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2 CONCORD TOWNSHIP BOARD OF ZONING APPEALS
3 LAKE COUNTY, OHIO
4 REGULAR MEETING
5
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8 Concord Town Hall
9 7229 Ravenna Road
10 Concord, Ohio 44077
11
12 September 11, 2024
13 7:00 p.m.
14
15 TRANSCRIPT OF PROCEEDINGS
16 Board of Zoning Appeals members present:
17 Ivan Valentic, Chairman
18 Francis Sweeney, Jr., Vice-Chairman
19 Davey Rowan, Member
20 T. R. Hach, Member
21 Brian Falkowski, Member
22
23 Also Present:
24 Mike Gerson, Assistant Zoning Inspector
25 Bridey Matheney, Esq., Legal Counsel

1 variances for Old Business, one conditional
2 use permit application as Old Business, and
3 one new variance application. A three-vote
4 majority is required to either approve or deny
5 your variance or your conditional use permit.
6 Okay, Mike, can you please -- hold on
7 real quick. Let me first kind of read off the
8 first case, Mike, before I turn it over to
9 you.
10 First is Old Business, Variance
11 Application 2024-161. Tony Milam is
12 requesting a variance from Section 22.04(D),
13 Table 22.04 to allow for the construction of
14 an accessory building with a 28 foot front
15 building setback in lieu of the minimum
16 50 feet required. This is for the property
17 owned by ML-CFC 2007-7 Fedle Drive, LLC, and
18 located at 7531 Crile Road, also known as
19 permanent parcel number 08-A-019-B-00-012-0.
20 Mike, do you want to give us a quick
21 summary?
22 MR. GERSON: Yeah. So the subject
23 property is located at 7531 Crile Road, just
24 south of Fredle Drive. It's part of the
25 Gristmill Shopping Center.

1 PROCEEDINGS
2 MR. VALENTIC: Good evening. The
3 Concord Township Board of Zoning Appeals for
4 September 11, 2024, is now in session.
5 I would like to introduce my board. To
6 my far left is Skip Sweeney and T. R. Hach. I
7 am Ivan Valentic. To my right is Davey Rowan
8 and Brian Falkowski. And to our far right is
9 Mike Gerson, our township Assistant Zoning
10 Inspector.
11 Under the advice of counsel, anyone
12 speaking tonight must be sworn in. If you
13 plan on speaking, please stand and raise your
14 right hand.
15 (Whereupon, the speakers were sworn
16 en masse.)
17 MR. VALENTIC: Please be seated.
18 When presenting your case or commenting,
19 please come up to the microphone up front, and
20 state your name and address, and confirm
21 you've been sworn in.
22 Mike, were the legal notices published in
23 a timely manner?
24 MR. GERSON: They were.
25 MR. VALENTIC: This evening, we have two

1 The property is zoned B1, Residential --
2 Restricted Retail District. It's
3 approximately 6.865 acres. The property is
4 currently developed multiple commercial
5 buildings, including restaurants, banks,
6 medical offices, restaurants, and grocery
7 store.
8 The applicant is the owner of Sunny
9 Street Cafe. As proposed, the applicant would
10 like to construct a 384 square foot garage at
11 the front of the property between the existing
12 fence and dumpster enclosure and the fenced-in
13 gas meter. The property is located 28 feet
14 from the west property line, 205 feet from the
15 north property line, and 430 feet from the
16 rear property line, and 405 feet from the
17 south property line. Attached to the proposed
18 garage is a new proposed fenced area for the
19 dumpster that will be in the same location as
20 the existing.
21 Pursuant to Section 22.04(D), Table
22 22.04, all buildings require a minimum front
23 setback of 50 feet.
24 MR. VALENTIC: Thank you.
25 Will the applicant please come up.

5

1 Again, please state your name and
2 address, and confirm you've been sworn in.
3 MR. MILAM: Tony Milam, 7316 Gallant Way.
4 MR. VALENTIC: You've been sworn in?
5 MR. MILAM: Yes.
6 MR. VALENTIC: Okay. Go ahead.
7 MR. MILAM: We tabled our discussion last
8 meeting to bring more light to the building
9 itself, the elements of the building. So I
10 have presented you guys with a packet tonight,
11 and we can go through that.
12 First of all, the project area is
13 outlined on the first page, and that really
14 hasn't changed. The second part describes,
15 you know, in gray where the shed part would
16 go. And then the yellow part is where the
17 dumpster existing is, and expansion thereof.
18 The next one shows a picture of the
19 existing site from the road showing, you know,
20 basically there are tall arborvitae trees
21 there where the building would go. The
22 dumpster would remain in a similar location.
23 There's a little expansion to the dumpster
24 area for some of our outdoor-type things that
25 we keep on property, that we can keep in the

7

1 And if you go to the next page, it's kind
2 of zoomed in. And that shows that we actually
3 are looking for 26 feet instead of 28 feet.
4 So I'd like to correct that, if we can. And I
5 put that in this packet tonight, if that's
6 possible to make that change.
7 And that just is some of the things that
8 were brought up at the last meeting, how far
9 are we back from the curb. And we needed that
10 little bit of setback in order to get the ramp
11 into the building. And that's only three
12 feet, which we'll go over that number in just
13 a second. I just wanted to point that out.
14 The next page shows a picture of the
15 existing plaza. And these are the elements
16 that we tried to match in the design. So if
17 you look at the roof line, for example, you
18 can see that there's a hip roof in a lot of
19 places, there's a gable roof in other places,
20 there's dormers on the roof, the roofline of
21 the buildings.
22 So we kind of looked at our building.
23 And also, another thing, if you look at the
24 height of the trees that are there and
25 existing, they're pretty similar to the height

6

1 dumpster bin. Plus there's also an oil
2 container that goes in there that gets picked
3 up.
4 To the right of that, you can see that
5 there's a gas fenced-in area. That's for --
6 the gas company owns that. We've been working
7 closely with them through this project to make
8 sure that they're happy and there's no
9 interruption to what they're doing as
10 servicing the plaza as far as gas needs.
11 We did some measurements. We kind of
12 remeasured everything to make sure we had good
13 numbers. Crile Road is a 60 foot right of
14 way. So you can see, if you take the center
15 line on the GSI map, and you go to the
16 property line, it's 30 feet. So that matches
17 up pretty closely to 60 feet. If you take the
18 property line to the existing dumpster, you're
19 at 31 feet. And also, just to point out, the
20 road -- the pavement is 15 feet from the
21 property line already.
22 So in the proposed -- we used the survey,
23 recent survey of the property for the next
24 page, and you can see the proposed site of the
25 storage building.

8

1 that we'll end up with our building, as well.
2 So there won't be a whole lot of disruption to
3 the visual look into the plaza. It will be
4 almost the same.
5 So the siding and colors of the stone, if
6 you turn to the next page, I'll show you
7 what's going on there, because there are
8 different elements in the plaza. The Sunny
9 Street building, which is Sunny
10 Street/Huntington Bank, we have the same type
11 of siding and the same type of stone work on
12 the bottom of the building. If you look up at
13 the strip side of the plaza, Lucky's, and
14 Nouveau and Pub, they have had a different
15 type of siding, and they also have a different
16 type of stone and a little -- there's a
17 difference in the height variance, too.
18 We're basically looking at -- the
19 proposal is to match our building. I think
20 that goes well, as far as like the stone on
21 the lower half of the walls, and then the
22 vinyl siding to match on the upper half of the
23 walls. The roof will match the shingles of
24 the existing Sunny Street shingles. The
25 actual shingles in the whole plaza are pretty

1 consistent. So that will be matched up, as
 2 well.
 3 And then you can see in the rendering,
 4 you can see that we have a door on the one
 5 side, and a main big door to roll in bigger
 6 equipment there.
 7 And the purpose of this building, again,
 8 is right now we have a lot of equipment that
 9 we have to bring on and off the property. We
 10 have a lot of need for this building. That's
 11 the whole purpose of bringing it all together.
 12 Now we're in lots of different locations going
 13 to get our equipment to run any kind of -- you
 14 know, there's a lot of different things that
 15 we do. We do some off-site catering and
 16 things like that, so it all -- you know, that
 17 equipment.
 18 We also have to keep a lot of extra
 19 kitchen equipment around, because we're a
 20 seven-day-a-week operation, we can't really
 21 afford to close. And we keep extra kitchen
 22 equipment in case anything were to happen with
 23 our kitchen equipment.
 24 Also, you can see that I think, with this
 25 design, and the clean-up of our part of the

1 you guys know, is pitched up some four --
 2 well, five to six feet in range from the
 3 roadway -- or the parking lot. So you won't
 4 see all the structure when you drive by.
 5 You'll only see a portion of the structure,
 6 which is what you see now when you see the
 7 tall arborvitae trees that are in place there.
 8 Any questions?
 9 MR. VALENTIC: I've got a question for
 10 legal counsel.
 11 MS. MATHENEY: Sure.
 12 MR. VALENTIC: So can they, in this
 13 meeting, change his request from 28 to
 14 26 feet?
 15 MS. MATHENEY: Absolutely.
 16 MR. VALENTIC: Okay.
 17 MS. MATHENEY: He can verbally amend it.
 18 MR. VALENTIC: Okay. Thank you.
 19 MS. MATHENEY: You're welcome.
 20 MR. VALENTIC: How tall is that retaining
 21 wall that you guys have shown now? Because
 22 that wasn't there last time.
 23 MR. MILAM: It's required to hold back --
 24 you know, to have a flat site, we're going to
 25 have to put in a paver retaining wall. And

1 site, it really improves the area, especially
 2 the dumpster bin area, which needs to be
 3 overhauled. Things are not in good shape over
 4 there.
 5 Okay, so when you look at the next page,
 6 you can see the measurements. And you can
 7 see -- well, I'll start with the storage
 8 building. It's a 16 by 24 building. There's
 9 a three-foot ramp that comes into the
 10 building, gives us room from the roadway to
 11 get into the building. And then you can see
 12 there's a three-foot walkway up to the man
 13 door. There's a mulch bed that's existing
 14 there now, and that will remain. Then you can
 15 see the size of the dumpster bin, which is 10
 16 by 18.
 17 But the bottom line is, and the reason
 18 we're asking for the variance is, this plan
 19 would end up being 26 and a half feet from the
 20 road. So we think that 26 is a good, safe
 21 number for this variance.
 22 And then the last thing is, just to give
 23 you an idea of what it looks like now and what
 24 the improvements will look like from the
 25 roadway. And also, the roadway, as most of

1 it's somewhere around three tiers -- three
 2 levels plus a cap. So roughly you're looking
 3 at about 32, 34 inches.
 4 MR. VALENTIC: Okay. And then what's
 5 going in that dumpster? You alluded to other
 6 stuff getting stored in there?
 7 MR. MILAM: Well, we have right now -- on
 8 our site, we have, you know, like a smoker and
 9 a grill that we use for certain type of
 10 events, you know, cooking events. And those
 11 things are now setting on the property in
 12 sight, and that way we can get them out of
 13 sight. It will be a lot cleaner as an
 14 operation without those things on site.
 15 MR. HACH: Where do you keep the
 16 equipment now?
 17 MR. MILAM: We have a storage unit that
 18 we have in Chardon. And then I have to keep
 19 some at my home. So it's in multiple
 20 locations.
 21 And some of it is stuff that we need on a
 22 regular, regular basis. We also keep a lot of
 23 smallware things, like glassware, plastic
 24 cups, and things like that, off site. We do
 25 not have -- we're a very small kitchen. So

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1 we've had -- and we do have a storage building
 2 that we keep full now. It's just overloaded.
 3 MR. VALENTIC: So how often -- I think we
 4 asked this last time, but I don't remember
 5 exactly the answer, but how often are you
 6 going out to this building, like during
 7 operation, a day of operation?
 8 MR. MILAM: It might only be once or
 9 twice a day. But having to -- you know,
 10 rather than having to drive eight miles this
 11 way, eight miles that way, and digging through
 12 a storage unit, I mean, it would be a lot more
 13 organized and really help our operation.
 14 MR. HACH: But the catering that this
 15 equipment is going to service, that's usually
 16 off site anyway, correct?
 17 MR. MILAM: The catering itself?
 18 MR. HACH: Well, the equipment, you said
 19 you use it for catering?
 20 MR. MILAM: Well, some of it is, yes.
 21 MR. HACH: Yeah. Okay.
 22 MR. MILAM: Some of it is. But a lot of
 23 that is on-site catering. I mean, we don't do
 24 a lot of off-site catering, hardly any. But
 25 if people want to run an event at a

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1 what would you like at your event, a sitdown
 2 dinner or a buffet. We've got to bring in the
 3 right equipment to run that type of event.
 4 MR. HACH: Okay.
 5 MR. VALENTIC: Okay. So I just want to
 6 make sure, Mike, this gets entered as part of
 7 the record for this evening. We just saw
 8 this. We didn't get it ahead of time.
 9 Thank you for updating the plans and
 10 making them more clear, and getting, you know,
 11 some of those dimensions on there. That's the
 12 stuff we were asking for.
 13 MR. MILAM: Right. Exactly.
 14 MR. VALENTIC: I think it helps us
 15 understand it a little more.
 16 MR. MILAM: Well, it worked out well for
 17 both of us. We got to know more about the
 18 site plan, where we first thought it was
 19 mainly just to get here for the setback
 20 variance.
 21 And I know there's a lot of things in
 22 the -- there's a lot of variances, from bank
 23 drive-thrus, you know, Waffle House is in the
 24 setback area, you know, things like that. So
 25 we thought it would be fair just to --

14

1 restaurant, you know, after hours, we're set
 2 up to run those.
 3 So we have bars, and we have -- because
 4 we have a liquor license for the last couple
 5 of years. And we have portable bars that we
 6 have to roll around, and they're not easy to
 7 move.
 8 MR. HACH: So are you open -- forgive me,
 9 I was not at the last meeting. But my
 10 understanding is that you're open for
 11 breakfast and lunch.
 12 MR. MILAM: Breakfast and lunch, yes.
 13 MR. HACH: And you're going to expand
 14 those hours?
 15 MR. MILAM: No, we don't expand those
 16 hours. No.
 17 MR. HACH: I'm confused with the catering
 18 and the bar, the bars you're rolling around.
 19 MR. MILAM: Well, let's say you wanted to
 20 host a dinner for -- a rehearsal dinner, for
 21 example.
 22 MR. HACH: Right.
 23 MR. MILAM: And you come to us and say,
 24 you know, you guys -- you know, we run events
 25 after hours. So we would entertain that. And

16

1 MR. VALENTIC: Is there -- I guess you
 2 said you had coordinated with the gas company.
 3 I think you had to move a gas line for this
 4 project if it goes through.
 5 MR. MILAM: Yeah.
 6 MR. VALENTIC: Is there any restrictions
 7 on what's stored in there because it's so
 8 close to that gas meter?
 9 MR. MILAM: Not from them.
 10 MR. VALENTIC: No?
 11 MR. MILAM: No. No, we've had many, many
 12 meetings with them. Yeah.
 13 MR. VALENTIC: All right.
 14 MR. ROWAN: There won't be power running
 15 to this, or will there?
 16 MR. MILAM: There will be power for
 17 lights, yes.
 18 MR. ROWAN: Okay. I think in the
 19 previous meeting, we talked about the ramp,
 20 and obviously you have the picture here that
 21 shows that now.
 22 MR. MILAM: Right.
 23 MR. ROWAN: So the curb will be cut,
 24 essentially.
 25 MR. MILAM: Yeah, it's a curb cut to get

1 there.
 2 MR. ROWAN: Because I think that was a
 3 question we had.
 4 MR. MILAM: And then the curbs remain
 5 that are cut.
 6 MR. FALKOWSKI: Were you done?
 7 MR. ROWAN: Yeah. Go ahead.
 8 MR. FALKOWSKI: I'm sorry.
 9 I think at the last meeting you mentioned
 10 the building was more of a portable building.
 11 This looks like more of a permanent structure.
 12 MR. MILAM: It is a portable building.
 13 MR. FALKOWSKI: Okay. So it is still a
 14 wood floor?
 15 MR. MILAM: Yes.
 16 MR. FALKOWSKI: Okay.
 17 MR. MILAM: We want it to look as
 18 permanent-looking. That's part of the site
 19 plan, we're trying to make it look like it's
 20 not just a shed-looking thing out there. It's
 21 going to look like it's part -- you know, it's
 22 in the ground, but it doesn't have a
 23 foundation or anything like that.
 24 MR. VALENTIC: I'm still struggling. Can
 25 you remind me -- can you tell me why you

1 close to the door as possible.
 2 MR. VALENTIC: Yeah. I just thought of
 3 the parking nearby. Just wondering. I mean,
 4 just curious why it wasn't there, if you guys
 5 even looked at it.
 6 MR. HACH: Is the property owner -- Fedle
 7 LLC, that's not you, is it?
 8 MR. MILAM: No.
 9 MR. HACH: Okay. But they're --
 10 MR. MILAM: We've dealt with them on
 11 this. And they are all on board with this,
 12 yes. And they actually sent a letter in,
 13 which is part of your packet, saying that
 14 they're good with us requesting this variance.
 15 MR. FALKOWSKI: Did you talk to any of
 16 your neighbors in the plaza about how they
 17 feel about this?
 18 MR. MILAM: We haven't, because just the
 19 landlord, you know. The landlord and, you
 20 know, the project operator that we deal with.
 21 And there's another -- there's three people
 22 that we deal with, with the landlord, and they
 23 were all on board with it.
 24 So they know how -- they run a lot of
 25 plazas around the country, and they know how

1 couldn't put this like where that van is
 2 parked? Like why couldn't we just make
 3 this -- it would be great, Tony, if this was
 4 like -- if you took that old shed down, you
 5 made one bigger thing right there, attach it
 6 to the building, make it look like it's part
 7 of the building, it's right by the patio. You
 8 guys have to walk less to get to it if you
 9 need to get to it. Why can't you just put it
 10 there? I mean, I would feel better if it was
 11 there. I think it would look better for the
 12 whole plaza if it was over there.

13 Did you guys look at that? Is there a
 14 reason why it can't be in that little corner?
 15 It looks like about enough area, quite
 16 honestly.

17 MR. MILAM: You could be right. But we
 18 just thought this location needed a fix-up.
 19 We definitely needed to fix the dumpster area,
 20 and we thought a combination of this and that
 21 all works better for us, and that's why we did
 22 it. We use that parking space for our Sunny
 23 wagon. That's used every day, several times a
 24 day. And when you're in the winter and you
 25 need to get out to the vehicle, you want it as

1 things like this affect other people. And we
 2 just felt comfortable, you know, that if they
 3 had any issues, they would have already
 4 checked with them.

5 I'm very friendly with, you know, all the
 6 operators in the plaza.

7 MR. FALKOWSKI: Sure.

8 MR. MILAM: When we do -- you know, we're
 9 going to talk about -- our next thing on the
 10 agenda is events and things. But we're going
 11 to talk about how the whole plaza comes
 12 together for those type of things.

13 MR. VALENTIC: Does anyone else have any
 14 further questions for Tony about this one?

15 MR. MILAM: Obviously we're trying to
 16 make the building as nice looking and clean
 17 that area up the best we can make it look. It
 18 really is kind of an eyesore at this point.

19 MR. VALENTIC: I appreciate you cleaning
 20 up the dumpster area. I think it does need to
 21 be cleaned up. I just went and drove by it
 22 again.

23 MR. MILAM: Well, the trees leaning over,
 24 and it's not really a nice looking area.

25 MR. VALENTIC: Yeah. It seems like an

21

1 odd spot to put a garage, that's all.
 2 Okay. Any other questions? Are we good?
 3 Okay, thank you. Be seated.
 4 Is there anyone else here this evening
 5 that's speaking for or against this appeal
 6 that would like to come up?
 7 Okay, if there's no further questions,
 8 the public hearing for Application Number
 9 2024-161 is now closed to the public.
 10 Can I get a motion to approve Variance
 11 2024-161?
 12 MR. HACH: So moved.
 13 MR. SWEENEY: Second.
 14 MR. VALENTIC: Discussion? Any comments
 15 from anyone?
 16 MR. SWEENEY: Yeah, I think -- I wasn't
 17 here at the last meeting, but I've been
 18 brought up to speed, I watched the video. I
 19 understand the questions, and the issues, and
 20 the requests for the variances, and so on.
 21 Frankly, I was leaning -- I didn't quite
 22 understand it, and the second presentation and
 23 explanation has really changed my mind. I
 24 think it looks great. I think it's a -- I
 25 mean, this is a unique area as it relates to

23

1 and then with the overall thing. I frankly
 2 think it's nice.
 3 MR. HACH: It seems like he needs a
 4 bigger building. And I understand it's maybe
 5 not cost-effective to expand the existing
 6 building. But the business, when he started
 7 it, fit. Now the business has changed, and he
 8 wants to change the rules. So I don't know.
 9 I'm not real wild about it, frankly.
 10 MR. VALENTIC: Yeah. I mean, for me,
 11 visually, I think from Crile, driving along
 12 there, I think it's going to have an impact.
 13 And it's not -- it's a nice looking building.
 14 But still, now you're bringing your building,
 15 kind of pushing it forward, and we're just
 16 seeing a blank wall on that building.
 17 I mean, having a garage in a parking lot
 18 is kind of weird. You know, if it was tucked
 19 in part of the building, I think it would
 20 blend in a little bit more. That was my
 21 question, my point. I thought if it was
 22 located maybe somewhere else on the premises,
 23 in the back, you know, maybe would feel -- you
 24 know, again, they have to drive over, which is
 25 somewhat inconvenient, but like all those --

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1 the zoning code in terms of commercial use
 2 and so on. And I think -- the only practical
 3 difficulty that I can see being affected is
 4 the request is in a way substantial, I mean,
 5 there is -- are you close to the road? I
 6 don't think you're close. But that's not
 7 really what the zoning addresses in a lot of
 8 cases. It violates the zoning, and that's why
 9 you're asking for a variance.
 10 I don't think it's substantial in the
 11 fact that it's going to affect things like
 12 sight lines, and safety, and stuff like that.
 13 So frankly, I think that building -- if
 14 it's going to be constructed the way you
 15 say it is, I think it brings a very cohesive
 16 look to that area. Because right now, like
 17 Ivan said, it looks a little ratty.
 18 MR. MILAM: Yeah. True.
 19 MR. SWEENEY: Yeah, it really does. And
 20 I think -- I'm not like a landscape architect,
 21 or architect, or anything like that. But I
 22 think, just visualizing that building there,
 23 with the similar building stones and similar
 24 siding and stuff, visually, I think it will
 25 bring everything together with your building,

24

1 MR. HACH: They're driving all over now.
 2 MR. VALENTIC: Yeah.
 3 MR. SWEENEY: If you use that plaza at
 4 all, which I do a lot, you realize that that
 5 area where it's at, there's very little
 6 traffic that goes through there. There's so
 7 many other traffic avenues in that parking lot
 8 that it's almost unused, it really is.
 9 And that, again, is something that I
 10 considered, as well. Because if this is an
 11 area, obviously, that cars are using to get
 12 out, or using to get to a parking spot, I
 13 would be like, well, wait a second, you're
 14 cutting off a lot of access. And I don't
 15 see that that's the case.
 16 MR. VALENTIC: Yeah.
 17 MR. SWEENEY: I also thought about that,
 18 as well. I mean, I get your points.
 19 MR. VALENTIC: Yeah.
 20 MR. SWEENEY: I'm trying to visualize, is
 21 that even going to be like a problem driving
 22 down Crile? That's kind of in a blind spot
 23 anyway for all of us, I think, when you're
 24 driving past there.
 25 MR. VALENTIC: Yeah.

25

1 MR. SWEENEY: It's just kind of there,
 2 you know?
 3 But I do notice the dumpster, and the
 4 state that it's in now. I do notice that.
 5 MR. VALENTIC: Yeah.
 6 MR. SWEENEY: Exactly.
 7 MR. ROWAN: I think to your point about,
 8 could they utilize the space next to the
 9 building, or build onto the building, I think
 10 that, from a cost perspective, this is
 11 obviously a more cost-effective solution,
 12 probably less permitting, less time,
 13 et cetera.
 14 And I do appreciate the updated
 15 renderings. I think that helps quite a bit,
 16 to be able to see where that ramp is going to
 17 be --
 18 MR. VALENTIC: Yeah.
 19 MR. ROWAN: -- and get a better feel for
 20 like how -- you know, the look and feel of it,
 21 I think it's a lot better, having it blend in.
 22 So I do appreciate that. And I think all your
 23 points, I agree with.
 24 MR. FALKOWSKI: I think this packet was
 25 very helpful, and I think it was put together

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1 block their line of sight? I mean, I don't
 2 know if I'd be thrilled about that.
 3 MR. VALENTIC: I didn't think about that.
 4 MR. HACH: Good point.
 5 MR. VALENTIC: That's a good point. I
 6 was looking for that image, to kind of go back
 7 there.
 8 MR. FALKOWSKI: Oh, here, if anyone wants
 9 it.
 10 MR. HACH: Well, the trees kind of do
 11 that anyway.
 12 MR. ROWAN: And isn't this already on a
 13 slope?
 14 MR. HACH: But if that's what you're
 15 paying for, is visibility to Crile, and now
 16 there's a drive there, I wouldn't like that.
 17 MR. FALKOWSKI: No, I wouldn't, either.
 18 Even if it was just a little bit of a part of
 19 my sign, I wouldn't be pleased with that.
 20 MR. MILAM: Can I chime in?
 21 MR. VALENTIC: Just a second.
 22 MR. SWEENEY: This is more than a minor
 23 slope from top to bottom, right?
 24 MR. VALENTIC: Right. That's why he's
 25 putting in that retaining wall.

26

1 excellently.
 2 I am really struggling with the optics of
 3 having the garage in the front of the plaza,
 4 which I think has been iterated a little bit.
 5 I think it's pretty unconventional to see a
 6 back of a garage in the front of a plaza. And
 7 I keep kind of looking at the image,
 8 specifically where you mentioned about the van
 9 there, that it would just kind of tuck right
 10 in if that other structure was existed --
 11 tucked into the existing structure, excuse me,
 12 and then here I just feel like it sticks out.
 13 I do agree that it would improve the dumpster
 14 area, but I'm just struggling with it kind of
 15 being out on an island there.
 16 MR. SWEENEY: Yeah.
 17 MR. VALENTIC: Uh-huh.
 18 MR. FALKOWSKI: And I do think it is
 19 substantial.
 20 MR. VALENTIC: Yeah. It's got the peak,
 21 which is nice because it matches everything,
 22 but it also makes it taller, you know.
 23 MR. FALKOWSKI: And that's why I was
 24 asking about the other tenants, because is it
 25 going to block people's signs, is it going to

28

1 MR. SWEENEY: Yeah.
 2 MR. FALKOWSKI: Right.
 3 MR. SWEENEY: And that cuts off. So
 4 essentially you're not really dealing with,
 5 say, whatever it is, a ten-foot tall building.
 6 You're really dealing with a five-foot tall
 7 building, from a visual standpoint.
 8 MR. MILAM: He just made the point I
 9 wanted to make.
 10 MR. VALENTIC: Sure. Yeah.
 11 MR. SWEENEY: Yeah.
 12 MR. VALENTIC: You're not seeing the full
 13 height of the building.
 14 MR. SWEENEY: Yeah, yeah.
 15 MR. FALKOWSKI: I think that's a fair
 16 point.
 17 MR. SWEENEY: Yeah, it just -- yeah.
 18 MR. HACH: It's a unique request.
 19 MR. SWEENEY: I just think -- just the
 20 cohesiveness that this building will bring to
 21 those two disparate sites, you know, the
 22 dumpster and the gas thing, I think will
 23 actually not be bad when it's all said and
 24 done. I really think it will differentiate it
 25 as a separate area within that plaza, even

29

1 though it may -- you know, you may see it from
 2 the road, and it may be something that, well,
 3 wait, am I supposed to look at a garage first
 4 when I go into a plaza, or what? And so I
 5 think that will help a lot, like I said,
 6 having things abutting it to kind of pull it
 7 all together.
 8 Because I was against this at first, I
 9 will tell you. When I watched the video, I
 10 said, it's too substantial, it's too visually
 11 impaired, you know, impairing. But the new
 12 packet, again, as Brian said, really -- it
 13 really helped a lot --
 14 MR. MILAM: Thank you.
 15 MR. SWEENEY: -- brought it all together.
 16 MR. VALENTIC: Do you guys -- any other
 17 comments? I mean, Skip made some good points
 18 there, too.
 19 Anything?
 20 MR. SWEENEY: While paying attention to
 21 the standards.
 22 MR. VALENTIC: Do you guys have any
 23 questions for the applicant?
 24 MR. FALKOWSKI: No, I think I'm good.
 25 MR. VALENTIC: Did you want to add

31

1 MR. SWEENEY: So moved.
 2 MR. HACH: Second.
 3 MR. FALKOWSKI: Second.
 4 MR. VALENTIC: Mike, please call the
 5 vote.
 6 MR. GERSON: Mr. Valentic.
 7 MR. VALENTIC: No.
 8 MR. GERSON: Mr. Sweeney.
 9 MR. SWEENEY: Yes.
 10 MR. GERSON: Mr. Rowan.
 11 MR. ROWAN: Yes.
 12 MR. GERSON: Mr. Hach.
 13 MR. HACH: No.
 14 MR. GERSON: Mr. Falkowski.
 15 MR. FALKOWSKI: No.
 16 MR. VALENTIC: Okay. Unfortunately, it
 17 was not approved.
 18 Okay, next is Variance Application
 19 2024-162. Tony Milam is requesting a variance
 20 from Section 13.34(B) to expand the outside
 21 dining area into an area that will occupy or
 22 interfere with traffic circulation, required
 23 parking areas or pedestrian areas which is not
 24 permitted. A second variance is requested
 25 from Section 13.34(F) which requires one

30

1 something? Please come up.
 2 MR. MILAM: The only other comment I'd
 3 like to make is, if you think about the
 4 landlord, this is the largest landlord in the
 5 country of this type of plaza type. And they
 6 wouldn't approve anything that would take away
 7 from the value of their plaza.
 8 I think that's an important point,
 9 because they're the ones that looked at this
 10 originally and allowed us to come forward to
 11 you guys. And if it was in a bad spot or it
 12 was going to take away from the value of the
 13 plaza, this meeting wouldn't be occurring for
 14 me. So I just wanted to make that point.
 15 MR. VALENTIC: Okay. Thank you.
 16 Are you good?
 17 MR. HACH: Yes.
 18 MR. VALENTIC: Okay. All right, Mike.
 19 So one quick note. So the variance
 20 application for 2024-161, Mr. Milam has
 21 requested that the setback be changed to a
 22 26 foot front building setback.
 23 Can I please get a motion to approve the
 24 Variance Application for 2024-161 with a
 25 26 foot setback?

32

1 parking space per 100 square feet of outdoor
 2 dining area, where no additional parking will
 3 be provided for the proposed expansion of the
 4 outside dining area. This is for the property
 5 owned by ML-CFC 2007-7 Fedle Drive, LLC, and
 6 located at 7531 Crile Road, also known as
 7 permanent parcel number 08-A-019-B-00-012-0.
 8 Mr. Milam, please come on up.
 9 MR. MILAM: The same thing, I've been
 10 sworn in, Tony Milam, 7316 Gallant Way.
 11 I presented a letter that I'd like to
 12 read, that covers actually the next two
 13 variances because they kind of are combined.
 14 So we have a conditional use amendment
 15 we're asking for. And what this is, Sunny
 16 Street is requesting an amendment to its
 17 conditional use permit for its outdoor dining,
 18 which is our patio area. From time to time we
 19 want to host events, such as a music festival,
 20 or host a food truck in the common area of
 21 Gristmill directly adjacent to the covered
 22 patio. The area is defined in the aerial
 23 exhibit which shows this in orange.
 24 Do you guys have that?
 25 MR. VALENTIC: Yeah.

33

1 MR. SWEENEY: Uh-huh.
2 MR. MILAM: Okay. In order for that area
3 to work out, we would also need to get a
4 variance for Section 13.34 outdoor dining,
5 (B) and (F). Which (B) deals with traffic
6 circulation, (F) deals with parking.
7 And we can attest, during the use of the
8 extended patio area, there is little or no
9 impact on traffic circulation. Which was kind
10 of brought up today, this area is not a real
11 trafficked area. Even in the busiest times of
12 the plaza, it wouldn't really be of any
13 impact, because there is a flow around that
14 area.
15 So when the expanded area of the patio is
16 used, there's a reduction of eight parking
17 spaces. However, during the events, after
18 hours, weekends and holidays, there is no
19 parking demand from Sunny Street's indoor
20 dining, and Huntington Bank, as well, and also
21 the medical facilities at Gristmill. There's
22 still 322 parking spaces in Gristmill Plaza,
23 and 471 parking spaces when you count the
24 medical complex.
25 We think it's important to note that most

35

1 that they make us go through to execute when
2 we set up for the events this year. We also
3 had the blessing with our site plan, which is
4 the plan we showed Concord Fire, and they
5 reviewed this with us in detail on site, and
6 they approved that, okay, you're good with
7 circulation, we have access to do what we need
8 to do. So that all worked out well, too.
9 And then we have other controls, which
10 are, you know, the Liquor Controls, where we
11 can sell liquor on property. We also have the
12 Health Department, and we also have the
13 landlord restrictions. So we do already have
14 a lot of restrictions when we host events like
15 this.
16 So we're hoping to continue to host these
17 great events for the good of the community,
18 and we thank you guys for considering the
19 request.
20 Also, just to point out that all of our
21 events so far that we've ran, we ran for
22 charity. And we support Project Hope with the
23 proceeds from these events.
24 I did provide a picture which should be
25 in your packet of when we ran an event last

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1 of the Gristmill tenants participate in our
2 events that we've had so far in some way or
3 another. Many of the Concord residents are
4 very supportive of our events. We had great
5 turnout at our first event, which was last
6 year. And last year we hosted our first
7 event, it was a huge success.
8 We did go through Town Hall to make sure
9 we were able to do this. We got all the
10 support, and we got the okay from Zoning at
11 that time. However, that changed this year.
12 We got a call right before our first event,
13 after we actually, you know, made up a little
14 schedule of events to run in that area,
15 starting in June, July, and August, we had one
16 each month in the summer, because they're
17 outdoors, and we were told that, we reread the
18 zoning, and that we don't think you're allowed
19 to have this use on the property. So that's
20 why we came back. So again, we did have great
21 support, including Town Hall at that time.
22 But then it changed this year.
23 Additionally, our landlord has permitted
24 us to host these events through an event
25 agreement. It's a pretty detailed agreement

36

1 year, which was Labor Day weekend, and we had
2 a great turnout. It was by far overwhelming
3 support from the Concord community.
4 So I think that the community was really
5 happy that we had this event. We ran it in a
6 very professional way. Lots of details went
7 into the setup and the plan.
8 MR. VALENTIC: So this is a conditional
9 use for you to occasionally have an event?
10 MR. MILAM: An occasional use.
11 MR. VALENTIC: It took me a little bit to
12 figure it out.
13 But you're not changing the parking lot,
14 right?
15 MR. MILAM: (Shaking head.)
16 MR. VALENTIC: Just keeping it as is, but
17 just doing what you need to do to make it an
18 outdoor --
19 MR. MILAM: An event space.
20 MR. VALENTIC: An event space.
21 MR. MILAM: Yeah. It's just parking lot
22 event space.
23 MR. VALENTIC: What drives the rules for
24 the liquor license in this kind of event?
25 MR. MILAM: We have to do exactly what

1 we're doing here. Each event, we have to
 2 submit a permit to Liquor Control to expand
 3 our area. And it has to be quarantined off,
 4 which we do, we rope it, like a fencing around
 5 the area, to let people know where the event
 6 area is. That's what Liquor Control is
 7 looking for.
 8 MR. VALENTIC: Okay.
 9 MR. ROWAN: (Indicating).
 10 MR. VALENTIC: Okay. And they review and
 11 approve that plan, then? Liquor Control
 12 reviews it and approves that plan?
 13 MR. MILAM: Yes.
 14 MR. VALENTIC: Okay. Go ahead, Skip.
 15 MR. SWEENEY: Do you recall what the date
 16 and time of this photo is?
 17 MR. MILAM: Yeah, this was -- so this
 18 event ran from 1:00 p.m. to 9:00 p.m. This
 19 photo was taken in about the 4:30, 5:00 range.
 20 So I wanted to get it --
 21 MR. SWEENEY: On a weekend?
 22 MR. MILAM: -- while there was still
 23 light because, you know, it was Labor Day. So
 24 it's dark at 7:30, 8:00.
 25 MR. SWEENEY: It looks like a drone or

1 during this?
 2 MR. MILAM: No.
 3 MR. SWEENEY: Okay. That's shut down.
 4 MR. MILAM: We actually shut down the
 5 in-house. It's just this event, when we run
 6 these events, yeah. That's why I say, there
 7 was no demand from our parking when we run an
 8 event like this.
 9 MR. VALENTIC: Remember, we had somebody
 10 come in, wanted to expand the patio. We had a
 11 lot of discussion about noise, and the time,
 12 and the store.
 13 So if we approve the conditional use
 14 permit, I mean, I think it's unlimited, right,
 15 to how many times you can have events, right?
 16 MS. MATHENEY: That's what I was going to
 17 ask. How often? Once a month, did you say?
 18 MR. MILAM: No, we did -- well, not once
 19 a month, because we're not going to do them in
 20 the winter. We wanted to do outdoor events,
 21 and they're only available to do -- we're
 22 looking at once a month. I mean, it's a lot
 23 of work, for us to do that.
 24 MS. MATHENEY: Sure.
 25 MR. MILAM: It's a lot of expense.

1 something.
 2 MR. MILAM: Yeah, it's a drone filming.
 3 MR. SWEENEY: That's nice.
 4 MR. MILAM: Okay.
 5 MR. SWEENEY: Was this on a weekend?
 6 MR. MILAM: This was on a Saturday, yeah.
 7 MR. SWEENEY: Okay.
 8 MR. MILAM: And the plaza was running an
 9 overall plaza theme, of a Nashville theme.
 10 And we put this together in three weeks. This
 11 whole plan came together in three weeks once
 12 everybody decided, okay, yeah, we want a
 13 Nashville theme. But a Nashville theme
 14 without music I felt like wasn't going to
 15 work. So I said, well, I've got this parking
 16 lot space, it works perfect, so let's just do
 17 it here, and that's what we did.
 18 And then at this event, obviously we
 19 had -- the owners from all the other
 20 businesses were with us, from Panini's, to
 21 Nouveau, to Pub Frato. And they all did
 22 events at their facilities, too. And
 23 everybody benefited from this event.
 24 MR. SWEENEY: Your normal in-house
 25 operations there, do those continue to go on

1 You can look at this.
 2 MS. MATHENEY: No, I've seen it.
 3 MR. VALENTIC: So you're saying -- my
 4 point is that the conditional use permit is
 5 open-ended. But you're thinking you would do
 6 it maybe three times a year?
 7 MR. MILAM: Three to four times. Because
 8 we did a food truck this year, as well. We
 9 did the lobster truck, and we had a pretty
 10 significant attendance to that. I think there
 11 were 300 to 400 people that stopped for the
 12 lobster truck.
 13 And it was on a Monday, because we did
 14 that -- again, we're very courteous to our
 15 tenants. We did it when other businesses were
 16 closed. Pub Frato is not open on Mondays, so
 17 we picked a Monday to do that event. It was a
 18 nice time to do it, again, just being a good
 19 neighbor.
 20 MS. MATHENEY: Can guests use your
 21 restroom and your --
 22 MR. MILAM: Yeah, they use our restrooms
 23 and stuff inside.
 24 MS. MATHENEY: Even though the actual
 25 restaurant is shut down, they're allowed to go

1 in and use the restroom?
 2 MR. MILAM: Yeah. Well, the whole
 3 purpose of us doing a food truck, there was
 4 some benefit for us. Because we have the
 5 liquor license, and we told the food truck,
 6 don't sell beverages, we have the beverages
 7 covered, okay? And then we also had a very
 8 limited menu of items that weren't seafood,
 9 just in case people came together, they wanted
 10 to sit in our facilities, like on our patio,
 11 because that's what it was set up for, get
 12 your food, come into the patio, sit down, and
 13 then we would have a bar set up so they could
 14 buy drinks from us. It wasn't as successful
 15 as we hoped, from our standpoint. The truck
 16 had a great day.
 17 But, again, we have to consider whether
 18 we'd do it again, because we didn't benefit.
 19 We'd have to change how we set up, basically.
 20 MR. ROWAN: So I know we've done this
 21 with other variances. Could we put
 22 stipulations on how many events, when they can
 23 occur?
 24 MR. HACH: Noise restrictions, hours of
 25 operation.

1 rather than -- there was another type -- see,
 2 there's no event-like application in Concord,
 3 even though there's all kinds of events in
 4 Concord, okay? There's the festivals, and
 5 there's 5K races and things, that get away
 6 with just running events. But, you know, when
 7 we wanted to do this, we were -- you know,
 8 saying, you know, this is not a use you can
 9 do.
 10 And I see all kinds of events. I pointed
 11 a few out to Heather because, you know, are we
 12 getting picked on here or what? Because it
 13 didn't seem fair.
 14 MR. VALENTIC: So we can approve -- if we
 15 approve the variances, we get a condition that
 16 they are only allowed to interfere with
 17 traffic when they are doing this event as part
 18 of the conditional use permit, correct?
 19 MS. MATHENEY: You can definitely do it
 20 that way.
 21 MR. VALENTIC: Would that be okay with
 22 you?
 23 MR. MILAM: Explain the details of that.
 24 MR. VALENTIC: So if we say we approve --
 25 and correct me when I'm wrong.

1 MR. ROWAN: Yeah. Because I think the
 2 concern is, if we just approve it, you could
 3 have an event every day, 365 days a year, if
 4 you want.
 5 MR. MILAM: Yeah, I get it.
 6 MR. ROWAN: So if we were to approve it,
 7 I think we'd want to limit it.
 8 MR. MILAM: And we're fine with that.
 9 MR. VALENTIC: How late would you run
 10 these events, then?
 11 MR. MILAM: 10:00 would be the latest.
 12 MS. MATHENEY: You might also want to
 13 consider that, you know, the variances are
 14 separate, right, from the conditional use, to
 15 expand kind of the -- yes, they're tied
 16 together, but just make sure that they are
 17 tied together. Because keep in mind,
 18 variances run with the land, right? So if for
 19 some reason the conditional use expires, those
 20 variances still stay, unless you're going to
 21 condition it with the conditional use permit
 22 for this particular applicant.
 23 MR. MILAM: That's the reason that
 24 Heather, and I think talking to counsel, as
 25 well, said for us to go with this approach,

1 MS. MATHENEY: Sure.
 2 MR. VALENTIC: If we approve this
 3 variance that you can interfere with traffic,
 4 okay, then you can interfere with traffic any
 5 time you want, right, technically. But if we
 6 approve that with the notion that you can only
 7 interfere with traffic when you're hosting an
 8 event, part of this conditional use permit,
 9 then it's okay. Then it's that limited time
 10 that you're shutting down that parking lane
 11 and doing what you're doing out there.
 12 Would that be okay? Does that make
 13 sense?
 14 MR. MILAM: What number are you looking
 15 for of events for us to be limited to, though?
 16 MR. ROWAN: Well, I think we're
 17 discussing that.
 18 MR. MILAM: Oh, okay.
 19 MR. VALENTIC: Yeah, we're discussing it.
 20 What do you think -- well, I guess that's
 21 up to you. That's a question for you.
 22 MR. HACH: Do two a month in the spring
 23 to fall, or one a month?
 24 MR. MILAM: Well, let's say we decide
 25 that we want to do like a clambake, for

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1 example --

2 MR. HACH: Sure.

3 MR. MILAM: -- and do something with

4 that. Because we have a nice area outdoors at

5 Sunny Street. And if we can expand it a

6 little bit into that area we're talking about

7 here, it can make for a really nice event, and

8 you can feel outside and everything else.

9 But I don't know --

10 MR. VALENTIC: So what do you think is

11 the max? Do you think you'd do six a year?

12 MR. ROWAN: You could do like May to

13 October.

14 MR. MILAM: Well, I think I'd probably

15 want to ask for more, even though I probably

16 wouldn't use them all. Like I would say maybe

17 a dozen. Let's say a dozen.

18 MR. ROWAN: Yeah, and I think that's the

19 thing, too. I don't want to say, you only get

20 three, and then you decide, eh, we're going to

21 do six, and then we've got to come back.

22 MR. VALENTIC: Yeah.

23 MR. HACH: Yeah. We want to save your

24 time, too.

25 MR. MILAM: Right, yeah. Thank you.

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1 really need that area for that, but it might

2 grow into something like that.

3 MR. VALENTIC: Would you ever want to

4 expand that patio space? Like do you see a

5 need for expanding that in the future? Just

6 curious.

7 MR. MILAM: Well, one of the things -- we

8 were looking -- we had a plan going where we

9 were going to -- I think we actually got it

10 passed over here, to expand -- well, to redo

11 our patio, yes. But the problem is, the way

12 the parking is, it's so tight there, that we

13 have people that back into the wall almost all

14 the time. You know, there's columns there --

15 MR. VALENTIC: Yeah.

16 MR. MILAM: -- that are stone, and they

17 get hit, and knocked off. Because it's very

18 tight for big trucks and things.

19 So that area, some day, it would be nice

20 if we actually could do that. I don't know if

21 you guys would want us to do that, but it's a

22 possibility.

23 MR. VALENTIC: Just wondering. I guess

24 if you went through the zoning thing, it would

25 make sense, if you have the need for it. But

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1 I don't think we'd ever run more than a

2 dozen events in a year, put it that way.

3 MR. HACH: So two a month from May to

4 September, something like that? Is that six?

5 MR. ROWAN: I think May to October.

6 MR. MILAM: Like I said, next year, we're

7 looking at next year's schedule, we probably

8 would only do two, you know, two things that

9 I'm thinking of. But if we had this, we might

10 think about doing up to whatever the number

11 we're trying to get here.

12 MR. FALKOWSKI: I would probably say in a

13 calendar year, no more than 12, to allow you

14 the flexibility of determining when you think

15 you can do it. So if you wanted to have three

16 in July, for whatever reason.

17 MR. MILAM: You know, for example, people

18 have done Christmas things, these Christmas --

19 what do they call them -- Christmas bars. I

20 forget what they are.

21 MR. VALENTIC: Yeah.

22 MR. MILAM: So maybe somebody comes up

23 with a great idea to do that. And we say --

24 some of those are even doing outdoor space a

25 little bit, indoor and outdoor. Not that we'd

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1 that's a separate topic.

2 MR. MILAM: Well, we have a demand for

3 it, I should say. That would be a need, yes.

4 MR. ROWAN: I have a question about tying

5 the variances to the conditional use. So the

6 variances are tied to the land, but are we

7 then saying we're tying it to the conditional

8 use, which is tied to the business?

9 MS. MATHENEY: Correct.

10 MR. MILAM: Yes, that's correct.

11 MR. ROWAN: So you sell the business,

12 whatever, then it wouldn't transfer with that.

13 The new owner, or whatever business were

14 there, would have to then reapply.

15 MS. MATHENEY: That's correct. It

16 terminates upon transfer to a new ownership.

17 MR. ROWAN: Because they're tied to the

18 variance.

19 MS. MATHENEY: Yes.

20 MR. ROWAN: Or to the conditional use.

21 MS. MATHENEY: Correct.

22 MR. ROWAN: Okay. I guess, since we're

23 discussing it, I don't know -- I feel like --

24 I think we've talked about two events per

25 month, no more than twelve. I think -- I'm

1 kind of torn on how many events and when.
 2 I also think that if we're going to put
 3 these conditions on, that each time -- which
 4 you've already done, getting the fire
 5 department's approval, and I don't know if you
 6 need to talk to the police, make sure they're
 7 aware of the event, and basically all the
 8 safety services. Because, again, we don't
 9 have an event policy for permitting.
 10 MR. VALENTIC: So I would be okay if we
 11 just set a number. Because it is very
 12 disruptive, and it is a great thing you're
 13 doing for the community. But I would love the
 14 number -- I would like to keep it open-ended
 15 to any time of the year. To his point, if he
 16 decides to do something, you know, in November
 17 for an Ohio State/Michigan game, or Christmas,
 18 or whatever, he can do it.
 19 And like T. R. said, if for some reason
 20 there's three events in one month, let him do
 21 three in one month. I'm okay with that.
 22 MR. ROWAN: That's why I'm discussing,
 23 I'm trying to -- is it a number, is it --
 24 MR. VALENTIC: I feel like a number would
 25 feel better.

1 MR. MILAM: They came and looked at it,
 2 yeah.
 3 And you know, you've got the landlord,
 4 too. The landlord doesn't want us to do
 5 events out there all the time. I've got
 6 restrictions from other places, as well, not
 7 just for this.
 8 MR. ROWAN: I was going to say, is there
 9 any benefit to having -- when there's an
 10 event, informing Zoning, making sure they're
 11 complying with the area? I mean, I think that
 12 would be --
 13 MR. MILAM: Well, that's where you don't
 14 have an event agreement to really check all
 15 the boxes, and that's what's needed.
 16 MR. ROWAN: I'm sorry, we were looking at
 17 putting these stipulations in to say -- just
 18 to make sure we're covered. And again, I'm
 19 open to whatever. I'm just throwing these
 20 ideas out.
 21 MS. MATHENEY: Actually, Tony, when you
 22 do apply for the liquor for these events,
 23 don't you have to check a box that the
 24 Sheriff, the County Sheriff has to be okay,
 25 or the township?

1 MR. ROWAN: Yeah. I mean, I don't know
 2 if there are other options. Again, if you're
 3 doing it every weekend, that's four weekends.
 4 MR. FALKOWSKI: I would do something like
 5 twelve in a calendar.
 6 MR. VALENTIC: A calendar year.
 7 Would you be okay with that?
 8 MR. MILAM: I think I'm good with that,
 9 yeah.
 10 MR. VALENTIC: So every time he does one
 11 of these events, he has to go back for the
 12 liquor --
 13 MS. MATHENEY: I think so.
 14 MR. VALENTIC: -- right?
 15 MR. MILAM: Yeah. Every event that we
 16 run that includes liquor being sold in that
 17 space, yes.
 18 MR. VALENTIC: And then do you go through
 19 like fire, police, and get everyone's buy-in
 20 for each event?
 21 MR. MILAM: We called them about this
 22 year's events. And I said, here's the plan
 23 again, similar to last year. And they said,
 24 we're fine, you had a good plan last year.
 25 MR. VALENTIC: As long as everyone --

1 MR. MILAM: I don't think that's on the
 2 form, no.
 3 MS. MATHENEY: Okay.
 4 MR. MILAM: I don't really think so.
 5 MS. MATHENEY: Okay.
 6 MR. MILAM: I can't recall it. I mean,
 7 I've done it a few times.
 8 MS. MATHENEY: But would you be willing
 9 to at least reach out to the police? Not just
 10 fire, but also police, the Sheriff?
 11 MR. MILAM: You know, the first event,
 12 this event here (indicating), we had security
 13 on site.
 14 MS. MATHENEY: Okay.
 15 MR. MILAM: The Sheriff's Department was
 16 involved in that.
 17 MS. MATHENEY: Okay. I just wanted to
 18 make sure.
 19 MR. MILAM: They were notified of all of
 20 our events this year, yes. So I don't really
 21 think it needs to be a stipulation, unless you
 22 have it in your event agreement. Again, I've
 23 got quite a few boxes to check off to run
 24 these events already.
 25 MR. VALENTIC: Here's the other thing.

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1 When we provide this conditional use permit,
 2 it's for this designated area only, right? Or
 3 is it just for -- can he tweak the lot -- the
 4 limits of it?
 5 MS. MATHENEY: He's expanding it, right?
 6 That's what the variance is. He's expanding.
 7 MR. ROWAN: We're saying, the events --
 8 MR. HACH: Look at a specific.
 9 MR. VALENTIC: Right, there's no
 10 specific --
 11 MR. MILAM: If you look at the other
 12 side, where the orange area is, that's the
 13 defined area.
 14 MR. VALENTIC: Yeah, if you flip it over.
 15 So does he have to stay within this
 16 designated orange area?
 17 MS. MATHENEY: That's usually how we do
 18 it. If we need to revise it --
 19 MR. HACH: I bet the landlord probably --
 20 I don't know if there's anybody to monitor it.
 21 MR. MILAM: They have the exact same
 22 plans.
 23 MR. HACH: Well, they're in Miami. They
 24 may not have somebody come up.
 25 MR. MILAM: Oh, they have someone close

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1 noise condition, the law.
 2 MR. VALENTIC: Yeah. I was just thinking
 3 we'd say, this goes until this time.
 4 MR. HACH: Right, I get it. Like 10:00.
 5 MR. VALENTIC: Yeah. I agree, yeah.
 6 So how long -- when you guys set this up,
 7 when is it set up, and when does it tear down?
 8 Is it up for like -- it seems like a lot of --
 9 MR. MILAM: For this event, it was set up
 10 on Friday for a Saturday, and it was taken
 11 down by 7:00. By 7:00 a.m. Sunday morning,
 12 every parking space was open.
 13 MR. VALENTIC: Oh, because you need them
 14 for breakfast.
 15 MR. MILAM: I need them for the
 16 restaurant. Sunday is our big day.
 17 MR. VALENTIC: Yeah, that's your big day.
 18 MR. MILAM: So we can't have this stuff
 19 in the way of a Sunday.
 20 MR. VALENTIC: Yeah. That makes sense.
 21 MR. MILAM: Even though -- but that's a
 22 lot -- that's key parking spaces there that we
 23 were taking up. And traffic flow.
 24 MR. VALENTIC: Yeah.
 25 MR. MILAM: We don't want it to affect

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1 by all the time.
 2 MR. HACH: All right.
 3 MR. MILAM: Believe me.
 4 MR. SWEENEY: I'll bet.
 5 MR. VALENTIC: So we have the stipulation
 6 that any event closes up by 10:00, okay? And
 7 then we have it tied to a stipulation of 12
 8 events a calendar year, right?
 9 MR. ROWAN: Yes.
 10 MR. VALENTIC: Like all this -- like once
 11 you set up --
 12 MR. HACH: There probably already is a
 13 noise ordinance; is there not?
 14 MS. MATHENEY: There's a noise ordinance.
 15 MR. HACH: Yeah.
 16 MR. MILAM: Well, the Redhawk has to deal
 17 with a noise ordinance.
 18 MS. MATHENEY: Of course.
 19 MR. VALENTIC: Yeah.
 20 MS. MATHENEY: Of course.
 21 MR. MILAM: So I know about that, because
 22 I know Anthony.
 23 MR. HACH: What I'm saying is, we
 24 probably don't need to put in a condition
 25 based on noise, because there already is a

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1 our business, either.
 2 MR. VALENTIC: This is new. I never saw
 3 this one coming.
 4 MR. FALKOWSKI: So one of the things you
 5 mentioned was that customers use your
 6 restroom. In the picture here, it looks like
 7 you had a restroom trailer.
 8 MR. MILAM: We did that time, yeah. That
 9 was the first time. We didn't know how big a
 10 crowd we'd get, so we brought an exterior.
 11 And that's why I actually took that area out
 12 of the plan that you're looking at.
 13 MR. FALKOWSKI: Got it.
 14 MR. MILAM: That area is not in the new
 15 mapping.
 16 MR. FALKOWSKI: That's where I was going
 17 with it. Thank you.
 18 MR. VALENTIC: And you have -- you just
 19 run power, everything, from the building for
 20 this stuff?
 21 MR. MILAM: Yeah, we have plenty of
 22 power, the building.
 23 MR. VALENTIC: Okay, I don't have any
 24 further questions. Do you guys?
 25 MR. ROWAN: So what are the stipulations

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1 we're looking at again? Sorry, just to recap.

2 MR. VALENTIC: Yeah, so we have two

3 stipulations -- three. Actually, there's

4 three.

5 So one stipulation, when they have an

6 event, it would be closed up, finished by

7 10:00. That they would have up to 12 events a

8 calendar year.

9 MR. MILAM: Well, can we go back on that

10 before I decide --

11 MR. VALENTIC: Yeah.

12 MR. MILAM: -- to go with that?

13 So if you look at this poster, we list

14 the last act going until 10:00. So if you

15 think about that, any time we've got a band

16 that's got a crowd excited and they want to

17 have an encore, you might go a little past

18 that. Should I ask for a little more time?

19 MR. VALENTIC: Yeah, I would.

20 MR. MILAM: Can we just say 11:00, even

21 though we're going to say on the poster -- I

22 mean, we'll promote 10:00. You've got to

23 remember, we need to get cleaned up by the

24 morning. So we have to start as early as

25 possible.

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1 by 10:00, 10:30.

2 MR. FALKOWSKI: I used to live there. I

3 got used to the Redhawk bands at night. It

4 kind of put me to sleep.

5 MR. MILAM: Well, some of those go past

6 maybe their time, too.

7 MR. VALENTIC: Yeah.

8 Twelve events in the calendar year, and

9 then the variances for traffic disruption and

10 for the parking variances will be -- I don't

11 know what the right word is -- will be tied

12 to --

13 MR. ROWAN: I'm not sure that we need to

14 bring that up for this part. I think that's

15 when we get to those, do we tie them to --

16 MS. MATHENEY: No, I would do it all

17 right now.

18 MR. ROWAN: Do it now? Okay.

19 MR. VALENTIC: Do it now. That the

20 variances are -- what's the word I want to

21 say? They're not tied to or they're --

22 MS. MATHENEY: They're contingent upon --

23 MR. VALENTIC: Contingent upon.

24 MS. MATHENEY: -- conditional uses and

25 this owner.

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1 MR. ROWAN: If we say 11:00, it's got to

2 be shut down by 11:00.

3 MR. VALENTIC: Yeah, it's got to shut

4 down at 11:00. Okay.

5 MR. MILAM: And I don't know why that

6 stipulation is that important, just so you

7 know, because that time of night, there's

8 really not a lot going on. And the most

9 important thing for us is to be open at

10 7:00 a.m. in the morning.

11 So that evening, that time of night, I

12 mean, the crowds have all -- if you go to any

13 restaurant and bar now, you don't see people

14 out at 11:00 at night in this area anymore.

15 It's not like the old days.

16 MR. VALENTIC: Well, I'm good with -- if

17 you're okay with it, I think we're good.

18 MR. MILAM: I'm good with 11:00.

19 MR. VALENTIC: Okay.

20 MR. FALKOWSKI: I think 11:00 is fair,

21 because I don't think in that area it's really

22 going to disrupt.

23 MR. HACH: Well, there's houses right

24 behind that shopping center. But I would

25 agree, if it goes to -- you try to have it end

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1 MR. ROWAN: Did you catch that? And this

2 owner.

3 MR. MILAM: They're contingent upon the

4 conditional use amendment, right?

5 MS. MATHENEY: Correct.

6 MR. ROWAN: And are we saying -- we're

7 not going to have a condition that they inform

8 safety services or -- again, I'm open to

9 whatever. I'm just throwing that out, if the

10 board doesn't think that's necessary, I'm fine

11 with it.

12 MR. VALENTIC: I think it is necessary.

13 It sounds like you're doing it as a part of

14 the permitting, right? Everyone is getting

15 notified as part of your permit process,

16 safety services?

17 MR. MILAM: You don't have a permitting

18 process.

19 MR. VALENTIC: I mean, for your --

20 MR. HACH: Liquor Control.

21 MR. VALENTIC: -- Liquor Control.

22 MR. MILAM: Liquor Control, yes. Like I

23 say, we have a lot of other people that are

24 controlling us. The landlord --

25 MR. VALENTIC: Yeah.

1 MR. MILAM: -- they have stipulations.
2 They have insurance things that we have to
3 apply by. There's a lot to it.
4 MR. ROWAN: I just think it doesn't hurt
5 to throw it in there, to say that you're going
6 to follow through with contacting police and
7 fire.
8 MR. FALKOWSKI: I'd take the most
9 conservative approach. So I would agree with
10 that.
11 MR. VALENTIC: Would you be okay with
12 that, that we have a stipulation that you're
13 contacting safety services, police and fire,
14 prior to the event?
15 MR. MILAM: I mean, I don't think it's
16 necessary.
17 MR. ROWAN: My concern is if you have
18 400 people show up all at once, potentially.
19 MR. MILAM: Well, events like that, we're
20 definitely going to contact.
21 MR. ROWAN: Right. But this is if you
22 have an event --
23 MR. MILAM: If I have something very
24 minor going on --
25 MR. ROWAN: Again, it's really about just

1 with the noise ordinance, and any special
2 variance, if needed.
3 MR. MILAM: Okay.
4 MR. VALENTIC: Would that be part of
5 the -- will that be part of the conditional
6 use permit when we get to that?
7 MS. MATHENEY: I think so.
8 MR. VALENTIC: Because that's going to be
9 a separate vote.
10 MS. MATHENEY: Okay.
11 MR. VALENTIC: Right?
12 MS. MATHENEY: It can be. Sure.
13 MR. VALENTIC: Okay, any other comments
14 or questions about the variances?
15 Should we vote on these two variances
16 separately, or can we vote on them together?
17 MS. MATHENEY: I think you can vote on
18 them together.
19 MR. VALENTIC: Okay.
20 MS. MATHENEY: Unless you would rather
21 separate it out to be cleaner, because there
22 might be different votes. So it's up to you.
23 MR. VALENTIC: Okay. Thank you.
24 MS. MATHENEY: You're welcome.
25 MR. MILAM: Well, one doesn't work

1 notifying them. They might say, okay, we're
2 not worried about it, at least we're aware
3 there's an event going there, we'll send
4 somebody by just to keep an eye on things.
5 MR. MILAM: Okay.
6 MR. VALENTIC: Okay.
7 MS. MATHENEY: One other thing.
8 MR. VALENTIC: Yes.
9 MS. MATHENEY: The noise ordinance that
10 you mentioned. I'm assuming that the bands
11 will have loudspeakers, right?
12 MR. MILAM: (Nodding.)
13 MS. MATHENEY: So there is a special
14 variance process to get -- with respect to
15 the noise ordinance, believe it or not, for
16 loudspeakers on a commercial property, for a
17 commercial business.
18 MR. MILAM: Really?
19 MS. MATHENEY: Yes. So that is not
20 through the BZA and Zoning. It's actually, I
21 believe, through the Concord Township
22 Trustees.
23 MR. VALENTIC: Okay.
24 MS. MATHENEY: So perhaps you might want
25 to just mention the noise ordinance, comply

1 without the other.
2 MR. VALENTIC: The two variances, yeah,
3 the parking and the -- yeah. We'll discuss it
4 up here. Thank you.
5 MR. ROWAN: Do we want to confirm he's on
6 board with --
7 MR. VALENTIC: Oh, yeah. Just for the
8 record, you're good with -- just to be sure,
9 you're good with those stipulations we
10 discussed?
11 MR. MILAM: Uh-huh.
12 MR. VALENTIC: Okay.
13 Is there anyone else here that's speaking
14 for or against this appeal that would like to
15 come forward?
16 If there's no further questions, the
17 public hearing for Variance Application
18 2024-162 is now closed.
19 Can I get a motion to approve --
20 MR. HACH: So moved.
21 MR. SWEENEY: Second.
22 MR. VALENTIC: With the stipulations we
23 discussed, that the events will close -- will
24 be wrapped up by 11:00 p.m.; that they will
25 have 12 events in a calendar year; that they

1 notify safety services prior to the event; and
 2 that these variances are contingent upon the
 3 conditional use permit and with this owner.
 4 MR. HACH: So moved.
 5 MR. ROWAN: Second.
 6 MR. FALKOWSKI: Second.
 7 MR. VALENTIC: Thank you.
 8 Discussion.
 9 Anything? I think we've talked about it.
 10 MR. SWEENEY: We talked about it.
 11 MR. VALENTIC: I think we're all set.
 12 MR. SWEENEY: Yes.
 13 MR. ROWAN: Do we need to go through
 14 anything, just for the record, as far as, it's
 15 not the Duncan factors, right?
 16 MS. MATHENEY: Well, for the variances.
 17 But for the conditional use, you're right,
 18 those are separate.
 19 MR. ROWAN: So I think we should, just
 20 for the record, go through them --
 21 MS. MATHENEY: Okay.
 22 MR. ROWAN: -- and see if there's
 23 anything.
 24 MR. VALENTIC: Okay, if somebody has
 25 them.

1 MR. VALENTIC: Temporary.
 2 Whether the essential character of the
 3 neighborhood would be substantially altered or
 4 property owners would suffer a substantial
 5 detriment.
 6 It sounds like the property owner
 7 participates. Just, again, temporary.
 8 Will the variance adversely affect
 9 government services?
 10 No.
 11 Whether the property owner purchased the
 12 property knowing the zoning restrictions.
 13 It sounds like he did.
 14 Whether the property owner's predicament
 15 feasibly can be through some other method than
 16 a variance.
 17 I mean, he tried. So this is the only
 18 way to do it, is through the variance.
 19 And whether the spirit and intent behind
 20 the zoning requirement would be preserved and
 21 substantial justice done by granting the
 22 variance.
 23 MR. SWEENEY: Yes.
 24 MR. VALENTIC: Okay.
 25 With that, the question is on the

65 1 MS. MATHENEY: So this is in Section
 2 13.05 of the Resolution, right?
 3 MR. VALENTIC: Skip, do you have the
 4 Duncan factors?
 5 MR. SWEENEY: Yeah.
 6 MR. VALENTIC: Did you find them?
 7 MR. ROWAN: No.
 8 MR. SWEENEY: They're usually included in
 9 the reviews for each.
 10 MR. VALENTIC: I have it.
 11 MR. HACH: Page 4?
 12 MS. MATHENEY: Yes.
 13 MR. SWEENEY: In every review, they list
 14 them.
 15 MR. VALENTIC: Okay.
 16 MR. SWEENEY: Staff review, that is.
 17 MR. VALENTIC: Yeah.
 18 Will the property in question yield a
 19 reasonable return or whether there can be
 20 beneficial use without the variance.
 21 I would think yes, right?
 22 Whether the variance is substantial?
 23 MR. HACH: It's temporary.
 24 MR. ROWAN: It is substantial, but
 25 temporary.

67 1 approval of Variance 2024-162 with two
 2 variances, one to expand the outside dining
 3 into an area that will occupy or interfere
 4 with traffic circulation, required parking
 5 areas or pedestrians which is not permitted,
 6 and a second variance is requested which
 7 requires one parking space per 100 square feet
 8 of outdoor dining area with no additional
 9 parking provided.
 10 Mike -- a yes vote approves this
 11 variance, a no vote denies it.
 12 Mike, please call the vote.
 13 MR. GERSON: Mr. Falkowski.
 14 MR. FALKOWSKI: Yes.
 15 MR. GERSON: Mr. Hach.
 16 MR. HACH: Yes.
 17 MR. GERSON: Mr. Rowan.
 18 MR. ROWAN: Yes.
 19 MR. GERSON: Mr. Sweeney.
 20 MR. SWEENEY: Yes.
 21 MR. GERSON: Mr. Valentic.
 22 MR. VALENTIC: Yes.
 23 Your variance has been approved. Both
 24 variances have been approved.
 25 MR. MILAM: Thank you.

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1 MR. VALENTIC: Okay. We're not done with
2 him yet.
3 So next is amendment to a Conditional Use
4 Permit Application 2021-15. Tony Milam is
5 requesting to amend his existing conditional
6 use permit for outside dining in accordance
7 with Section 13.05 and 13.34 in order to
8 extend the patio into the adjacent common area
9 for the purpose of hosting events. This is
10 for the property known as ML-CFC 2007-7 Fedle
11 Drive, LLC and located at 7531 Crile Road,
12 also known as permanent parcel number
13 08-A-019-B-00-012-0.
14 Mr. Milam, would you just come up for the
15 conditional use permit.
16 MR. SWEENEY: Is it pronounced Milam?
17 MR. MILAM: Milam, yeah.
18 MR. VALENTIC: Milam, sorry. Thank you.
19 Mr. Milam, on this, is there anything you
20 want to add to the conditional use discussion
21 before we vote?
22 MR. MILAM: No, I think we already
23 covered it.
24 MR. VALENTIC: Okay. And then you
25 understand that we do want to -- if we approve

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1 Will be harmonious with and in accordance
2 with the general objectives, or with any
3 specific objective of the Township
4 Comprehensive Plan and/or the Zoning
5 Resolution.
6 I think so.
7 MR. VALENTIC: Yeah.
8 MR. ROWAN: Will be designed,
9 constructed, operated and maintained so as to
10 be harmonious and appropriate in appearance
11 with the existing or intended character of the
12 general vicinity and that such use will not
13 change the essential character of the same
14 area.
15 Again, it's a temporary event.
16 Will not be hazardous or disturbing to
17 neighboring uses.
18 It won't be hazardous. Maybe disturbing
19 to some people, but again, temporary.
20 Will be served adequately by essential
21 public facilities and services such as
22 highway, streets, police and fire protection,
23 drainage structures, refuse disposal, water
24 and sewer, and schools; or that the persons or
25 agencies responsible for the establishment of

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1 the conditional use permit, that you have to
2 just be compliant with the noise ordinance.
3 You're okay with that?
4 MR. MILAM: Yes.
5 MR. VALENTIC: Any other questions?
6 MR. SWEENEY: No.
7 MR. VALENTIC: Okay. You may be seated.
8 Is there anyone else here speaking for or
9 against this appeal that would like to come
10 up?
11 If there's no further questions, this
12 Conditional Use Permit Application 2021-15 is
13 now closed to the public.
14 Can I get a motion to approve Conditional
15 Use Permit Application 2021-15, with the
16 stipulation that they will also be compliant
17 with the noise ordinance?
18 MR. FALKOWSKI: So moved.
19 MR. HACH: Second.
20 MR. VALENTIC: Any discussion?
21 MR. ROWAN: Should we go through the
22 general -- I found that page.
23 MS. MATHENEY: You did? Okay.
24 MR. ROWAN: So general standards,
25 applicable to all conditional uses:

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1 the proposed use shall be able to provide
2 adequately for such services.
3 I think that's been covered. Especially
4 restrooms, things like that. It's a
5 restaurant. Trash services, I think they're
6 good there.
7 Will not create excessive additional
8 requirements at public cost for public
9 facilities and services and will not be
10 detrimental to the economic welfare of the
11 community.
12 I think it's probably more of a benefit
13 economically.
14 Will not involve uses, activities,
15 processes, materials, equipment, and
16 conditions of operation that will be hazardous
17 to the general welfare of the community.
18 Again, I don't think that's an issue.
19 On-site circulation shall be designed to
20 provide for adequate fire and police
21 protection, and safe and efficient pedestrian
22 and vehicular circulation.
23 I think we're good there.
24 Roadway systems, service areas, parking
25 areas, entrances, exits, and pedestrian

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1 walkways within the development are designed
 2 to have access to public streets in a manner
 3 that minimizes traffic hazards or congestion.
 4 Again, I don't think we have any issues
 5 with that.
 6 Will not result in the destruction, loss
 7 or damage of a natural, scenic or historic
 8 feature.
 9 Will not be detrimental to or endanger
 10 the public health, safety or general welfare.
 11 Will not be hazardous or disturbing to
 12 the existing future use and enjoyment of the
 13 property in the immediate vicinity for the
 14 uses permitted, nor substantially diminish or
 15 impair property values in the neighborhood.
 16 Again, temporary.
 17 Will not impede the normal and orderly
 18 development and improvement of the surrounding
 19 property for uses permitted in the district.
 20 I think that's all covered.
 21 MR. VALENTIC: Yeah.
 22 MR. ROWAN: So I think we're good there.
 23 MR. VALENTIC: Okay. If everyone is
 24 good, then the question is on the approval of
 25 the Conditional Use Permit 2021-15. A yes

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1 pool to have a 49 foot riparian setback in
 2 lieu of the minimum 75 feet required; variance
 3 Number 2 from Section 17.07(A) to allow a shed
 4 to have a 36 foot riparian setback in lieu of
 5 the minimum 75 foot required; variance 3 from
 6 Section 15.04(B) to allow a shed to have a
 7 5 foot side yard clearance in lieu of the
 8 10 foot minimum required; and the last one,
 9 variance 4 from Section 17.07(A) to allow a
 10 deck to have a 60 foot riparian setback in
 11 lieu of the minimum 75 foot required.
 12 Mike, do you want to give us a quick
 13 summary?
 14 MR. GERSON: Sure. So the property is
 15 located at 10445 Stuart Drive. It's located
 16 off of Morley. It's approximately 1,000 feet
 17 north of Prouty Road. It's zoned R1,
 18 Residential District. It contains about
 19 .81-acres. The property is currently
 20 developed with a single-family dwelling,
 21 two-car attached garage which was built in
 22 1964, and an above-ground swimming pool and
 23 accessory building.
 24 As proposed, the applicant is seeking a
 25 variance to keep an existing above-ground

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1 vote approves the conditional use permit, a no
 2 vote denies the permit.
 3 Mike, please call the vote.
 4 MR. GERSON: Mr. Sweeney.
 5 MR. SWEENEY: Yes.
 6 MR. GERSON: Mr. Hach.
 7 MR. HACH: Yes.
 8 MR. GERSON: Mr. Valentic.
 9 MR. VALENTIC: Yes.
 10 MR. GERSON: Mr. Rowan.
 11 MR. ROWAN: Yes.
 12 MR. GERSON: Mr. Falkowski.
 13 MR. FALKOWSKI: Yes.
 14 MR. VALENTIC: Okay, the conditional use
 15 permit has also been approved.
 16 Thank you.
 17 MR. SWEENEY: Thank you, sir.
 18 MR. VALENTIC: All right, next on our
 19 agenda is Variance Application 2024-163.
 20 Michael Shane Longauer is requesting the
 21 following variances for the property located
 22 at 10445 Stuart Drive, also known as permanent
 23 parcel number 08-A-030-B-01-014-0.
 24 First is variance Number 1, from Section
 25 17.07(A) to allow an above ground swimming

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1 swimming pool that was erected without first
 2 getting an approved zoning permit.
 3 Second, the applicant is seeking two
 4 variances that would allow them to keep an
 5 existing shed that was constructed on the
 6 property without first getting an approved
 7 zoning permit.
 8 Finally, the applicant is seeking a
 9 variance that would allow for the construction
 10 of a deck for the existing swimming pool
 11 pursuant to Section 17.07(A), Uses Prohibited
 12 in Riparian Setbacks, no construction of any
 13 buildings or structures are permitted within
 14 the riparian setback.
 15 Additionally, Section 15.04(B) requires
 16 accessory buildings to maintain a minimum
 17 10 foot side yard clearance.
 18 We do have a staff review, if you want me
 19 to go through that. Heather put it together,
 20 so it may be good to read it. I don't know.
 21 MR. VALENTIC: Yeah, we all had a chance
 22 to look at it.
 23 MR. GERSON: She worked hard on it.
 24 MR. VALENTIC: We also have a letter from
 25 Soil & Water. My understanding is they were

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1 out on site, kind of gave us -- provided their
 2 input, and we appreciate Chad doing that for
 3 us every time we kind of get into this
 4 situation. So hopefully everyone has had a
 5 chance to look at that, as well.
 6 Please come up. Again, state your name,
 7 address, and confirm you've been sworn in.
 8 MR. LONGAUER: Michael Longauer, 10445
 9 Stuart Drive. I've been sworn in.
 10 MR. VALENTIC: Thank you.
 11 Do you want to go ahead and present your
 12 case? And you can talk about all the variance
 13 requests, and we might vote on them
 14 separately, but you can kind of walk us
 15 through all of them.
 16 MR. LONGAUER: All right. I didn't make
 17 pictures up for everybody, but I've got some.
 18 MR. VALENTIC: You can pass them around.
 19 MR. LONGAUER: So basically, we just --
 20 we're seeking these variances so we can enjoy
 21 our backyard. We absolutely love where we're
 22 at. We're never going to leave the house. We
 23 love the creek, the wildlife, and everything
 24 that comes with it.
 25 MR. VALENTIC: My understanding is --

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1 down, and there's a cleanout, and then it goes
 2 out to the creek. But that is all a fairly
 3 steep slope going down.
 4 MR. VALENTIC: And the deck and the pool
 5 and the shed, reading Chad's letter, that was
 6 already lawn. I mean, the whole point of the
 7 riparian setback is to keep and protect our
 8 riparian corridors. We have a lot of flooding
 9 in Concord. If we can protect those
 10 corridors, that helps reduce flooding for not
 11 only you, but all your neighbors, as well.
 12 But this area that you're disturbing was
 13 already lawn, not forested riparian corridor,
 14 correct?
 15 MR. LONGAUER: I'm sorry?
 16 MR. VALENTIC: This whole area is already
 17 just existing lawn?
 18 MR. LONGAUER: Yes, yes.
 19 MR. VALENTIC: Any other questions from
 20 the board?
 21 MR. SWEENEY: How long have you lived
 22 there?
 23 MR. LONGAUER: 2013. Since 2013.
 24 MR. SWEENEY: And I notice that there's a
 25 similar named owner prior to you, correct?

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1 kind of describe the backyard to us. I looked
 2 at Google Earth. It's not very level, right?
 3 MR. LONGAUER: So the backyard -- okay,
 4 so the backyard is all sloped down, okay?
 5 Where I have the shed placed is where it
 6 starts to flatten back out. I moved it to
 7 where I did because there's a big tree, and I
 8 wanted to get -- you know, I was going to tear
 9 down the other one.
 10 MR. VALENTIC: So you tore down the other
 11 shed, and you had a tree in the way, you
 12 needed a flat area, so that's why it's --
 13 MR. LONGAUER: So I moved it over to the
 14 right of where it is. So it's further away
 15 from the creek now.
 16 MR. VALENTIC: But it's right next to the
 17 adjacent property line, that's why you need
 18 that variance?
 19 MR. LONGAUER: Correct.
 20 My septic basically runs through -- I
 21 don't know exactly where everything is, but I
 22 know the leach fields and everything are right
 23 below. You can see the lid.
 24 MR. VALENTIC: Yeah.
 25 MR. LONGAUER: And then where it goes

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1 MR. LONGAUER: My father, yeah. We
 2 rented from them until we could purchase from
 3 them.
 4 MR. SWEENEY: And then he bought the
 5 property when? When was the earliest owner in
 6 your family?
 7 MR. LONGAUER: I think 2008 is when they
 8 got it.
 9 MR. SWEENEY: Okay.
 10 MR. LONGAUER: And they never moved in
 11 because they couldn't sell their house at that
 12 time.
 13 MR. SWEENEY: But you did. And you
 14 rented from them, right?
 15 MR. LONGAUER: Correct.
 16 MR. SWEENEY: Okay. And now you're the
 17 titled owner?
 18 MR. LONGAUER: Correct.
 19 MR. SWEENEY: Okay. I know the riparian
 20 rights -- Chad would know this better than I.
 21 The new riparian setback rules --
 22 MR. VALENTIC: They came in after this.
 23 MR. SWEENEY: Yeah, they came in after
 24 this, right?
 25 MR. VALENTIC: Correct.

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1 MR. SWEENEY: Okay. That's my main
2 question that I was getting at.
3 MR. LONGAUER: Looking at the map that
4 Heather and Mike gave me, it's almost the
5 corner -- the corner of my house is almost in
6 that setback.
7 MR. VALENTIC: Yeah.
8 MR. LONGAUER: That's how far it
9 stretches.
10 MR. VALENTIC: Yeah.
11 MR. SWEENEY: So you just -- you're
12 like -- the setbacks overtook you. You didn't
13 know about them because they didn't exist when
14 the property was originally purchased.
15 MR. LONGAUER: I've never heard of it.
16 Yeah.
17 MR. SWEENEY: Right. Right.
18 MR. ROWAN: But I think these are tough a
19 lot of times, because if they were to build
20 that house right now, that whole area would be
21 completely different based on those riparian
22 setbacks.
23 MR. VALENTIC: Yeah. The whole
24 subdivision, everything would be -- yeah,
25 that's the point. Yeah.

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1 appeal?
2 If there's no further questions, the
3 public hearing for Variance Application
4 2024-163 is now closed to the public.
5 Can I get a motion to approve Variance
6 Application 2024-163?
7 MR. HACH: So moved.
8 MR. ROWAN: Second.
9 MR. VALENTIC: I don't know. My only, I
10 guess, question is, there's four of these
11 variances. I mean, I don't know if you guys
12 want to talk about any of them. I don't
13 really -- the one that kind of bugs me is the
14 5-yard [sic] side yard setback. But looking
15 at the pictures kind of was -- trying to save
16 the tree, kept one shed, built another shed.
17 So it's kind of weird circumstances, and it's
18 kind of tucked in the back, it's not really
19 visible, so I'm okay with it.
20 I'd be okay with voting on all four at
21 once, myself. I don't know if you guys want
22 to vote on them separately.
23 MR. SWEENEY: That's fine with me, all at
24 once.
25 MR. ROWAN: Fine by me.

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1 MR. SWEENEY: Right. Exactly.
2 So the violations are just with existing
3 structures.
4 MR. LONGAUER: Correct.
5 MR. VALENTIC: Well, he built existing
6 structures without a permit. That's why they
7 never got --
8 MR. SWEENEY: Right.
9 And how did this come to the township's
10 attention?
11 MR. LONGAUER: I was going to get -- I
12 was going to have a deck built, and then they
13 came and applied for a permit.
14 MR. SWEENEY: And when was the pool and
15 the shed put in?
16 MR. LONGAUER: Last year.
17 MR. SWEENEY: Okay.
18 MR. VALENTIC: T. R., any questions from
19 you?
20 MR. HACH: No.
21 MR. VALENTIC: Any questions down at this
22 end? No.
23 Okay, you can be seated. Thank you.
24 Is there anyone else this evening that
25 would like to speak for or against this

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1 MR. FALKOWSKI: (Nodding.)
2 MR. VALENTIC: Any comments on any of
3 these variances? Anything else?
4 MR. ROWAN: I think -- like I said, I
5 think these riparian setbacks are tough when
6 they were expanded after the property was
7 already established. So I think that makes it
8 tough.
9 I think, regarding --
10 MR. SWEENEY: Tough for the homeowner.
11 MR. ROWAN: Tough on the homeowners,
12 yeah.
13 Tough for us to decide, too. It's a
14 balancing act of, you know, what's right for
15 the homeowner and what's right for the
16 riparian setback. Yeah.
17 MR. HACH: Mike, did you have something?
18 MR. VALENTIC: Yeah. You've been out on
19 the site.
20 MR. GERSON: The only thing I wanted to
21 add is, one thing that we wanted to bring
22 up -- well, with the property owner, but I
23 guess you can, we had had some discussion, or
24 Heather had, about the original shed being
25 removed prior to this meeting. I'm not sure

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1 if that has happened yet, if we need to make
 2 that a stipulation. Because he's only
 3 permitted to have one. So if they're allowed
 4 to keep the second shed, then it would create
 5 a new violation.
 6 MR. HACH: Is the old shed still there?
 7 MR. LONGAUER: It is. It's coming down
 8 next weekend. I had a guy that was supposed
 9 to come out a couple of weeks ago, and he had
 10 a part break on his machine, and we've just
 11 been waiting for him to catch up now.
 12 MR. ROWAN: We can put that condition on.
 13 MR. VALENTIC: Would you be okay with the
 14 condition that that will be removed by the --
 15 MR. ROWAN: Within 30 days.
 16 MR. VALENTIC: By the end of the month?
 17 MR. LONGAUER: Yes.
 18 MR. VALENTIC: Okay.
 19 Anything else, Mike?
 20 MR. GERSON: No.
 21 MR. VALENTIC: Okay.
 22 All right, with that being said, can I
 23 get, I guess, a motion for the approval of
 24 Variance Application 2024-163 for all four
 25 variances, with the stipulation that the shed

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1 MR. VALENTIC: All right. The last two
 2 things, we have meeting minutes from May 2024
 3 and June 2024.
 4 Can I get a motion to approve the minutes
 5 from May 2024?
 6 MR. ROWAN: So moved.
 7 MR. FALKOWSKI: Second.
 8 MR. VALENTIC: Are there any additions,
 9 deletions, or modifications to the minutes?
 10 MR. FALKOWSKI: No.
 11 MR. VALENTIC: Okay. A yes vote will
 12 approve the minutes, a no vote does not.
 13 All in favor of approving the minutes
 14 from May 8th, 2024 as written, say aye.
 15 MR. SWEENEY: Aye.
 16 MR. FALKOWSKI: Aye.
 17 MR. ROWAN: Aye.
 18 MR. VALENTIC: Aye.
 19 Is anyone abstaining?
 20 MR. HACH: I'm going to abstain.
 21 MR. SWEENEY: I think I was here.
 22 MR. VALENTIC: Okay. Next is the
 23 approval of minutes from June 12th, 2024.
 24 Can I get a motion to approve the
 25 minutes?

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1 will be removed by the end of September of
 2 2024? Can I get a motion?
 3 MR. HACH: So moved.
 4 MR. ROWAN: Second.
 5 MR. VALENTIC: With that, a yes vote will
 6 approve the variance, a no vote will deny the
 7 variance request.
 8 Mike, please call the vote.
 9 MR. GERSON: Mr. Falkowski.
 10 MR. FALKOWSKI: Yes.
 11 MR. GERSON: Mr. Rowan.
 12 MR. ROWAN: Yes.
 13 MR. VALENTIC: Mr. Hach.
 14 MR. HACH: Yes.
 15 MR. GERSON: Mr. Sweeney.
 16 MR. SWEENEY: Yes.
 17 MR. GERSON: And Mr. Valentic.
 18 MR. VALENTIC: Yes.
 19 Your variance has been approved.
 20 MR. LONGAUER: Thank you.
 21 MR. SWEENEY: Thank you.
 22 MR. LONGAUER: All of them?
 23 MR. SWEENEY: Yes.
 24 MR. LONGAUER: Thank you, guys. Thank
 25 you so much.

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1 MR. ROWAN: So moved.
 2 MR. VALENTIC: Does someone want to
 3 second?
 4 MR. FALKOWSKI: Second.
 5 MR. SWEENEY: Second.
 6 MR. VALENTIC: Any changes to the minutes
 7 from June? Modifications?
 8 MR. ROWAN: No.
 9 MR. VALENTIC: No.
 10 Then again, a yes vote will approve the
 11 minutes.
 12 All in favor of approving the minutes
 13 from June 2024 as written, say aye.
 14 MR. SWEENEY: Aye.
 15 MR. ROWAN: Aye.
 16 MR. VALENTIC: Aye.
 17 Anyone abstaining?
 18 MR. HACH: I'll abstain.
 19 MR. FALKOWSKI: I'm abstaining, as well.
 20 MR. VALENTIC: Okay. The minutes are
 21 still approved. Thanks, guy.
 22 So our next Board of Zoning Appeals
 23 meeting is October 9th, 2024.
 24 Our Concord Township Board of Zoning
 25 Appeals meeting for September 11th, 2024, is

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now adjourned.
(Whereupon, the meeting was adjourned at
8:24 p.m.)

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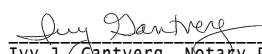
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CERTIFICATE

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: [35] 17/6 17/8 17/13 17/16 19/15 20/7 25/24 26/18 26/23 27/8 27/17 28/2 28/15 29/24 31/3 31/15 46/12 50/4 56/4 56/13 56/16 58/20 59/2 61/8 65/6 68/14 70/18 74/13 84/1 86/10 87/7 87/10 87/16 88/4 88/19</p> <p>MR. GERSON: [25] 2/24 3/22 31/6 31/8 31/10 31/12 31/14 68/13 68/15 68/17 68/19 68/21 74/4 74/6 74/8 74/10 74/12 75/14 76/23 84/20 85/20 86/9 86/11 86/15 86/17</p> <p>MR. HACH: [51] 12/15 13/14 13/18 13/21 14/8 14/13 14/17 14/22 15/4 19/6 19/9 21/12 23/3 24/1 27/4 27/10 27/14 28/18 30/17 31/2 31/13 41/24 44/22 45/2 45/23 46/3 53/8 53/19 53/23 54/2 54/12 54/15 54/23 55/4 58/23 60/20 64/20 65/4 66/11 66/23 68/16 70/19 74/7 82/20 83/7 84/17 85/6 86/3 86/14 87/20 88/18</p> <p>MR. LONGAUER: [26] 77/8 77/16 77/19 78/3 78/13 78/19 78/25 79/15 79/18 79/23 80/1 80/7 80/10 80/15 80/18 81/3 81/8 81/15 82/4 82/11 82/16 85/7 85/17 86/20 86/22 86/24</p> <p>MR. MILAM: [125]</p> <p>MR. ROWAN: [65] 16/14 16/18 16/23 17/2 17/7 25/7 25/19 27/12 31/11 37/9 41/20 42/1 42/6 44/16 45/12 45/18 46/5 48/4 48/11 48/17 48/20 48/22 49/22 50/1 51/8 51/16 53/7 54/9 56/25 58/1 59/13 59/18 60/1 60/6 61/4 61/17 61/21 61/25 64/5 65/5 65/13 65/19 65/22 66/7 66/24 68/18 70/21 70/24 71/8 73/22 74/11 81/18 83/8 83/25 84/4 84/11 85/12 85/15 86/4 86/12 87/6 87/17 88/1 88/8 88/15</p> <p>MR. SWEENEY: [67] 21/13 21/16 22/19 24/3 24/17 24/20 25/1 25/6 26/16 27/22 28/1 28/3 28/11 28/14 28/17 28/19 29/15 29/20 31/1 31/9 33/1 37/15 37/21 37/25 38/3 38/5 38/7 38/24 39/3 54/4 64/21 65/10 65/12 66/5 66/8 66/13 66/16 67/23 68/20 69/16 70/6 74/5 74/17 79/21 79/24 80/4 80/9 80/13 80/16 80/19 80/23 81/1 81/11 81/17 82/1 82/8 82/14 82/17 83/23 84/10 86/16 86/21 86/23 87/15 87/21 88/5 88/14</p> <p>MR. VALENTIC: [182]</p>	<p>MS. MATHENEY: [48] 11/11 11/15 11/17 11/19 39/16 39/24 40/2 40/20 40/24 42/12 43/19 44/1 48/9 48/15 48/19 48/21 50/13 51/21 52/3 52/5 52/8 52/14 52/17 53/5 53/17 54/14 54/18 54/20 59/16 59/22 59/24 60/5 62/7 62/9 62/13 62/19 62/24 63/7 63/10 63/12 63/17 63/20 63/24 65/16 65/21 66/1 66/12 70/23</p> <p>.81 [1] 75/19</p> <p>.81-acres [1] 75/19</p> <p>1</p> <p>1,000 [1] 75/16</p> <p>10 [1] 10/15</p> <p>10 foot [2] 75/8 76/17</p> <p>100 [2] 32/1 68/7</p> <p>10445 [3] 74/22 75/15 77/8</p> <p>10:00 [6] 54/6 55/4 57/7 57/14 57/22 59/1</p> <p>10:00 would [1] 42/11</p> <p>10:30 [1] 59/1</p> <p>11 [2] 1/11 2/4</p> <p>11:00 [6] 57/20 58/1 58/2 58/4 58/18 58/20</p> <p>11:00 at [1] 58/14</p> <p>11:00 p.m [1] 64/24</p> <p>11th [1] 88/25</p> <p>12 [4] 46/13 54/7 57/7 64/25</p> <p>12th [1] 87/23</p> <p>13.05 [2] 66/2 69/7</p> <p>13.34 [4] 31/20 31/25 33/4 69/7</p> <p>15 [4] 69/4 70/12 70/15 73/25</p> <p>15 feet [1] 6/20</p> <p>15.04 [2] 75/6 76/15</p> <p>16 [1] 10/8</p> <p>161 [5] 3/11 21/9 21/11 30/20 30/24</p> <p>162 [3] 31/19 64/18 68/1</p> <p>163 [4] 74/19 83/4 83/6 85/24</p> <p>17.07 [4] 74/25 75/3 75/9 76/11</p> <p>18 [1] 10/16</p> <p>1964 [1] 75/22</p> <p>1:00 p.m [1] 37/18</p> <p>2</p> <p>2007-7 [3] 3/17 32/5 69/10</p> <p>2008 [1] 80/7</p> <p>2013 [2] 79/23 79/23</p> <p>2021-15 [4] 69/4 70/12 70/15 73/25</p> <p>2024 [11] 1/11 2/4 86/2 87/2 87/3 87/5 87/14 87/23 88/13 88/23 88/25</p> <p>2024-161 [5] 3/11 21/9 21/11 30/20 30/24</p> <p>2024-162 [3] 31/19 64/18</p>	<p>68/1</p> <p>2024-163 [4] 74/19 83/4 83/6 85/24</p> <p>2028 [1] 90/18</p> <p>205 feet [1] 4/14</p> <p>22.04 [4] 3/12 3/13 4/21 4/22</p> <p>24 [1] 10/8</p> <p>26 [2] 10/19 10/20</p> <p>26 feet [2] 7/3 11/14</p> <p>26 foot [2] 30/22 30/25</p> <p>28 [1] 11/13</p> <p>28 feet [2] 4/13 7/3</p> <p>28 foot [1] 3/14</p> <p>3</p> <p>30 [1] 85/15</p> <p>30 feet [1] 6/16</p> <p>300 [1] 40/11</p> <p>31 feet [1] 6/19</p> <p>32 [1] 12/3</p> <p>322 [1] 33/22</p> <p>34 inches [1] 12/3</p> <p>36 [1] 75/4</p> <p>365 [1] 42/3</p> <p>384 [1] 4/10</p> <p>4</p> <p>400 [2] 40/11 61/18</p> <p>405 feet [1] 4/16</p> <p>430 feet [1] 4/15</p> <p>44077 [1] 1/9</p> <p>471 [1] 33/23</p> <p>49 foot [1] 75/1</p> <p>4:30 [1] 37/19</p> <p>5</p> <p>5 foot [1] 75/7</p> <p>5-yard [1] 83/14</p> <p>50 feet [2] 3/16 4/23</p> <p>5:00 range [1] 37/19</p> <p>5K [1] 43/5</p> <p>6</p> <p>6.865 acres [1] 4/3</p> <p>60 feet [1] 6/17</p> <p>60 foot [2] 6/13 75/10</p> <p>7</p> <p>7229 [1] 1/8</p> <p>7316 [2] 5/3 32/10</p> <p>75 feet [1] 75/2</p> <p>75 foot [2] 75/5 75/11</p> <p>7531 [4] 3/18 3/23 32/6 69/11</p> <p>7:00 [2] 1/11 55/11</p> <p>7:00 a.m [2] 55/11 58/10</p> <p>7:30 [1] 37/24</p> <p>8</p> <p>8:00 [1] 37/24</p> <p>8:24 [1] 89/3</p> <p>8th [1] 87/14</p>	<p>9</p> <p>9:00 p.m [1] 37/18</p> <p>9th [1] 88/23</p> <p>A</p> <p>a.m [2] 55/11 58/10</p> <p>able [3] 25/16 34/9 72/1</p> <p>above [3] 74/25 75/22 75/25</p> <p>above-ground [2] 75/22 75/25</p> <p>absolutely [2] 11/15 77/21</p> <p>abstain [2] 87/20 88/18</p> <p>abstaining [3] 87/19 88/17 88/19</p> <p>abutting [1] 29/6</p> <p>access [3] 24/14 35/7 73/2</p> <p>accessory [3] 3/14 75/23 76/16</p> <p>accordance [2] 69/6 71/1</p> <p>acres [2] 4/3 75/19</p> <p>act [2] 57/14 84/14</p> <p>action [1] 90/13</p> <p>activities [1] 72/14</p> <p>actual [2] 8/25 40/24</p> <p>actually [12] 7/2 19/12 28/23 32/12 34/13 39/4 47/9 47/20 51/21 56/11 57/3 62/20</p> <p>add [3] 29/25 69/20 84/21</p> <p>additional [3] 32/2 68/8 72/7</p> <p>Additionally [2] 34/23 76/15</p> <p>additions [1] 87/8</p> <p>address [3] 2/20 5/2 77/7</p> <p>addresses [1] 22/7</p> <p>adequate [1] 72/20</p> <p>adequately [2] 71/20 72/2</p> <p>adjacent [3] 32/21 69/8 78/17</p> <p>adjourned [2] 89/1 89/2</p> <p>adversely [1] 67/8</p> <p>advice [1] 2/11</p> <p>aerial [1] 32/22</p> <p>affect [4] 20/1 22/11 55/25 67/8</p> <p>affected [1] 22/3</p> <p>afford [1] 9/21</p> <p>after [7] 14/1 14/25 33/17 34/13 80/22 80/23 84/6</p> <p>again [27] 5/1 9/7 20/22 23/24 24/9 29/12 34/20 40/14 40/18 41/17 41/18 49/8 50/2 50/23 51/18 52/22 57/1 60/8 61/25 67/7 71/15 71/19 72/18 73/4 73/16 77/6 88/10</p> <p>against [5] 21/5 29/8 64/14 70/9 82/25</p> <p>agencies [1] 71/25</p> <p>agenda [2] 20/10 74/19</p> <p>ago [1] 85/9</p> <p>agree [5] 25/23 26/13 55/5 58/25 61/9</p> <p>agreement [4] 34/25 34/25 51/14 52/22</p> <p>ahead [5] 5/6 15/8 17/7</p>
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<p>A</p> <p>ahead... 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