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2 CONCORD TOWNSHIP ZONING COMMISSION
3 LAKE COUNTY, OHIO
4 REGULAR MEETING
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8 Concord Town Hall
9 7229 Ravenna Road
10 Concord, Ohio 44077
11
12 December 3, 2024
13 7:00 p.m.
14
15 TRANSCRIPT OF PROCEEDINGS
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18 Zoning Commission members present:
19 Andrew Lingenfelter, Chair
20 Hiram Reppert, Vice-Chair
21 Frank Schindler, Member
22 Rich Peterson, Member
23 Ron Terriaco, Member
24
25 Also Present:
26 Heather Freeman, Planning & Zoning Director/
27 Zoning Inspector
28 Bridey Matheney, Esq., Legal Counsel

3

1 MR. LINGENFELTER: Yeah, we've got three.
2 So we're good. Okay.
3 MR. PETERSON: We're good.
4 MR. LINGENFELTER: So we have the
5 approval for minutes. I have the
6 September 3rd, 2024 hearing notes. Does
7 anybody have any comments, changes,
8 adjustments, edits?
9 Okay, I will entertain a motion.
10 MR. PETERSON: Mr. Chairman, I make a
11 motion to approve the September 3rd, 2024
12 minutes as written.
13 MR. SCHINDLER: I second.
14 MR. LINGENFELTER: Motion made, and
15 seconded by Frank.
16 All those in favor say aye.
17 MR. SCHINDLER: Aye.
18 MR. PETERSON: Aye.
19 MR. LINGENFELTER: Aye.
20 Opposed?
21 Nobody opposed, two abstentions. So we
22 have three ayes and two abstentions on the
23 vote for the September 3rd minutes. So those
24 are approved.
25 Now for the October 1st hearing minutes.

2

1 PROCEEDINGS
2 MR. LINGENFELTER: Good evening. I would
3 like to call this Concord Township Zoning
4 Commission meeting, Tuesday, December 3rd, to
5 order.
6 First up on the agenda is the Call to
7 Order.
8 MS. FREEMAN: Mr. Terriaco.
9 MR. TERRIACO: Here.
10 MS. FREEMAN: Mr. Peterson.
11 MR. PETERSON: Here.
12 MS. FREEMAN: Mr. Schindler.
13 MR. SCHINDLER: Here.
14 MS. FREEMAN: Mr. Reppert.
15 MR. REPPERT: Here.
16 MS. FREEMAN: Mr. Lingenfelter.
17 MR. LINGENFELTER: Here.
18 The next item on the agenda -- now, I
19 don't know, do we have -- well, we have a
20 quorum to vote on that, for the September 3rd?
21 Who was --
22 MR. PETERSON: Three.
23 MR. REPPERT: I wasn't here.
24 MR. PETERSON: Three of us were here.
25 MR. SCHINDLER: I was here.

4

1 Any changes, any edits?
2 MR. REPPERT: Yes, Mr. Chairman.
3 MR. LINGENFELTER: Attaboy, Hiram.
4 MR. REPPERT: I have a whole bunch --
5 MR. LINGENFELTER: A whole bunch?
6 MR. REPPERT: Yeah, I have seven that are
7 just editorial, somewhat picky. But I have a
8 few of them. Let me talk to the stenographer.
9 It should be an are instead of an is.
10 It's a lot of vernacular type stuff. Whether
11 we're getting bad, or the stenographer is just
12 glancing right over it, and I'm not sure
13 which. Are not is, are not is, have not had,
14 that kind of stuff.
15 MR. SCHINDLER: Grammar.
16 MR. REPPERT: So I have seven of those.
17 MR. PETERSON: Nothing that changes the
18 intent of anything in here?
19 MR. REPPERT: No, no. Nothing.
20 MR. LINGENFELTER: Strictly grammatical?
21 MR. REPPERT: Yeah. When I'm reading
22 through it, it should be seen not see. So we
23 should have been using the past tense instead
24 of present tense, things of that sort. So I'm
25 going to talk to her afterwards and we'll get

5

1 that squared away.

2 MR. LINGENFELTER: Super.

3 MR. REPPERT: Other than that, I'm good.

4 MR. LINGENFELTER: Okay. I'll entertain

5 a motion.

6 MR. SCHINDLER: Mr. Chairman, I make a

7 motion to approve the minutes of the October

8 1st --

9 MR. LINGENFELTER: Okay.

10 MR. SCHINDLER: -- as corrected by Hiram.

11 MR. LINGENFELTER: Can I get a second?

12 MR. PETERSON: I'll second that.

13 MR. LINGENFELTER: Okay, I have a motion

14 made and seconded.

15 All those in favor say aye.

16 MR. REPPERT: Aye.

17 MR. SCHINDLER: Aye.

18 MR. PETERSON: Aye.

19 MR. LINGENFELTER: Aye.

20 Opposed?

21 No one opposed.

22 Abstentions?

23 MR. TERRIACO: Abstention.

24 MR. LINGENFELTER: I have one abstention.

25 So I have four ayes and one abstention for the

7

1 permits last month, which brought the year to

2 date to 369 zoning permit applications total.

3 MR. LINGENFELTER: Just out of curiosity,

4 how does that stack up with, you know,

5 historically? Is that a lot, or is that --

6 MS. FREEMAN: Yeah, that's about average.

7 About 350 permits per year, 375.

8 MR. LINGENFELTER: Oh, okay. So it was a

9 little up, but nothing crazy.

10 MS. FREEMAN: Yep. Yeah.

11 MR. LINGENFELTER: Good.

12 MS. FREEMAN: Most of that is for

13 residential type projects, accessory

14 buildings, fences, those kind of things.

15 MR. LINGENFELTER: Right.

16 MS. FREEMAN: We were also busy doing

17 some inspections. We went out to 85 different

18 property inspections, checking on the progress

19 of their zoning -- of their construction

20 activity, and issued 26 Certificate of

21 Compliances. And that's what we issue once

22 the project has been completed, and basically

23 states that you've built everything per the

24 approved zoning permit and you're good to go.

25 And at this past month, the Trustees did

6

1 October 1st approval of minutes. So those are

2 approved.

3 Now we will move to the correspondence

4 portion of the meeting.

5 Any correspondence, Mr. Schindler?

6 MR. SCHINDLER: Mr. Chairman, I have

7 none.

8 MR. LINGENFELTER: Okay. Mr. Reppert?

9 MR. REPPERT: Mr. Chairman, I have none.

10 MR. LINGENFELTER: Okay. Mr. Peterson?

11 MR. PETERSON: I have none, sir.

12 MR. LINGENFELTER: Mr. Terriaco?

13 MR. TERRIACO: I have none.

14 MR. LINGENFELTER: Wow. Quiet in the

15 community. That might be considered a good

16 thing.

17 I have no correspondence, either. So we

18 are good on the correspondence side.

19 It's now Heather's turn, Zoning Inspector

20 Report.

21 Heather.

22 MS. FREEMAN: All right. So I just have

23 a couple of quick updates for you. If you

24 want to hear about the November zoning permit

25 activity report, we processed 21 zoning

8

1 have two public hearings on the proposed text

2 amendments that were initiated by the Zoning

3 Commission. They voted to approve, with

4 modifications. The amendments will be

5 effective on December 20th, 2024.

6 I'll be mailing you guys, before the next

7 meeting, the replacement pages to put into

8 your Zoning Resolutions, and I'll be posting

9 the updated Resolution on the township

10 website, as well.

11 And then the only other thing I have is,

12 you'll see in your packet, I did have what I

13 mailed to you, some additional materials for a

14 potential work session tonight, should you

15 want to un-table the Old Business item. I

16 know these are some things that we've kind of

17 put off due to some other applications, so

18 I've kind of refreshed that, and included in a

19 couple of new suggestions and a couple of

20 questions for you, looking for some direction

21 from the board, in an effort to maybe come

22 back at a subsequent meeting to talk about

23 these items. I'll wait until we get under the

24 Old Business, if you guys want to talk about

25 that.

1 That's it. Thank you.
 2 MR. LINGENFELTER: Anything else?
 3 MS. FREEMAN: That's all I have right
 4 now.
 5 MR. LINGENFELTER: Just out of curiosity,
 6 all of the inspections you did, did you run
 7 into any -- everybody kind of living up to
 8 expectations and doing what they're supposed
 9 to be doing, and no issues, no problems?
 10 MS. FREEMAN: Generally, yes. Yeah.
 11 Every once in a while there's, you know, a
 12 change.
 13 MR. LINGENFELTER: Right.
 14 MS. FREEMAN: But usually it's nothing
 15 that can't be just updated on a permit.
 16 MR. LINGENFELTER: Just curious.
 17 MS. FREEMAN: We always take
 18 modifications.
 19 MR. LINGENFELTER: Right.
 20 MS. FREEMAN: Projects have to change as
 21 things progress.
 22 MR. LINGENFELTER: Okay. Good, good.
 23 MR. SCHINDLER: Mr. Chairman, I have a
 24 question.
 25 MR. LINGENFELTER: Yes, sir.

1 property, screening, or decommission once it's
 2 no longer being used, or the amount of them,
 3 number of them on a property.
 4 Which kind of leads me into what I was
 5 going to ask this board about later tonight,
 6 and I brought it up before, is that townships
 7 were given the ability to regulate small solar
 8 facilities, which are like solar panels that
 9 produce less than 50 megawatts of power. We
 10 are given the specific enabling legislation
 11 from the Ohio Revised Code to incorporate some
 12 of that into our zoning text.
 13 The Ohio Township Association put out a
 14 model resolution for communities to kind of
 15 look at to consider, should it be permitted
 16 uses, conditional. What do you want to
 17 regulate? Do you want to regulate any of
 18 them, or all of them, or none of them.
 19 Because it is the new technology, it is what
 20 people are doing now. We're not doing some of
 21 the old stuff that we were talking about maybe
 22 taking out of our Resolution, like the large
 23 satellite dishes and things like that.
 24 MR. SCHINDLER: Gotcha. Thank you.
 25 MS. FREEMAN: Uh-huh.

1 MR. SCHINDLER: Solar panels, do you have
 2 to have a permit to put those on your house?
 3 MS. FREEMAN: So the way we've been
 4 treating them right now, because we don't
 5 address them specifically in the Resolution,
 6 the -- well, first of all, the Lake County
 7 Building Department obviously would require
 8 permits for the electrical and any other
 9 alterations to the house if they're rooftop
 10 mounted or ground-based. But when we get the
 11 questions at the office, we don't require a
 12 zoning permit for any kind of rooftop mounted
 13 solar, because it's on the house.
 14 But the way I've been handling ground-
 15 based solar, based on our definitions, I've
 16 kind of looked at that as an accessory
 17 structure that we do have the ability to
 18 request a zoning permit for.
 19 So on two occasions, I requested someone
 20 file for a zoning permit for that solar --
 21 ground-based solar panel. But other than
 22 basically just making sure it's on the
 23 property and doesn't exceed the maximum
 24 height, we don't have really any specific
 25 regulations regarding where it can go on the

1 MR. SCHINDLER: That's it.
 2 MR. LINGENFELTER: Any other questions?
 3 Any other issues? Okay.
 4 Onto the next item on the agenda, is
 5 Public Participation. And since the hall is
 6 teeming with residents looking to have
 7 something to say, it's going to take a while
 8 to get through this component, I think.
 9 I'm saying that facetiously. It doesn't
 10 appear we have anybody here, and we don't have
 11 anybody on the phone. So we can move forward
 12 with the Public Participation component.
 13 There is no one here. Let the record reflect
 14 that.
 15 New Business. We have no items under New
 16 Business.
 17 And under Old Business, we have a work
 18 session to review proposed zoning text
 19 amendments as outlined in the memo dated
 20 July 30th, 2024 for modifications to district
 21 uses. That's been tabled.
 22 And then establish a designated final
 23 date for completion of the sidewalk in
 24 accordance with the agreement between Concord
 25 Township Zoning Commission and IN9, LLC for

13

1 the property located at Old Crile Road, and
2 being parcel number 08-A-020-0-00-048-0, and
3 that is tabled until the February 4th, 2025
4 meeting.
5 And I was talking with Heather today, and
6 there's probably a good chance we won't have a
7 meeting for January.
8 Right, Heather?
9 MS. FREEMAN: As of right now --
10 MR. LINGENFELTER: No real reason?
11 MS. FREEMAN: -- nothing has been
12 submitted for the January agenda.
13 MR. LINGENFELTER: So at this point -- I
14 mean, it's still early. Obviously something
15 may come up of import and we'll have to get
16 together and convene our regularly scheduled
17 meeting. But otherwise, we may not have a
18 meeting in January. And then we'll be
19 probably back at it full swing in February, I
20 would think. Things will get back to normal.
21 So I think at this point in time, unless
22 anybody had anything they'd like to see added
23 to the agenda or any other new items they wish
24 to discuss?
25 MR. REPPERT: I'd like to bring up, for

15

1 to say, yeah, go ahead and do it.
2 So with that in mind, I don't know if you
3 guys had questions or not, as to why it's on
4 the agenda again. But that's why.
5 MR. LINGENFELTER: Right.
6 MR. PETERSON: I saw the video.
7 MR. REPPERT: That's why. So I thought
8 it would be best for us, as a Zoning
9 Commission, to have that information in front
10 of us, all of us, and then go from there. And
11 maybe at that meeting we can establish a date
12 to get it on the books.
13 We all know, once it gets on the books,
14 you know, we want you to start now, and finish
15 by this time. Then we go into the
16 construction -- the design and construction --
17 MR. LINGENFELTER: Right.
18 MR. REPPERT: -- and so on, and so forth.
19 So that's the basis for it being here again.
20 MR. LINGENFELTER: Yeah. Unfortunately,
21 that's the problem now with Tuesdays, and that
22 being Election Day, I worked the polls. So I
23 was in Mentor at St. Andrew Episcopal Church
24 there on, what is it, Little Mountain, or
25 whatever.

14

1 two of you folks -- I mean, the other Rich is
2 not here, unfortunately. But last month when
3 this came on the agenda, IN9 was here to talk
4 to us. And you were here, and you were here,
5 and I was here, and that was it.
6 MR. LINGENFELTER: Right.
7 MR. REPPERT: But two out of the three
8 people who approved that action were not here.
9 And I felt, as Acting Chairman, that it would
10 be best to table it. They were here, they
11 explained their position, what they wanted to
12 do, and what we wanted them to do, and so on,
13 and so forth.
14 And there was a lot of discussion, do I
15 move the hydrants, do I move the sidewalk,
16 whatever.
17 And what we said was basically, do some
18 of your work, do some of your preliminary
19 work, do some of your options, which way do
20 you want to go, what do you want to do, what's
21 the cost going to be, what's the duration
22 going to be, when can you get a design on the
23 books, and come back. Because I did not feel
24 as if it was best for us, at a four member,
25 two alternate member commission, or meeting,

16

1 MR. SCHINDLER: Yeah.
2 MR. LINGENFELTER: I was there from
3 5:30 in the morning until almost 9:00 that
4 night.
5 MR. SCHINDLER: A long day.
6 MR. LINGENFELTER: So that's a long day.
7 And once you go in the building, if you are a
8 poll worker, you are not allowed to leave.
9 You are not allowed to leave. You can't leave
10 to eat. You have to bring in your own food,
11 or you have to have Uber Eats come in, or
12 DoorDash, or whatever. You cannot -- or
13 takeout. But once you come in that building
14 and they open up the polls, you are not
15 allowed to leave the premises. So it's kind
16 of an interesting rule.
17 So it makes for a long day, needless to
18 say. And unfortunately, I couldn't be here.
19 Otherwise -- I wanted to be here, because I
20 think it was important. It's certainly an
21 important issue. And unfortunately, not being
22 here -- and I appreciate what you decided to
23 do. I think that was very judicious to do.
24 I think that, you know --
25 MR. REPPERT: I didn't think there was

17

1 any other way around it.

2 MR. LINGENFELTER: Right, right.

3 MR. TERRIACO: It made it fair for both

4 sides.

5 MR. LINGENFELTER: Right.

6 You know, they've got time. I mean, it

7 wasn't like this project was going to get

8 started now, okay?

9 Bottom line, we missed the cement pouring

10 days, you know, way long ago. And today's

11 weather is a perfect example of why. And it

12 won't start back up until probably April. You

13 know, I would think maybe late April/early May

14 is when they can actually start thinking about

15 doing concrete work again with a consistent

16 basis. So they've got time to get it figured

17 out. I'm not concerned.

18 If they want to have more comments in

19 February, they're more than welcome. I mean,

20 I certainly would never shut them down in

21 terms of conversation, if they want to talk

22 about it. We just were looking for a

23 commitment, that's all. Just looking for a

24 commitment. So I think that's reasonable.

25 MR. REPERT: I think one of the big

19

1 have been done. You know, whether the

2 hydrants needed to be moved, or whether the

3 sidewalks needed to go there, blah, blah,

4 blah, it would have been done. And we try --

5 you try to be nice, you look at the situation,

6 you try to play the role of both sides and try

7 to do what's best, and you ran variance, even

8 though we had some opposition to that on the

9 board, but we granted the variance, and then

10 you poisoned the well. So the well has been

11 poisoned, and I will never fall for that one

12 again, ever. I learned my lesson.

13 MR. SCHINDLER: There's always good

14 intent.

15 MR. REPERT: Was it the board here, or

16 was it the Trustees?

17 MR. LINGENFELTER: That was the board.

18 That was us.

19 MR. REPERT: That was us?

20 MR. LINGENFELTER: Yeah. We granted the

21 variance.

22 MR. SCHINDLER: Yeah.

23 MR. LINGENFELTER: And at the time, I

24 voted for the variance. I felt at that time

25 it made sense. It just made sense.

18

1 issues that they have to decide is, move the

2 hydrants or move the sidewalk.

3 MR. LINGENFELTER: Right. And see,

4 herein lies the issue with this whole thing.

5 You know, we allowed a variance, okay? And

6 in retrospect, that's what's biting us in the

7 rear end with this.

8 MR. REPERT: Yes, it is. Yes, it is.

9 MR. LINGENFELTER: And I have learned a

10 very valuable lesson, I will tell you right

11 now. And I can tell you, from this point

12 forward, I will never consider any variances

13 outside of the standard zoning regulations

14 on any kind of a -- any sort of a site plan

15 review, or any building, or anything else.

16 If the regulations call for it, then

17 that's what you're going to do. There's no

18 more variances. At least -- now, maybe the

19 board would have a different opinion, and I'm

20 one vote. But I can tell you, as the

21 commission -- as the Chairman now, and as a

22 member, I will never, ever approve or even

23 consider giving anybody any variances on

24 anything.

25 Follow regulations, and this thing would

20

1 Now, looking back on that, things change.

2 Now I'm not -- I wish I wouldn't have done

3 that. But that's water over the dam.

4 MR. SCHINDLER: Right.

5 MR. LINGENFELTER: But you got me, and

6 you'll never get me again. That, I can

7 promise you.

8 MS. FREEMAN: Mr. Chairman, just for the

9 record, it wasn't like a formal variance, like

10 a BZA grants a variance. It was a delayed

11 construction.

12 MR. LINGENFELTER: Yeah. Right.

13 MS. FREEMAN: That one section of the

14 Zoning Resolution that talks about the

15 sidewalk says that the Zoning Commission may

16 require a sidewalk, and that's what gave you

17 the authority, do we want to require it now,

18 or later, or at all.

19 MR. LINGENFELTER: Right.

20 MS. FREEMAN: And that's the leeway that

21 was baked into the resolution and that's

22 what --

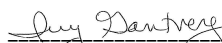
23 MR. LINGENFELTER: Right.

24 MS. FREEMAN: -- Mr. Lingenfelter is

25 referring to.

1 MR. LINGENFELTER: You know, like I said,²¹
2 you want to be flexible, you want to try to
3 extend the olive branch, or whatever, however
4 you want to deem it. And sometimes it doesn't
5 work the way you expect it will. But that's
6 okay. That's okay. We'll get it figured out.
7 MR. SCHINDLER: Sure.
8 MR. LINGENFELTER: All right, if there's
9 no other New Business or no other issues to be
10 brought up at this point in time, the next
11 meeting will be January 7th, which means Merry
12 Christmas and Happy New Year to everybody on
13 the board, and everybody out there watching on
14 the interwebs, and we can adjourn this
15 meeting.
16 (Whereupon, the meeting was adjourned at
17 7:19 p.m.)
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1 CERTIFICATE 22
2 State of Ohio, }
3 County of Cuyahoga. } ss:
4
5 I, Ivy J. Gantverg, Registered Professional
6 Reporter and Notary Public in and for the State of
7 Ohio, duly commissioned and qualified, do hereby
8 certify that the foregoing is a true, correct and
9 complete transcript of my stenotype notes which were
10 taken at the time and place in the foregoing caption
11 specified.
12 I do further certify that I am not a relative
13 or counsel of either party, or otherwise interested
14 in the event of this action.
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Ivy J. Gantverg, Notary Public
in and for the State of Ohio,
Registered Professional Reporter.
My Commission Expires November 5, 2028.



<div>MR. LINGENFELTER: [53]</div> <div>MR. PETERSON: [11] 2/11 2/22 2/24 3/3 3/10 3/18 4/17 5/12 5/18 6/11 15/6</div> <div>MR. REPPERT: [20] 2/15 2/23 4/2 4/4 4/6 4/16 4/19 4/21 5/3 5/16 6/9 13/25 14/7 15/7 15/18 16/25 17/25 18/8 19/15 19/19</div> <div>MR. SCHINDLER: [19] 2/13 2/25 3/13 3/17 4/15 5/6 5/10 5/17 6/6 9/23 10/1 11/24 12/1 16/1 16/5 19/13 19/22 20/4 21/7</div> <div>MR. TERRIACO: [4] 2/9 5/23 6/13 17/3</div> <div>MS. 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