okay.
 13 MS. FREEMAN: But he wants to get that little
 14 bit of vertical height. So it's not going out,
 15 it's just going up.
 16 MS. GARCAR: Okay.
 17 MR. ROWAN: So with the stairs -- because the
 18 stairs are not counted as part of that square
 19 footage, Heather?
 20 MS. FREEMAN: On the second floor, right, they
 21 were subtracted out.
 22 MR. ROWAN: So if the stairwell went back a
 23 little bit further, could you reduce the square
 24 footage? I mean, it would be a bigger opening.
 25 MR. McCARTHY: I've already messed up the

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1 MR. McCARTHY: Yes, correct.
 2 MR. FALKOWSKI: Does the sunroom you're adding
 3 onto your house take into account the square foot
 4 calculation or change that?
 5 MS. GARCAR: I think it's done by acres.
 6 MR. ROWAN: It's based on lot size.
 7 MR. FALKOWSKI: Oh, sorry.
 8 MR. ROWAN: It's all good.
 9 MS. GARCAR: But the square footage is
 10 including the second floor of the storage unit?
 11 MR. McCARTHY: That is correct. The 1,125
 12 includes first and second floor.
 13 MR. ROWAN: Is it because -- so if there was
 14 no -- I guess the question would be, if there's no
 15 stairs going to the second floor, is it still
 16 counted? It's not like there's -- you have the
 17 shed, and then there's a completely -- like a
 18 complete second floor. It's like half, right?
 19 MR. McCARTHY: No, it's a stairway up. Yeah,
 20 it's a loft. It's a loft.
 21 MR. ROWAN: Okay. Gotcha. I was thinking --
 22 MS. GARCAR: My question with that, though,
 23 is if you got rid of the loft area, square footage
 24 meaning how big the accessory building on the
 25 outside is within -- would be within the square

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1 square footage once. I don't want to answer that
 2 question.
 3 MR. ROWAN: I'm just trying to figure out,
 4 like if that's a solution, if you put the staircase
 5 back. I don't know how that impacts anything. I'm
 6 just trying to find a --
 7 MR. McCARTHY: Right.
 8 MS. GARCAR: Just make the loft 100 square
 9 foot smaller, is what you're kind of getting at.
 10 MR. ROWAN: Right.
 11 MR. McCARTHY: The issue -- I tried to talk
 12 with inspectors for Lake County, and I spoke with
 13 Heather. You can't -- I talked about taking half
 14 of the floor out, you know, in the loft, and making
 15 it just a dropped ceiling or something, you know,
 16 on that floor over there. But even if I took out
 17 half of that floor, it still counted wall to wall
 18 with space. That's why it took a little bit
 19 longer -- these were supposed to get approved at
 20 the same time, was my goal with the sunroom and
 21 then this. So my hope was, I was figuring out, it
 22 took me a month or two to talk to people and see if
 23 I could just take out half of the floor on the
 24 second floor. And they said, no, that's not an
 25 option.

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1 So my option was, again, either apply and have
 2 new blueprints drawn and have it a little bit
 3 smaller, because I still would need the second
 4 floor for the adequate storage that we need, and
 5 make it, you know, 20 by 24. It would just cause,
 6 you know, financial issues in getting that dug.
 7 But again, if that's what the board asks me to do,
 8 I will do that.

9 MR. ROWAN: I'm trying to remember sheds.
 10 Does this square footage -- I don't know off the
 11 top of my head if this -- did you have to get a
 12 county permit? I don't know.

13 MR. McCARTHY: So yeah, once I get it --
 14 hypothetically, if I get it approved today, I still
 15 have to give it to Lake County, to have them give
 16 the okay. So I'm still about two to three weeks
 17 away from -- probably three weeks away from being
 18 able to start construction, if approved.

19 MR. ROWAN: Assuming we approve this, you
 20 still have to get the county permit --

21 MR. McCARTHY: That's correct.

22 MR. ROWAN: -- because it's over whatever the
 23 max is for not getting the county permit.

24 MR. McCARTHY: Correct. Now, they've made it
 25 clear they don't care about the zoning stuff. They

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1 the --

2 MS. GARCAR: Right. No, I understand.

3 But hypothetically, if you just knocked out
 4 the stairs, for the outside square footage of what
 5 you're seeing on the property, if he took out the
 6 second floor, we would still approve it, then it
 7 would be fine.

8 MR. VALENTIC: He wouldn't even need to be
 9 here.

10 MS. GARCAR: He wouldn't need to be here --

11 MS. FREEMAN: Correct.

12 MS. GARCAR: -- if he just took out the second
 13 floor.

14 MS. FREEMAN: Correct.

15 MS. GARCAR: So hypothetically, if he took
 16 that out or didn't, it still looks the same, most
 17 likely.

18 MS. FREEMAN: Yes.

19 MS. GARCAR: Okay. I was more concerned about
 20 the aesthetics of the outside.

21 MS. FREEMAN: Okay. Yeah.

22 MR. VALENTIC: You're painting this to match
 23 the house, shingle, all that?

24 MR. McCARTHY: Yeah. So what we're doing, the
 25 attached -- the sunroom will be the same as the

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1 just worry about the building, and how it's
 2 constructed, and things like that. So they would
 3 even --

4 MR. ROWAN: So basically, if we say it's okay,
 5 then if it meets all their criteria, it would
 6 probably be okay.

7 MR. McCARTHY: Yeah. They would have --
 8 hypothetically. Again, talking to the inspector
 9 without being on record, of course, she goes, this
 10 would hypothetically be approved, it's just you
 11 can't come to us yet until it gets approved by
 12 Concord.

13 MR. ROWAN: Gotcha.

14 MS. GARCAR: Heather, a question for you. If
 15 he just took out -- I'm more getting on the outside
 16 square footage. If he took out the second floor
 17 and the stairs, this would be completely approved?
 18 There's no height requirements within zoning?

19 MS. FREEMAN: He meets the maximum -- yeah,
 20 the maximum height requirement, yeah. But I think
 21 if he were to do that, he probably wouldn't do the
 22 same building --

23 MS. GARCAR: He wouldn't do it.

24 MS. FREEMAN: -- because there would be no
 25 point in making the structure that tall and because

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1 house. It will have a black metal roof instead of
 2 the typical shingle roof.

3 MR. VALENTIC: Okay.

4 MR. McCARTHY: This shed will have the same
 5 black matching -- the same matching black metal
 6 roof that the sunroom has currently. It will have
 7 the same white and black aesthetics as the house
 8 and as the attachment -- or the sunroom will.

9 MR. VALENTIC: Is it vinyl siding?

10 MR. McCARTHY: Yes.

11 MR. VALENTIC: The shed will be a vinyl
 12 siding?

13 MR. McCARTHY: Correct. Yes.

14 MR. VALENTIC: Okay.

15 Brian, do you have any other questions?

16 MR. FALKOWSKI: No, I'm okay. Thank you.

17 MR. VALENTIC: Are you good?

18 MR. ROWAN: Yes.

19 MR. VALENTIC: Thank you. Please be seated.

20 Is there anyone else here this evening that's
 21 speaking for or against this appeal that would like
 22 to come up?

23 If there's no further questions, the public
 24 hearing for Variance Application 2024-160 is now
 25 closed to the public.

1 Can I get a motion to approve Variance
 2 Application 2024-160?
 3 MS. GARCAR: Motion.
 4 MR. VALENTIC: Can I get a second?
 5 MR. ROWAN: Second.
 6 MR. VALENTIC: Discussion?
 7 I don't know if we should -- I kind of feel
 8 like we should go through the Duncan factors, if
 9 somebody wants to go through that or read through
 10 it. I don't know how you guys feel, if there's
 11 anything else you want to talk about.
 12 MR. ROWAN: I think it's a good idea we go
 13 through it and then we can discuss.
 14 MR. VALENTIC: So the first is whether the
 15 property in question will yield a reasonable return
 16 or whether there will be any beneficial use of the
 17 property without the variance.
 18 MR. ROWAN: So I would say the beneficial
 19 return, I think it will help with the property
 20 value. I think keeping the house and shed
 21 aesthetics, I like that, you know, color match.
 22 I don't think it would take -- it's serving a
 23 purpose, he's going to use it for storage. I mean,
 24 the alternative is now he's got his garage full of
 25 stuff, his cars are outside. So I think there's a

1 or whether adjoining property owners would suffer a
 2 substantial detriment as a result of the variance.
 3 We have letter of support. It sounds like
 4 he's doing a nice job with it. It's going to look
 5 good.
 6 Whether the variance would adversely affect
 7 government services. No.
 8 Whether the property owner purchased the
 9 property with the knowledge of the zoning
 10 restrictions.
 11 I mean, we didn't ask him that.
 12 MR. ROWAN: Well, I think he owned up to --
 13 MR. FALKOWSKI: Yeah.
 14 MR. ROWAN: -- miscalculating.
 15 MR. VALENTIC: So he's trying to follow the
 16 zoning --
 17 MR. ROWAN: Right.
 18 MR. VALENTIC: -- requirements.
 19 Whether the property owners' predicament
 20 feasibly can be alleviated through some method
 21 other than the variance.
 22 I guess, I mean, Todd always said, get rid of
 23 his junk, go back to a unit.
 24 MS. GARCAR: Yeah, he could --
 25 MR. VALENTIC: Yeah.

1 lot of benefit to the community and to the
 2 applicant.
 3 MR. VALENTIC: The second one is, is the
 4 variance substantial?
 5 I don't know, it's not that --
 6 MR. ROWAN: Well, I think to Ashley's point,
 7 if there were no second floor, it would be
 8 approved.
 9 MS. GARCAR: We wouldn't be here.
 10 MR. ROWAN: Yeah. So I think, for me, we're
 11 not talking about a significantly -- it's not like
 12 it was a huge shed, because without the second
 13 floor, he could still get it approved, and wouldn't
 14 even actually be here.
 15 MS. GARCAR: Right. That's what I was going
 16 to say. The outside -- without the second floor,
 17 the outside would still be exactly the same. We
 18 could say, keep it, get rid of the second floor,
 19 though, and he's not here, and it still looks the
 20 same on the outside, of what the public eye sees.
 21 MR. VALENTIC: Yeah. Good point. So it's not
 22 substantial, I guess is what I'm hearing.
 23 MR. ROWAN: Yeah.
 24 MR. VALENTIC: Whether the essential character
 25 of the neighborhood would be substantially altered

1 MS. GARCAR: -- make it smaller and be fine.
 2 MR. VALENTIC: Get rid of the second floor,
 3 yeah.
 4 MS. GARCAR: I mean, he admitted that if we
 5 tell him to make it smaller, he'll make it smaller.
 6 So he can.
 7 MR. VALENTIC: Yeah.
 8 Last was whether the spirit and intent behind
 9 the zoning requirement would be preserved and
 10 substantial justice done by granting the variance.
 11 MR. ROWAN: I'll go back to Ashley's question
 12 about, would he even be here if there wasn't a
 13 second floor. And I think that's key for me to
 14 allow this.
 15 MS. GARCAR: Uh-huh.
 16 MR. VALENTIC: Okay. Any other discussion
 17 points from you guys, from the board?
 18 Okay. The question then is on approval of
 19 Variance Application 2024-160. A yes vote approves
 20 the variance request, a no vote denies it.
 21 Heather, please call the vote.
 22 MS. FREEMAN: Ms. Garcar.
 23 MS. GARCAR: Yes.
 24 MS. FREEMAN: Mr. Rowan.
 25 MR. ROWAN: Yes.

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1 MS. FREEMAN: Mr. Falkowski.
 2 MR. FALKOWSKI: Yes.
 3 MS. FREEMAN: Mr. Valentic.
 4 MR. VALENTIC: Yes.
 5 The variance application has been approved.
 6 Next we have Variance Application 2024-161.
 7 Tony Milam is requesting a variance from
 8 Section 22.04(D), Table 22.04, to allow for the
 9 construction of an accessory building with a
 10 28 foot front building setback in lieu of the
 11 minimum 50 foot required. This is for the property
 12 owned by ML-CFC, 2007-7 Fredle Drive, LLC, located
 13 at 7531 Crile Road, also known as Permanent Parcel
 14 Number 08-A-019-B-00-012-0.
 15 Heather, can you present this application?
 16 MS. FREEMAN: Sure. Just a quick summary
 17 report.
 18 As mentioned, this is at 7531 Crile Road which
 19 is located within the Gristmill Shopping Center.
 20 This is a variance request for the owner of Sunny
 21 Street Cafe, which is the restaurant that is
 22 located right there at the intersection of Fredle
 23 and Crile Road. The property also has other
 24 commercial -- a couple other commercial buildings
 25 there, restaurants, banks, medical offices, and the

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1 MS. GARCAR: Not right now.
 2 MR. VALENTIC: Okay.
 3 MR. ROWAN: I do have a quick question.
 4 So the building currently -- the restaurant,
 5 does that meet the setback requirements?
 6 MS. FREEMAN: Yes.
 7 MR. ROWAN: The existing building, the
 8 restaurant.
 9 MS. FREEMAN: Yes.
 10 MR. ROWAN: Okay.
 11 MR. VALENTIC: Okay, would you please come
 12 up and present your case.
 13 MR. MILAM: Yeah. Tony Milam, 7316 Gallant
 14 Way. And I have been sworn in.
 15 MR. VALENTIC: And you're good with moving
 16 forward with the four members of the board instead
 17 of five?
 18 MR. MILAM: I think so, yes.
 19 MR. VALENTIC: Okay.
 20 MR. MILAM: Yeah, the building -- I put
 21 together a nice packet for you guys, showing the
 22 building and the location. And basically where
 23 it's being positioned is really, we feel like, the
 24 perfect location for it, because we have a dumpster
 25 enclosure there now, and we need to improve that

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1 grocery store.
 2 As proposed, the applicant is seeking
 3 permission to construct a 384 square foot garage at
 4 the front of the property between where the
 5 existing fenced-in dumpster enclosure is and the
 6 gas meter.
 7 You have a photo here. The photo on the left
 8 is kind of showing, with the red arrow there,
 9 pointing to the location of where the building
 10 would be located. That is the view from the
 11 parking lot facing Crile Road, and the bottom
 12 right-hand image is a rendering of the proposed
 13 garage. The garage would be located 28 feet back
 14 from the west property line, which is the front
 15 property line, Crile Road right of way.
 16 And pursuant to Section 22.04(D), Table 22.04,
 17 all buildings require a minimum front building
 18 setback of 50 feet. This building is proposed to
 19 be 28 feet back.
 20 I can provide a little bit more, unless you
 21 would like the applicant to come up.
 22 MR. VALENTIC: I thought I had a question for
 23 you.
 24 Any other follow-up questions for Heather
 25 before the applicant comes up?

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1 area. And this building would just sit in
 2 conjunction with that.
 3 And right now, it's some arborvitae trees,
 4 super high. They're about 14 feet tall probably.
 5 So there's really no change to the view line from
 6 the roadway or anything else like that. And also,
 7 the dumpster is already in that location, so it's
 8 within the setback, as well.
 9 So if there's any questions on the location.
 10 And also, the use of it. You know, we've been
 11 really an expanding business at Sunny Street, and
 12 now we have to have a lot more supplies, and we
 13 also keep a lot more equipment than we ever had to
 14 do. Being open seven days a week requires us to
 15 have some backup equipment in case anything breaks.
 16 So we keep that in storage. Right now, we have all
 17 our storage in different locations, and we have to
 18 go chase it down. So there's a lot of, you know,
 19 running around to get things and moving supplies
 20 around, and we'd like to bring it all together in
 21 one place. So that's why we feel like this is a
 22 real important need for us.
 23 MR. VALENTIC: So this is -- in the garage
 24 would be supplies or equipment for the restaurant?
 25 MR. MILAM: Yeah, just for the restaurant.

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1 Right.

2 MS. GARCAR: I do have two questions for you

3 about the garage. The first one is just the

4 aesthetics of it. It is very different than the

5 current building, and all the other buildings that

6 are on the property, the other businesses.

7 Currently, it does state within our zoning that

8 it's supposed to match. Is there a reason that you

9 guys chose different colors, different roof colors,

10 that kind of stuff, that does not match?

11 MR. MILAM: Well, we haven't really chosen

12 exactly the colors. This wasn't really a design

13 review, I didn't think. It was more of the

14 location. We still have to go through zoning.

15 The landlord, who has approved this, hasn't

16 really approved the final design yet. That all has

17 to go through the design part. But we basically

18 gave them an idea, and they have given us -- this

19 is an approved design, at this point, as far as

20 like the structure, what it will look like. The

21 actual colors and things we think will be pretty

22 close to that. That's why we presented that.

23 MR. VALENTIC: So it will be close to that.

24 Which doesn't match the rest of, I think what

25 Ashley is asking, the rest of like the development.

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1 trust, it's called a REMIC trust, that can't add or

2 subtract. So having this type of structure works

3 out better for them.

4 MR. VALENTIC: So it's clear, according to

5 what you know, you cannot add to the building,

6 existing building, to create storage. That's why

7 you have to go through this --

8 MR. MILAM: I wouldn't have a space. There's

9 no space for it anyway.

10 MR. VALENTIC: So you have to go to this

11 garage.

12 MR. MILAM: That's why we're using this. It's

13 within -- we're always walking to the dumpster, and

14 it's right there. So it's very accessible from how

15 we operate right now.

16 MR. FALKOWSKI: So could we clarify the

17 materials that are being used? Like what's the

18 side -- what material is on the side, what material

19 is on the roof?

20 MR. MILAM: The building that's being proposed

21 is a metal roof building.

22 MR. FALKOWSKI: Right.

23 MR. MILAM: And the siding is called a

24 SmartSide. And it's paintable in any color you

25 want. We did the two-tone, because that's the way

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1 MR. ROWAN: Heather, may I ask a question?

2 Does this go to the Zoning Commission at all?

3 MS. FREEMAN: No.

4 MR. ROWAN: Okay.

5 MS. FREEMAN: Accessory buildings smaller than

6 1,500 square feet are just approved by a zoning

7 permit.

8 MS. GARCAR: My first question/concern is the

9 fact that these drawings, and especially that it

10 does not go to another body, it's just us, does not

11 match Sunnyside [sic] or the other buildings behind

12 Sunnyside. So that's --

13 MR. ROWAN: Yeah, I agree. I think, from an

14 aesthetics, if we could have it match either the

15 Sunnyside building or the complex as a whole, I

16 think that would look -- it wouldn't stand out as

17 much, I think is what we're saying.

18 MR. MILAM: Well, that's our goal there. And

19 we actually did drawings for a permanent structure

20 originally. But there's an issue with the type of

21 ownership that it has now, there can't be a

22 permanent structure built on the site. They can't

23 add or subtract from the plaza under the state that

24 it's in because, you know, it's owned by -- the

25 original lender owns it, and it's in some sort of

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1 all the buildings are in the plaza. There's a tone

2 on top and there's a tone on the bottom.

3 MR. FALKOWSKI: So it's like a composite

4 material?

5 MR. MILAM: It's like a composite material,

6 yes.

7 MR. VALENTIC: And there's no stone like the

8 buildings have, right?

9 MR. MILAM: There's no stone in this proposal.

10 MR. FALKOWSKI: I think there's some

11 confusion. The picture that's here is showing

12 horizontal -- excuse me -- vertical siding, but

13 then this graphic is showing stone on the L&R

14 Partners paper, Exhibit B.

15 MS. GARCAR: Right.

16 MR. FALKOWSKI: It shows a tiny bit of stone

17 on the front, and it shows more of a shingle

18 roof --

19 MR. MILAM: We left that --

20 MR. FALKOWSKI: -- but this one is metal.

21 MR. MILAM: We left that in the package just

22 to show where the architect was when we learned

23 that we couldn't build a permanent structure.

24 That's where they were with this. And this shows

25 the tie-in of how the dumpster enclosure ties into

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1 the structure. And that's the purpose of that
 2 drawing there.
 3 But the change in the actual shed part of
 4 it was what we had to do here, go to that more
 5 temporary -- well, not temporary -- but a removable
 6 structure if it needed to be removed.
 7 MR. VALENTIC: So it's going to look closer to
 8 this (indicating).
 9 MR. MILAM: That's what we're saying we're
 10 trying to put in now, is that.
 11 MS. GARCAR: Right.
 12 MR. MILAM: That look, rather than what's in
 13 that drawing.
 14 The reason for that drawing, there again, is
 15 to show the enclosure -- how the dumpster enclosure
 16 fencing works with the building.
 17 MS. GARCAR: So if it's closer to that
 18 picture, though, both pictures I have -- I'm
 19 looking at what the rest of -- behind Sunnyside
 20 looks like. It does not look anything like the
 21 structures within the property that it's going on.
 22 MR. VALENTIC: Can I ask a question --
 23 MR. MILAM: Well, if that's going to be a
 24 requirement, I mean, we can make that --
 25 MS. GARCAR: Okay.

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1 roadway. It will be several feet back from the
 2 actual roadway, the parking lot.
 3 MS. GARCAR: No. Everything you submitted to
 4 us is right up on the curb. There's a picture
 5 right here, Exhibit A from L&R, where it actually
 6 almost borderline looks like the structure is on
 7 the curb, which I understand you cannot build a
 8 shed on a curb.
 9 MR. MILAM: Were you looking at the -- are you
 10 looking at like this picture (indicating), for
 11 example? Or showing just the entire --
 12 MS. GARCAR: Exhibit A from your lawyer --
 13 well, not your lawyer -- the lawyer of the
 14 property.
 15 MR. MILAM: Right, okay. So this one here
 16 (indicating), correct?
 17 MR. VALENTIC: This is Exhibit A.
 18 MS. GARCAR: This is Exhibit A. Like it has
 19 circled, but then it also has in black where the
 20 shed would be going. And this black aspect right
 21 here showing right on the shed -- or curb.
 22 MR. MILAM: Before you get to the shed,
 23 there's a little apron that would be put in there
 24 to go to the shed, so that we can roll, you know,
 25 carts and things in. So there's going to be an

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1 MR. MILAM: We can make that look. But we
 2 didn't know that this was, you know, part of --
 3 like a design review for this part of it.
 4 MR. VALENTIC: So if we approve it, we would
 5 add a condition that it matches -- that it matches
 6 the existing building, and you bring in the updated
 7 color samples and an image, and Heather and the
 8 Zoning Department would confirm that it matches.
 9 You'd be okay with that?
 10 MR. MILAM: Yeah. Oh, yeah.
 11 MS. GARCAR: That was my first one.
 12 MR. MILAM: Yeah.
 13 MS. GARCAR: My second one is, these pictures
 14 showing -- it looks to be a hangover, over top of
 15 the garage.
 16 MR. MILAM: That aesthetic piece over the --
 17 MS. GARCAR: That aesthetic piece, for how
 18 close it is to -- you have a gas meter on one side,
 19 and dumpsters on the other. The trucks going in
 20 and out, with where parking spots lay versus where
 21 you have to go to get the correct trucks on either
 22 side of the garage. Can trucks fit underneath
 23 that? Is that going to cause problems? Is it too
 24 close? Can trucks still get into --
 25 MR. MILAM: It will not be even close to the

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1 apron so you can roll right into the door.
 2 MR. VALENTIC: None of that is shown on here.
 3 MS. GARCAR: None of that is shown on here,
 4 and that's also then going to raise even more
 5 concerns for me of getting trucks in and out in
 6 that area, because that is a parking lot, and you
 7 have two --
 8 MR. MILAM: Well, the apron is not in the
 9 parking lot. It starts at the curb line and goes
 10 to the building.
 11 MR. FALKOWSKI: It pushes it even closer,
 12 closer to Crile.
 13 MS. GARCAR: And the setback is even closer to
 14 Crile.
 15 MR. MILAM: No, that's already configured in
 16 the --
 17 MR. FALKOWSKI: I didn't see anything about an
 18 apron in here.
 19 MS. GARCAR: If that's the case, then we don't
 20 have the full plans, and I don't --
 21 MR. MILAM: If you look at the back end, the
 22 back end of the existing dumpster enclosure right
 23 now matches the back end of where the building will
 24 be, and then it will go forward that 24 feet, and
 25 then there will be an apron of somewheres around

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1 two to three feet.

2 MR. VALENTIC: Are you taking that curb out,

3 then?

4 MR. MILAM: The curb would be -- yeah, the

5 curb would be reduced there, yes.

6 MS. FREEMAN: Mr. Chairman, there was no

7 conversation from the applicant regarding any

8 removal of any curb or modifications to the parking

9 lot. This zoning permit that was denied was merely

10 placing this garage and replacing the dumpster

11 enclosure. There was no indication --

12 MS. GARCAR: Replacing the dumpster enclosure?

13 MS. FREEMAN: Replacing the fencing that goes

14 around the dumpster and putting down the shed, per

15 the site plans that were submitted. So if there

16 are other modifications happening, the Township is

17 not aware of them.

18 MS. GARCAR: And this variance is also,

19 though, for the setback, changing of the setback,

20 as well?

21 MS. FREEMAN: That's the only request he had.

22 MS. GARCAR: Okay. When you said, changing

23 the fence, that's where I got confused.

24 MS. FREEMAN: Right. Okay. So the variance

25 has nothing to do -- the fence enclosure for the

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1 You know, we never expected that to be a major

2 discussion here, because that's something we're

3 going to go through when we get to, like, the

4 design review part of it all.

5 MS. GARCAR: So that's the issue, there is no

6 design review. There is no -- if we say you get a

7 24 setback, you're going to put the shed in --

8 correct, Heather -- if we approve a 24 foot

9 setback --

10 MS. FREEMAN: A 28 foot?

11 MS. GARCAR: Twenty-eight foot, I'm sorry.

12 The 28 foot setback, as requested, then he can

13 put the shed, just as long as it's 28 feet. So

14 this is the only point in time that it will be

15 presented among any board --

16 MS. FREEMAN: Yes, that's correct.

17 MS. GARCAR: -- the idea of what the front

18 aesthetics is, whether it matches and follows other

19 zoning, as well as the hangover over the garage or

20 the changing of the curb?

21 MS. FREEMAN: Correct.

22 MS. GARCAR: Okay.

23 MR. VALENTIC: The issue, I think, is that if

24 the shed is 24 feet, and now you're doing two to

25 three feet of something in front of it, if you do

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1 dumpster that is already there pre-existing, he can

2 replace that in kind with no variance. The

3 question tonight is on the garage location itself.

4 MS. GARCAR: Right.

5 MS. FREEMAN: And the zoning permit

6 application that was submitted showed that the

7 garage was going to be placed right on the back

8 side of the curb and go 24 feet back, which is

9 where all the measurements were taken from.

10 MS. GARCAR: So, I guess, what you have been

11 stating does not reflect what is in our packet, and

12 I personally don't feel comfortable approving

13 something that I cannot see at all.

14 There was the physical aesthetics, was the

15 questioning, there was the hangover of how a truck

16 can get in and out, but now we're talking about

17 changing up the curb a little, where it actually

18 does or doesn't lie on that piece of property, that

19 area.

20 MR. MILAM: The 24 feet is to match up --

21 we're matching up the back end of the dumpster area

22 that's already there and going forward 24 feet.

23 That does not go all the way -- it's part of the

24 area. Then you have to improve the area in front

25 of the garage door.

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1 the math, now you're talking about maybe needing

2 27 feet of, call it, improvement area. And I don't

3 know if that setback, what you're requesting, works

4 with that, what you actually need.

5 MR. MILAM: It definitely does. That's why we

6 tied -- we measured this thing plenty of times to

7 know where we're at. And we just basically show

8 the general area of, you know, the entire area

9 where the 24 by 16 shed goes. But you just can't

10 put the shed down without having -- creating the

11 access to it, you know?

12 MR. VALENTIC: No, I get it.

13 MR. MILAM: The apron, and whatever is needed

14 to make that happen, we have to make it nice, you

15 know, so we actually can make it usable.

16 MR. VALENTIC: No, I understand what you're

17 saying, and I agree that you need to do something.

18 But the drawings from L&R don't show us -- they

19 don't show that. That's where I think there's

20 confusion. That's why we're asking questions. So

21 we're trying to understand the situation.

22 MS. GARCAR: As it's shown in what we received

23 in our packet seems to be -- for what my concerns

24 are of what has been shown in this packet are

25 not -- as you are stating, not valid concerns

1 because you're doing something different, which
 2 then raises more concerns of, if I don't see what
 3 we are actually approving of what's going in this
 4 place, what the shed is. You're telling me
 5 something completely different than what I'm
 6 physically looking at.
 7 MR. MILAM: I don't think it's that much
 8 different. The only thing is the approach into the
 9 building, you know. I just thought the shed on the
 10 curb, it's not going to look appropriate. I mean,
 11 all we're trying to do is get the approval for the
 12 setback from the roadway, because we already have
 13 something in the setback now.
 14 MR. ROWAN: All right, you're looking at
 15 28 feet. You're adding -- from that 28 foot
 16 setback, you're proposing a 24 foot by -- I'm
 17 looking at --
 18 MR. MILAM: The original building we were
 19 going to do, when the drawings were done, was
 20 actually 28 feet. So we've actually moved it.
 21 MR. ROWAN: But what I'm getting at is, you
 22 have a 28 foot setback from the road, adding
 23 24 feet to that. Now you're at 52. I'm just
 24 trying to figure out -- I think we're struggling
 25 with -- the way the drawings are, it's not clear

1 there. I mean, I didn't think that was -- I mean,
 2 the only thing that she asked about was, are the
 3 trucks going to be interfered with as they drive up
 4 that and make our deliveries. And we definitely
 5 wouldn't want to do that, because those are our
 6 delivery trucks, and we wouldn't want our building
 7 hit. That definitely would not hang over the
 8 roadway.
 9 MR. VALENTIC: And then another question I
 10 have is -- because this variance is for this
 11 location, if we approve it, so the shed would have
 12 to go here.
 13 Have you talked to the gas company? You know,
 14 I don't know. I would just think that they could
 15 have concerns with, one, putting a structure like
 16 this that close to a gas meter; two, how do their
 17 gas lines actually go into that meter? I'm not
 18 sure if they come in right off the pavement. Do
 19 they go through that area, or how do they --
 20 MR. MILAM: The gas company meeting has been
 21 going on continuously. Today we met one last time,
 22 because I told them we were coming for the variance
 23 and we needed to get moving. There's a movement
 24 that they're going to make us pay for, to move a
 25 gas line out of the site. It's not an active gas

1 where exactly the beginning and the end of the shed
 2 is in relation to the setback.
 3 MR. VALENTIC: What's the dimension from the
 4 fence to that curb? I haven't seen it.
 5 MR. MILAM: The fence that's there now?
 6 MR. VALENTIC: Yeah, to the curb. I think
 7 that would clean up everything, if you could tell
 8 me what that is.
 9 MR. MILAM: That's about 28 feet. Because
 10 that's where -- our original plan was to go back
 11 even an extra two feet with both structures. It
 12 was four feet. We were going to go back four feet
 13 and go closer to the road with the original
 14 drawings. But when we went to the 16 by 24, that
 15 brought us back to the original line that's already
 16 there, where the dumpster is now.
 17 MR. VALENTIC: So it sounds like --
 18 MR. MILAM: So if you start at the dumpster
 19 and you go 24 feet forward, you still have room
 20 before you get to the curb.
 21 MR. VALENTIC: Okay. Okay. That helps
 22 clarify it. But that's -- we're saying, we're not
 23 necessarily seeing that in the submittal. But
 24 thank you for the clarification.
 25 MR. MILAM: I'm sorry we didn't put that in

1 line, it just Ts off and goes in that direction.
 2 And they said it's not an issue, we'll do that for
 3 you. So the gas company is on board with this,
 4 yes.
 5 MR. VALENTIC: Okay.
 6 MS. GARCAR: Are there other permits needed
 7 for moving gas lines that is to do with Concord and
 8 the property owner?
 9 MR. VALENTIC: Is that relevant to this
 10 discussion? He'd have to get that approved, right?
 11 MS. FREEMAN: If any permits were required for
 12 moving of the gas lines, it would be with the
 13 Building Department.
 14 MR. VALENTIC: That's the Building Department.
 15 MS. GARCAR: So it's nothing with Concord.
 16 MS. FREEMAN: Correct.
 17 MS. GARCAR: Okay.
 18 MR. VALENTIC: Okay, I think we talked about
 19 the dimension thing, and talked about the
 20 aesthetics of it, the gas line. The overhang is a
 21 good point.
 22 Are you going to -- I don't know if this is
 23 the best location, but I understand why you're
 24 trying to put it there. Maybe it is the best
 25 location.

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1 Are you going to screen this at all from the
2 road, or are you just going to let this kind of sit
3 in between these two fenced areas?
4 MR. MILAM: Yes, it's already, you know --
5 we're going to make it a nice enough structure that
6 it looks appropriate there, first of all. But
7 there is landscape all around. You can see the bed
8 right behind it that has plantings in it.
9 MR. VALENTIC: Those are staying? I didn't
10 know if those were getting removed.
11 MR. MILAM: No, no. They're outside of the --
12 like if I look at either one of these pictures --
13 MR. VALENTIC: These are all coming out.
14 These are all coming out, right?
15 MR. MILAM: Those are coming out.
16 MR. VALENTIC: Yeah.
17 MR. MILAM: So you really don't have a
18 change -- we wouldn't want to change our view line
19 anyway. We want to be seen, as a restaurant.
20 Sunny Street is bright and sunny, so we want to be
21 seen. We definitely don't want to ruin our visual
22 with the building. We're just trying to -- we
23 think it blends in well.
24 First of all, the road is up here, and you
25 know, there's a dropdown from Crile Road down to

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1 very small back of the house operation.
2 MR. VALENTIC: Yeah.
3 MR. MILAM: We're not like the Redhawk, who is
4 expanding out and able to build things. We're very
5 tight inside, and no storage inside. The only
6 little shed that we have now is out by our patio,
7 and we've well overgrown that. So we have a
8 storage unit out off site, and we have to store
9 stuff at other locations, as well.
10 MR. VALENTIC: Yeah, I struggle with
11 putting -- if we get the aesthetics right, which
12 you said you would be willing to do, which is
13 great, I struggle --
14 MR. MILAM: Yeah. We want it to look right.
15 I mean, that's part of our appeal, is how we look
16 as a restaurant --
17 MR. VALENTIC: Yeah. I just struggle --
18 MR. MILAM: -- or an operation.
19 MR. VALENTIC: I struggle with a garage
20 sitting out in the middle of a parking lot
21 essentially, that's what I struggle with. Both the
22 feel, someone driving through, the other people
23 using -- your other tenants of that whole area.
24 Have you talked to anybody else, if they were
25 on board with this?

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1 where the building is. So the height doesn't come
2 up where it really blocks a lot, the same as those
3 trees that you see now that are there.
4 MR. VALENTIC: How often are people going into
5 the garage? Like is it every day, multiple times a
6 day?
7 MR. MILAM: Almost daily.
8 MR. VALENTIC: Multiple times a day?
9 MR. MILAM: We have storage now that we've
10 outgrown, and we can hardly get into the
11 building -- I mean, into there, because there's so
12 much stuff in there. And then you've got other
13 sites you've got to go to, to get things. It would
14 be a very active -- not very active -- but you're
15 going to have a man door to go in for most of your
16 supplies. The bigger stuff is like when we've got
17 to roll carts, or bars, and things like that in if
18 we're hosting a private event or something like
19 that.
20 MR. VALENTIC: Did you think about or look at
21 other places on the property to potentially put it,
22 or is this where you focused your efforts so it's
23 adjacent to the building?
24 MR. MILAM: This makes the perfect sense,
25 because we really don't have any other -- we're a

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1 MR. MILAM: Well, obviously the landlord is
2 the one we worked with. I mean, the manager of the
3 property, we worked with several people within the
4 ownership to get to this point.
5 MR. VALENTIC: Okay.
6 MR. MILAM: They wrote an approval letter with
7 the exhibits. We have it, you know. We amended a
8 lease for this structure, as well.
9 MR. VALENTIC: Okay.
10 MR. MILAM: And they approved the location.
11 MR. FALKOWSKI: So I think -- you already said
12 this, but I just want to confirm, this is really a
13 portable structure. This isn't a poured foundation
14 or anything. So what is the -- is the floor this
15 wood, then? So it goes on a gravel base,
16 basically, and then a wood floor?
17 MR. MILAM: Yeah, a gravel base, and it would
18 be basically out of sight. I mean, we have lawns
19 around it, and then you're into the parking lot.
20 MR. FALKOWSKI: I will say that even before we
21 started this discussion, just when I read through
22 my packet, my biggest concern was putting a shed in
23 front of a plaza. It's not the standard of what
24 you would see.
25 MR. MILAM: But the back of the building looks

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1 like, you know, a nice looking structure. And
 2 again, it's hidden into the hillside, a lot of it,
 3 too.
 4 MR. VALENTIC: Okay. Any other questions?
 5 MR. FALKOWSKI: No.
 6 MR. VALENTIC: Anything?
 7 MR. ROWAN: No.
 8 MR. VALENTIC: I think we're good.
 9 Do you have anything else to add before we
 10 close up?
 11 MR. MILAM: I just hope you can support it.
 12 There were a lot of questions. But it's a very
 13 needed thing for us. We appreciate your support.
 14 MR. VALENTIC: Okay.
 15 MR. MILAM: Thank you.
 16 MR. VALENTIC: Thank you.
 17 Is there anyone else here that's speaking for
 18 or against this appeal that would like to come up?
 19 If there's no further questions, the public
 20 hearing for Application Number -- Variance
 21 Application 2024-161 is now closed to the public.
 22 Can I get a motion to approve Variance
 23 Application 2024-161 with the amendment Mr. Milam
 24 agreed to, that he would match the existing --
 25 aesthetics of the existing buildings within the

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1 coming. There's just a lot of variables that we --
 2 even if we did it as an amendment, there's so many
 3 variables. And how you do or don't follow those
 4 amendments are still up for objection and not
 5 necessarily set in stone, how you follow what --
 6 or whatever the situation is, of whatever
 7 amendments.
 8 MR. ROWAN: Yeah, I don't know -- I mean, I
 9 get where the applicant is coming from. I get
 10 needing more storage. I don't know if this is the
 11 best location.
 12 I mean, I don't know that he has an
 13 alternative. That's the other side of it is, what
 14 is the alternative? But I do think there are a lot
 15 of outstanding questions that make it concerning.
 16 What are your thoughts?
 17 MR. VALENTIC: I think, yeah, I agree, I don't
 18 know if there is a better location. I don't know
 19 if I think this is the right thing to do, either.
 20 I'm struggling with it myself.
 21 MR. FALKOWSKI: Yeah, I think it's a great
 22 business that we all support. I'm concerned with
 23 how it -- with the setback, and then putting a
 24 portable unit in front of the plaza, I don't think
 25 it creates the best look aesthetic-wise, regardless

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1 development, and bring those -- you know, his
 2 updated improvements to Heather and the Zoning
 3 Department for review and approval prior to
 4 constructing the building?
 5 MR. ROWAN: Bridey, I have a question.
 6 MS. MATHENEY: Sure.
 7 MR. ROWAN: Should we read the -- have a
 8 motion for the variance, and then propose an
 9 amendment?
 10 MS. MATHENEY: Either way is fine.
 11 MR. ROWAN: Okay. So we're okay.
 12 MS. MATHENEY: You're okay to do it.
 13 MR. ROWAN: Okay.
 14 MR. VALENTIC: Second, someone?
 15 MR. FALKOWSKI: Second.
 16 MR. VALENTIC: Thank you.
 17 Discussion? Who would like to start?
 18 MS. GARCAR: I personally think there's just
 19 too many variables, that I'm not sure I feel
 20 comfortable with an approval with all the variables
 21 that are not set in front of me. I don't think I
 22 have all the information to be able to necessarily
 23 approve.
 24 I know we asked the questions, but I feel like
 25 as we asked questions, more questions ended up

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1 of how close it matches. I'm really struggling
 2 with this one.
 3 MR. VALENTIC: Does someone want to read
 4 through the Duncan factors, if they have them
 5 handy? We can maybe discuss it that way.
 6 MR. FALKOWSKI: I do have a lot of questions
 7 about what the final proposal really is.
 8 MS. GARCAR: Yeah, that's it. I'm struggling
 9 with following the intent of the shopping center as
 10 it was built, and is continually growing all
 11 around, I mean, harmonious. I'm struggling with
 12 keeping that the same, without knowing what it
 13 looks like.
 14 As I say, I'm not 100 percent against it, but
 15 I don't have enough information in the packet
 16 proposed in front of me to be, yes, this is a great
 17 idea.
 18 MR. VALENTIC: Okay.
 19 Brian, any other thoughts?
 20 MR. FALKOWSKI: No.
 21 MR. MILAM: Can I make additional comment?
 22 MR. VALENTIC: Bridey, can he?
 23 MS. MATHENEY: Yes.
 24 MR. VALENTIC: You have to please come to the
 25 microphone, though. Thank you.

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1 MR. MILAM: Honestly, I just thought that the
2 main part of what we were asking for was the
3 variance for the setback, the 28 feet, not all the
4 other details that you're contemplating right now.
5 It didn't seem like that was the point of what we
6 needed to come here for, to go over all the design
7 type, review type of things. So honestly, I
8 apologize for that.
9 But I promise you, we will make it look
10 appropriate. It will not look like a temporary
11 structure. It will look -- the way that we'll do
12 the groundwork and the site work, it's going to
13 look like it blends in perfectly with the ground.
14 It will look like a permanent structure.
15 So I just want to make sure you know how we
16 came here, and the approach we took to this.
17 MR. VALENTIC: Yeah, for us to approve a
18 variance to build the structure, we want to know
19 what we're approving, it all becomes part of the
20 record. That's the concern.
21 MR. ROWAN: Bridey, is there an option, if the
22 applicant is willing, at this point, to table? Is
23 it a matter of withdrawing the motion and then
24 moving to table, if the applicant is willing to
25 maybe get more information?

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1 MS. GARCAR: Is there a fee to fill out an
2 application? I don't know who I should be
3 directing this question to.
4 If we hypothetically denied this, could we
5 deny it with a thing that says, if he would like to
6 reapply with all the information we discussed, we
7 could waive the fee for him? I don't know if there
8 is a fee or not.
9 MS. FREEMAN: There's fees for applications.
10 But I think from a legal standpoint, Bridey might
11 want to chime in on this.
12 MS. MATHENEY: Heather can't waive the fee,
13 but --
14 MS. GARCAR: We can.
15 MS. MATHENEY: And keep in mind, if you deny
16 it and actually vote tonight to deny it, it would
17 have to come back substantially different. Because
18 it's a res judicata, you cannot be looking at the
19 same plan. It has to be materially different than
20 what he's presenting tonight.
21 MS. GARCAR: Now, when you say materially
22 different, currently with what I have in my hand,
23 is a metal roof. Siding versus a normal roof,
24 would that be considered materially different,
25 going from a metal roof to actually shingles, going

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1 MS. MATHENEY: Sure, you can do either one.
2 The applicant suggests, hey, could I have more time
3 to come back with revised plans, or updated and
4 additional information that you're requesting, or
5 you can ask him to do that.
6 MR. ROWAN: Is that -- I guess the question
7 for you then is, is that something that you want to
8 do? Do you want us to go forward with four
9 members, or postpone, table for the next meeting,
10 where we'll hopefully have five members, and gather
11 more information, present more evidence, data, of
12 what your plan is?
13 MR. VALENTIC: But just to elaborate, the
14 point of postponing -- or tabling your submittal
15 isn't because we have four and five, it's because
16 we would expect for you to come back with more
17 detailed information --
18 MR. ROWAN: Yeah.
19 MR. VALENTIC: -- and revised, based on some
20 of the questions we heard, and hopefully address
21 them a little bit more clearly, if you wanted to do
22 that, or just go ahead and vote tonight.
23 MR. MILAM: It's a tough decision. I would
24 love to give you more detail, but I can't do that
25 right now other than what I've explained so far.

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1 from this kind of siding to something that looks
2 more like -- is that considered materially
3 different, the questions that we're asking, would
4 that be considered materially different for us to
5 look at it again?
6 MS. MATHENEY: Well, it's the same variance
7 request, though, the same footage. So I would
8 be -- that would be a challenge. We would have to
9 look at that, actually.
10 So if you want him to come back with more
11 information, I would recommend that you guys make
12 the motion --
13 MS. GARCAR: To table.
14 MS. MATHENEY: -- to ask him to come back with
15 more information, and specifically request what
16 that information is that you would need.
17 MS. GARCAR: Okay. So your suggestion is
18 tabling with the request of more information versus
19 a deny and do another application from the start?
20 MS. MATHENEY: Correct. Because I think it's
21 going to be tough to get a materially different.
22 Because what we have in front of us, if I'm hearing
23 correctly, it sounds slightly incomplete.
24 MS. GARCAR: Okay.
25 MS. MATHENEY: And so what would be the

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1 materially different would be a tough thing to
2 analyze.
3 MS. GARCAR: Okay.
4 MR. MILAM: As far as the match goes to, you
5 know, Gristmill, there are different colors in
6 different spots in Gristmill. All the buildings
7 are a little bit different, just so you know. And
8 we're able to match those, whatever is -- you know,
9 in roof design, painting. The metal roof is
10 actually more expensive than doing a shingle roof.
11 So we'd be happy to, what I would call, bring it
12 down to whatever is needed to match.
13 MR. ROWAN: I think there's more to it than
14 just the matching, though. Because it sounds like
15 there's a lot of unanswered questions. I think we
16 were taken aback by the front of it, taking the
17 curb out. Like that was an unknown.
18 I think we want to get as much information as
19 to what the plan is, so that we can approve what's
20 actually going to be there versus, hey, we approved
21 the shed assuming the curb would be there, and now
22 it's different, it may be set back a little bit
23 further based on what we saw in the design. And
24 just getting clarification on those things, I think
25 that is what we're looking for.

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1 review, as it's been kind of said, minimal concerns
2 of that. It's more of -- I struggle approving
3 something when I don't know exactly where it's
4 going to be located. You're just giving me a big
5 rectangle and saying it's going to be in here
6 someplace. That's the more information that I
7 would be asking for.
8 MR. VALENTIC: So question, would you like to
9 go forward, or would you like for us to table?
10 MR. MILAM: It sounds to me like it would be
11 best to table it and get you the more details.
12 MR. VALENTIC: Okay. So just to be clear,
13 what we would ask from you is, get us closer to
14 what the colors, the look and feel would be more
15 specific to Gristmill, and a site plan that has
16 dimensions and fits within -- you know, closer to
17 what the actual area will be, and how things line
18 up, where the curb is. And if you're putting in a
19 new curb, how you're doing that, that apron, and
20 all that stuff, and where that overhang is. Just a
21 little bit more of that detail that I think
22 everyone is looking for.
23 MR. MILAM: Yeah, glad to do that.
24 MS. GARCAR: I think we need to make a motion
25 to table with those requirements, correct?

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1 MR. MILAM: Okay, I can understand that. I've
2 dealt with other communities where there was a
3 design review process to go through.
4 MR. ROWAN: And so in this case, though, I
5 think because of the size of the building, you're
6 under the requirement for the design review. But
7 again, I think it's a lot of -- you know, just
8 there's a little bit of questions about, like, what
9 exactly are we approving, you know, a setback for
10 what? Like what is entailed in all of this? And I
11 think that's where I'm struggling.
12 I don't know if --
13 MS. GARCAR: So a large struggle is -- a small
14 struggle is the aesthetics of what it looks like.
15 The larger struggle that I have is the pictures
16 that I am seeing drawn out in my packet is a very
17 large rectangle that is larger than the shed
18 itself. Where exactly is the shed being placed for
19 the setbacks, as well as what the front of the shed
20 looks like compared to how far away it will be from
21 the curb with that hangover, for getting that
22 actually in our packet to consider for trucks going
23 by, trucks getting into the dumpsters and stuff
24 like that, that is not laid back.
25 The aesthetics itself within the design

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1 MS. MATHENEY: I think it would be easier to
2 do it that way. That way, it's part of the record.
3 I mean, you have explained it, but maybe a motion
4 would be better.
5 MS. GARCAR: Okay. I guess I would like to --
6 do we need to close off the other motion?
7 MS. MATHENEY: No.
8 MS. GARCAR: I would like to make a motion to
9 table this Variance 2024-161 with the understanding
10 that the applicant will provide more information,
11 including the outside aesthetics of the structure,
12 as well as the exact location of the structure
13 within his 16 by 28 rectangle he's showing, with
14 anything else that would be overhanging outside of
15 the curb into the parking lot, including any
16 curb --
17 MR. ROWAN: Modifications.
18 MS. GARCAR: -- modifications that would be
19 directly going to the curb or the parking lot.
20 MR. VALENTIC: Can I get a second?
21 MR. ROWAN: Second.
22 MR. FALKOWSKI: Second.
23 MR. VALENTIC: Okay. All in favor, say aye.
24 MS. GARCAR: Aye.
25 MR. FALKOWSKI: Aye.

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1 MR. ROWAN: Aye.

2 MR. VALENTIC: Aye.

3 Okay, we'll table that until next month.

4 All right, next is Variance Application

5 2024-162. Tony Milam is requesting a variance from

6 Section 13.34(B) to expand the outside dining area

7 into an area that will occupy or interfere with

8 traffic circulation, required parking areas or

9 pedestrian areas, which is not permitted. A second

10 variance is requested from Section 13.34(F) which

11 requires one parking space per 100 square feet of

12 outdoor dining area, where no additional parking

13 will be provided for the proposed expansion of the

14 outside dining area. This is for the property

15 owned by ML-CFC -- I'm sorry -- 2007-7 Fredle

16 Drive, LLC, and located at 7531 Crile Road, also

17 known as Permanent Parcel Number

18 08-A-019-B-00-012-0.

19 Heather, do you want to give us --

20 MR. MILAM: Heather, I think I'm going to push

21 these forward, if that matters.

22 MS. FREEMAN: Mr. Chairman, can we have him

23 come up real quick before we get into this?

24 Thank you.

25 MR. MILAM: The next two proposals that are

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1 MR. VALENTIC: All in favor, say aye.

2 MS. GARCAR: Aye.

3 MR. FALKOWSKI: Aye.

4 MR. ROWAN: Aye.

5 MR. VALENTIC: All right, we'll see you in a

6 month.

7 MR. MILAM: Okay.

8 MR. VALENTIC: Thank you.

9 The other item is a motion on the meeting

10 minutes from -- are these from June 2024? I don't

11 know if we -- we did not have a meeting in July, so

12 there's no July minutes.

13 Can I get a motion to table the approval of

14 the meeting minutes from June 2024 for our next

15 meeting?

16 MR. FALKOWSKI: So moved.

17 MR. VALENTIC: Second?

18 MR. ROWAN: Second.

19 MR. VALENTIC: All right. All in favor, say

20 aye.

21 MS. GARCAR: Aye.

22 MR. FALKOWSKI: Aye.

23 MR. ROWAN: Aye.

24 MR. VALENTIC: Aye.

25 Okay, the minutes are tabled.

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1 there --

2 MS. FREEMAN: I'm sorry, can you state your

3 name and address for the record.

4 MR. MILAM: Tony Milam, 7316 Gallant Way.

5 MR. VALENTIC: And you've been sworn in?

6 MR. MILAM: I've been sworn in.

7 For the next two items on the agenda, I was

8 going to wait on both of those.

9 MR. VALENTIC: Oh, to have a full board?

10 MR. MILAM: To have a full board, yeah.

11 MR. VALENTIC: Okay. So do we have to -- we

12 don't have to table it. Do we have to go to a vote

13 to table that?

14 MS. MATHENEY: I think it just may be easier.

15 MR. VALENTIC: Okay. Thank you.

16 MR. MILAM: Okay.

17 MR. VALENTIC: All right.

18 MS. GARCAR: I'll make a motion to -- can we

19 table both of them at the same time?

20 MS. MATHENEY: Absolutely.

21 MS. GARCAR: I make a motion to table, per the

22 applicant's request, Variance Application 2024-162,

23 as well as the amendment of Conditional Use Permit

24 Application 2021-15 until the next meeting.

25 MR. FALKOWSKI: Second.

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1 MS. GARCAR: Can I ask, are the May 8th

2 minutes tabled? On our agenda it's listed, May 8th

3 tabled.

4 MS. FREEMAN: Right. We just received them,

5 actually, today. And I did not email them to you.

6 I figured you would not have ample time to review

7 those. So you will have those --

8 MS. GARCAR: For the next one.

9 MS. FREEMAN: -- for the next meeting.

10 MS. GARCAR: I just wanted to clarify that.

11 Thank you.

12 MR. VALENTIC: For the next meeting. Thank

13 you. Okay.

14 MR. ROWAN: Next meeting.

15 MR. VALENTIC: Yeah. So our next meeting -- I

16 don't have a date.

17 MS. GARCAR: September 11th.

18 MR. VALENTIC: Yes, September 11th, 2024 is

19 our next meeting.

20 The Concord Township Board of Zoning Appeals

21 for August 14, 2024 is now adjourned.

22 (Whereupon, the meeting was adjourned at

23 8:37 p.m.)

24

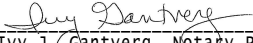
25


CERTIFICATE

State of Ohio, }
County of Cuyahoga. } ss:

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

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


Ivy J. Gantverg, Notary Public
in and for the State of Ohio,
Registered Professional Reporter.
My Commission Expires November 5, 2028.



<p>MR. FALKOWSKI: [45] 11/9 13/20 14/3 14/23 19/6 19/9 22/23 23/12 24/11 24/18 25/10 25/16 26/18 26/21 26/23 27/6 27/24 28/7 31/3 42/2 42/7 48/16 51/13 53/2 59/16 59/22 60/3 60/10 60/16 60/20 64/11 64/17 76/11 76/20 77/5 78/15 79/21 80/6 80/20 88/22 88/25 90/25 91/3 91/16 91/22</p> <p>MR. LAZUKA: [20] 16/20 16/24 17/2 17/17 17/19 17/24 18/6 18/9 18/21 19/2 19/8 19/13 19/22 19/25 20/7 22/5 22/16 22/19 23/14 25/8</p> <p>MR. MCCARTHY: [32] 34/2 34/7 34/10 37/21 38/12 39/4 39/7 39/10 39/13 40/3 40/14 40/17 40/21 40/25 41/4 41/12 41/18 41/24 42/1 42/11 42/19 43/25 44/7 44/11 45/13 45/21 45/24 46/7 47/24 48/4 48/10 48/13</p> <p>MR. 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