

CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

7:00 p.m.

July 14, 2010

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

James Rowe, Chairman
Christine Jarrell
Blair Hamilton
Gordon Hanford
Kathy Miller

Also Present:

Kathy Mitchell, Board of Zoning Appeals secretary,
Zoning Inspector

Melton Reporting
11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

7:00 p.m.

CHAIRMAN ROWE: Good evening. My name is Jim Rowe and I want to announce that the July 14th, 2010, meeting of the Board of Zoning Appeals of Concord Township is now in session. The first thing we wish to do would be to introduce the Board members. To my far left, Blair Hamilton, to my immediate left, Chris Jarrell, on my right, Kathy Miller, and next is Gordon Hanford. And at the table to my far right, Kathy Mitchell, our zoning inspector.

And, Kathy, were the public notices of this meeting published on a proper schedule?

MS. MITCHELL: Yes, they were.

CHAIRMAN ROWE: Thank you. By way of just a bit of housekeeping to start the meeting off, if you will be addressing the Board, it is a requirement of our law director that everyone be sworn in, so I would ask anyone who intends to address the Board on the issues this evening, if you would please stand and raise your right hand. I swear to tell the truth, the whole truth and nothing but the truth, so help me God?

(Speakers responded affirmatively en masse.)

CHAIRMAN ROWE: Thank you. The procedure of the meeting would be a person who has an application for appeal, a variance, will address the Board, or a representative of that person, and you will use, please, the microphone here for the benefit of the TV audience, particularly, and give us name, address and also affirm the fact that you were sworn in for the record. After hearing those in favor of the granting of the appeal, there will be an opportunity, if there was someone in opposition, to also speak to the Board and then we will proceed

1 on from there.

2 It's a five-member Board, obviously, and it takes
3 three votes for confirmation or denial of an appeal.

4 The first appeal on this evening's agenda is
5 Appeal 0610-969. And help me, please. It's Timothy — Is it
6 Eippert?

7 MR. EIPPERT: Eippert.

8 CHAIRMAN ROWE: — of 10611 Castle Pines Circle, an
9 R-8 District, proposes to construct an accessory building with
10 a ground area coverage of 768 square feet, in lieu of the 576
11 square foot maximum allowed in the R-8 District, as per
12 Section 21.04 C of the Concord Township Zoning Resolution.

13 Come to the podium.

14 MR. EIPPERT: Good evening. My name is Tim Eippert,
15 E-i-p-p-e-r-t. I live at 10611 Castle Pines Circle, and I was
16 sworn in.

17 CHAIRMAN ROWE: Thank you.

18 MR. EIPPERT: I appreciate your time to consider my
19 request this evening. A little bit of background on how I got
20 here, we originally — when I originally was looking at
21 constructing an out building, I got the zoning information off
22 of the website, which was an — for an R-1, R-4 District, which
23 gave me 1,024 square feet on a one-acre lot or 1,500 square
24 feet on a two-acre lot, which I do have. And I am sure you
25 have seen from the drawings that I have a two-acre lot.

26 In assessing the needs for why I was building it,
27 which is primarily outside storage or storage for the
28 wintertime, I've had an ongoing issue of tarping items and not
29 having, not having the space in the garage area to have it and
30 I've had some damage, so I started looking at assessing the

1 space and really had no intent of ever being here. And I think
2 you can see, with the background, we actually designed a
3 building around 736 square feet, I believe, is the exact
4 number, so we were well under the — even the one-acre 1,024
5 and, certainly, the two-acre 1,500 square foot limits.

6 When we were, when we were looking at — The other
7 thing that I wanted to make sure of is that it was — that
8 there wasn't any distraction to any of the neighbors. And that
9 was one of the things, if I could draw your attention to the
10 overhead shot, the satellite shot.

11 Then I went around the neighbor, the neighborhood and
12 took some shots that help you see that my two-acre parcel is,
13 where I am constructing it, is actually through a fully wooded
14 one-acre lot that's not built on, so from the visibility.

15 The other thing I that did and I'd like to submit in
16 addition that wasn't in your package is, I went to all of the
17 neighbors and talked to them individually, told them what I was
18 doing, wanted to make sure there was no opposition. I wouldn't
19 have done it if I had opposition. And when I submitted the
20 letter, only because of vacations, I didn't have all of the
21 signatures, and I do, so it includes, certainly, the two most
22 important — well, three most important ones, I guess, the two
23 neighbors right next door, which are Jimmy Hanlin and Susan and
24 John Galeazzo and then the golf course. And so I don't know.
25 I didn't make 10 copies but —

26 CHAIRMAN ROWE: No, no. That's all right.

27 MR. EIPPERT: — but there's two copies. So that's a
28 full neighborhood endorsement from all of the people that were
29 sent letters and, actually, two additional ones that had some
30 visibility.

1 As I stated, the reason and what I view the hardship
2 is, if you — Again, I will draw back the attention. We
3 actually looked last year at trying to either add onto the
4 garage or do something out in front of the house. The long
5 building here is actually a pool house, so you can see, kind
6 of, the distance between the main garage area and what's
7 happening in the back yard. And the intent is to have the
8 outside items that are used in the summer stored there in the
9 winter so I can get away from the tarping and the damage and
10 the other things that have occurred.

11 What I am asking for — So, I guess, to continue the
12 story, we came in to actually apply for the permit. I didn't
13 know there was any issue. I had gone out and was moving along,
14 came and applied for the permit and realized that Little
15 Mountain Development is the only R-8 District in Concord, that
16 I am aware of, and R-8 has a smaller footprint requirement and
17 only for one-acre parcels.

18 So the reason I felt comfortable in asking for this
19 tonight is because I have a two-acre parcel and I'm only asking
20 for about a 22 percent increase in the square footage. It's —
21 What I am asking for is almost represented perfectly by the
22 platform you're sitting on. That's the addition that makes it
23 go from 536 to 732, so that's actually a good representation of
24 what we're asking for tonight.

25 Other than that, if there is any questions or
26 anything that I didn't cover, I would certainly be willing
27 to —

28 CHAIRMAN ROWE: Well, we have him right there, Board
29 members. Questions while he's at the microphone?

30 I guess, the one question, in reviewing the package

1 of info — Which, by the way, is great I mean, to get that
2 much. Sometimes we get a sketch and whatever.

3 MR. EIPPERT: Thanks.

4 CHAIRMAN ROWE: But it seems to be titled a storage
5 building but somehow it doesn't look like a storage building.

6 MR. EIPPERT: Well, the primary use is outside
7 storage, obviously. I've got young kids, too, so it's — The
8 hardship isn't to store Slip 'n Slides and back yard toys; the
9 hardship is, I don't have anyplace to put my winter items. But
10 we absolutely will use it in the summer with my kids. I have
11 an eight and a five-year-old, so it will be nice — and you
12 don't care, I'm sure — but it will be nice to have all the
13 outside, the things we play with in the back yard in the back
14 yard. I mean, it sounds crazy but it's a long walk to keep all
15 that stuff.

16 So it will be used in the summer and it will also be
17 used in the summer for storage. Right now, I have a three-car
18 garage that I can't expand and it's just loaded with stuff,
19 unfortunately.

20 CHAIRMAN ROWE: Everybody's garage is.

21 MR. EIPPERT: Yeah.

22 CHAIRMAN ROWE: Seemingly.

23 MR. EIPPERT: Sure.

24 MR. HAMILTON: Mr. Chairman, a question.

25 CHAIRMAN ROWE: Sure.

26 MR. HAMILTON: If I can focus a little bit on the
27 two-acre lot.

28 MR. EIPPERT: Yes, sir.

29 MR. HAMILTON: The existing home meets all
30 requirements for setback on the single-acre parcel that it was

1 initially built on.

2 MR. EIPPERT: It does. Yes, it does.

3 MR. HAMILTON: In the future, there is nothing to
4 prevent using that other lot as a buildable lot, correct?

5 MR. EIPPERT: Correct.

6 MR. HAMILTON: So should the property change hands
7 and that owner decides to build something on that lot, they
8 very well could.

9 MR. EIPPERT: Absolutely. Probably, the biggest
10 thing — And that's a good question. Thank you for bringing
11 that up. The only unique thing about this lot is it's the only
12 nongolf-course lot in Little Mountain, so the reason that we
13 purchased it, and my intent, would be to sell it as a two-acre
14 lot. If you see the lot lines, when a house is built on there,
15 this property is now their back yard. And so there is —
16 Functionally, it would be very difficult to sell. I certainly
17 do not have any intent of, I ever leave Concord, selling it as
18 a one-acre lot and trying to sell this separately. To me, it's
19 an unsalable lot, and that's why we purchased it as a two-acre
20 parcel in the beginning.

21 But that's a good question and, you know, the intent
22 certainly is to never, never break up that square footage. The
23 house would be more of a distractions, at that point, to
24 somebody's new back yard than the out building.

25 CHAIRMAN ROWE: And you are, apparently, you're
26 setting — Your intent is to set this accessory building on the
27 one-acre portion?

28 MR. EIPPERT: I am.

29 CHAIRMAN ROWE: Yeah.

30 MR. EIPPERT: Yeah, I am. Just — yeah, absolutely.

1 I mean, it's far — I forget the exact dimension from the
2 wooded lot that the gentleman was just talking about but we
3 didn't encroach on that side lot line. We placed it, kind of,
4 in the middle of the one-acre lot.

5 CHAIRMAN ROWE: It's set at 15 feet, according to —

6 MR. EIPPERT: Yeah. I'm sorry. From my neighbor's
7 property, it is; but from the one-acre parcel I own, which, if
8 you can see, I mean, that would be approximately, I guess, 60
9 feet or more from that line.

10 CHAIRMAN ROWE: Oh, yeah.

11 MR. EIPPERT: Which is that single acre you were
12 talking about.

13 MR. HAMILTON: And you have maintained the setback
14 requirements for that building?

15 MR. EIPPERT: Yes, sir.

16 MR. HANFORD: Just as a question, we were out there
17 the other day and, unfortunately, you weren't home.

18 MR. EIPPERT: Oh, were you?

19 MR. HANFORD: You had stairs to nowhere except up a
20 tree, and I —

21 MR. EIPPERT: That was a partially finished zipline.
22 If you would have looked up, there is a cable for my kids and
23 it's a zipline and it's now a fully — we leaned it against the
24 tree.

25 MR. HANFORD: You mentioned you had a five-year-old
26 and I thought that's kind of interesting.

27 MR. EIPPERT: Yeah. If you want to come take a ride,
28 you're welcome.

29 MR. HANFORD: All right. Thank you.

30 MS. JARRELL: I guess, Tim, the only issue — I

1 agree. I think it's a unique situation and the building is
2 beautiful. I guess my only problem with the presentation is
3 your representation of the usage of the building and, you know,
4 there is televisions and a little movie theater. You know, it
5 just — be forthright with us and with the usage and I can
6 completely understand, but I guess my problem is with the
7 representation of the building. And I know that you need
8 storage area but, you know —

9 MR. EIPPERT: Well, I had turned it in — I mean,
10 absolutely. I think I did say it will be used as a summer out
11 — I will be using it with my kids in the summer. I mean, a
12 movie —

13 MS. JARRELL: I didn't notice that in the write-up.

14 MR. EIPPERT: Yeah. A movie theater, I mean, we do
15 have a place, we have an outlet for a projector if we want to
16 blow up a screen and do something outside with the kids in the
17 neighborhood. I mean, I certainly don't want you to take from
18 my presentation that I am going to close it in the summer. I
19 mean, it's going to be a very active building in the summer.

20 The second floor, I am sure the kids will be in there
21 and playing. I am not planning on storing things up on the
22 second floor, so I very much appreciate that. I don't want you
23 to feel like I am saying the hardship and what we designed it
24 around wasn't for summer activities and summer play and to have
25 a great time with. The hardship was I really needed additional
26 space. I will convert it to summer use for me and my
27 children.

28 At that point, I don't know if you saw the rear part
29 of that, will stay as storage for tools and toys and all the
30 other stuff. The front part of it will be the cleaned-out area

1 that we will continue to — that we'll continue to use.

2 MS. JARRELL: My husband and I were admiring it
3 greatly.

4 MR. EIPPERT: And I appreciate that. I don't want
5 you to take that the primary use was not for — because I did,
6 I strongly investigated, how do I add onto the front of the
7 house?

8 The other part of your comment, which I appreciate,
9 also is the value of what the building looks like. It's not a
10 storage shed. I mean, one of the things I didn't want to have
11 happen with the neighbors is put up a storage building.

12 MS. JARRELL: Oh, sure.

13 MR. EIPPERT: I mean, I'm investing a lot of money in
14 this structure to make sure it looks like the house and it's a
15 nice improvement to this property and the community, so I
16 certainly appreciate that and hope I helped with those
17 concerns.

18 MS. MILLER: Mr. Chairman.

19 CHAIRMAN ROWE: Yes.

20 MS. MILLER: Just one more question. I always think
21 about if we grant this to you, you know, down the line, we
22 would have to do so for the others in the neighborhood. You
23 say that you're currently one of less than three property
24 owners that own property in excess of two acres. So does "less
25 than three" mean two?

26 MR. EIPPERT: I think — And I think I have that
27 number right. So in Little Mountain, the R-8 District, I am
28 only aware of three lots that are not — or are in excess of
29 one acre or thereabouts. They're all between 1 and 1.2 or 3, I
30 think. There are three properties in the back of Little

1 Mountain that are five-acre lots, and so what the — most of
2 the lots within Little Mountain are one-acre lots.

3 And, like I said, I think, why I felt comfortable or,
4 at least, compelled to come ask is because I am one of the few
5 that has more than one acre. It's actually 2, it's about 2.2
6 acres, I think, with both lots. And considering that exact
7 question and thinking I was going to get that question, what if
8 all the one-acre lot owners come and asked for the same
9 request? I would think that I wouldn't be here if I was a
10 one-acre lot owner because I have such a unique situation with
11 a relatively small request. That's why I felt comfortable
12 doing that.

13 MR. HAMILTON: Mr. Chairman, just one more question.

14 CHAIRMAN ROWE: Sure.

15 MR. HAMILTON: This does represent a 33 percent
16 increase over the allowable footprint size going from 576
17 square feet to 768 square feet. And I can understand how you
18 got in this position but — not understanding the zoning for
19 the R-8 at the time you did the design. But had you known that
20 the limit was 572 square feet, what would you have done?

21 MR. EIPPERT: Well, had I known, I would have come
22 anyway because we designed it around my needs. I mean, we
23 actually looked at what the needs were, instead of saying, "Oh
24 I think I can get — I am allowed to do 1,024," we didn't do
25 that and so we actually designed around what the current needs
26 were. I mean, I looked at that, knowing, knowing that, you
27 know, the impact of the neighbors and everything else that goes
28 on with an out building. That's why it's designed at 768 and
29 it wasn't 1,024.

30 It would be a more interesting situation if I was

1 standing here at 1,024 and saying — and having you say, "Well,
2 do you really need that much square footage."

3 And I apologize. I think I referred — I think my
4 math was, I think, I said it was like 23 or 4 percent increase
5 and I won't — but it was 192 square feet, the addition, so
6 I apologize if my math was wrong.

7 To answer your question, it is designed around the
8 needs. And part of that back story is only in support of, I
9 was trying to be very conscious of that and trying to do only
10 what I thought I needed.

11 MR. HAMILTON: Okay.

12 CHAIRMAN ROWE: Thank you.

13 MR. EIPPERT: Thanks.

14 CHAIRMAN ROWE: Is there anyone else in attendance in
15 the audience that wishes to speak in favor of the granting of
16 this variance? Yes, sir.

17 MR. KLINE: My name is Jack Kline, 7943 Augusta Lane,
18 Concord Township, and I was also sworn in. I am the neighbor
19 right across the street. And I would just like to say,
20 speaking on behalf of myself as a neighbor and the other
21 neighbors, we have the utmost respect for Mr. Eippert and
22 utmost confidence that he is going to build something there
23 that is going to enhance the neighborhood and enhance the value
24 of his property and all of our properties.

25 I have talked to all the neighbors. I have talked to
26 golf course people. Everybody is in favor of him going forward
27 with this, recognizing he is going to do it right and he is
28 going to do it in compliance with whatever you all decide are
29 the limits of the size of that building or whatever, and ask
30 for your consideration in that feedback from the neighbors in

1 the general area, the neighbors in the development, too, that
2 we talked to.

3 CHAIRMAN ROWE: Thank you, sir.

4 Is there anyone else, again, that would be speaking
5 in favor of granting of this variance? Is there anyone in the
6 audience who would be speaking in opposition to granting of
7 this variance? Hearing none that would be in opposition, the
8 Board will entertain discussion amongst themselves as far as
9 this situation prior to closing out the —

10 MR. HANFORD: Do you want to make a motion?

11 CHAIRMAN ROWE: Well —

12 MR. HANFORD: No? I looked at all the history of all
13 of this where it came up with sizes and square footage and so
14 on, and this goes back to — Kathy was kind enough to look at
15 some of the historical aspects of this. And we've been having
16 some problems with building additional utility buildings on
17 these lots and sizes and so on, thinking that, basically, it
18 was too stringent. And, at least, for — until R-8 came up, we
19 were proposing increasing in size rather than decreasing them.
20 Well, then R-8 came up and we're looking at basically half of
21 what somebody could put on a half acre.

22 CHAIRMAN ROWE: Yeah.

23 MR. HANFORD: And my feeling is that the party has
24 stated that he was thinking, basically, that it was up to
25 1,024. He didn't come in asking for 1,024. He basically has
26 built the building based on his needs. So from that
27 standpoint, I thought, just my own personal feeling here, I
28 just — I cannot see a problem with this. In fact, as I say,
29 we've been on record saying that we want to increase this, not
30 decrease it. And here we are with R-8, with 576 square feet on

1 a large acreage, over an acre in this particular case. But I
2 am not considering, like Blair, that this is going to be a
3 two-acre site that, I think, down the road, somebody will buy
4 that lot or — if he happens to move, so I am just thinking
5 about the one acre on my comments. That's really all I have to
6 say.

7 MR. HAMILTON: I think it's clear that the zoning for
8 the R-8 was set up with that one acre in mind, so if you
9 consider that smaller requirement —

10 MR. HANFORD: Yes.

11 MR. HAMILTON: — for a storage building is really
12 focused on the one-acre lot, what do you do when somebody
13 has —

14 MR. HANFORD: Pardon?

15 MR. HAMILTON: What do you do when somebody actually
16 has two acres or three acres? There is no — Other than the
17 variance, there is no way to handle that requirement.

18 MR. HANFORD: This R-8 is just one area in this
19 subdivision, we should say, in the township.

20 CHAIRMAN ROWE: Yeah, because we have moved to larger
21 size on two-acre lots in R-1 and R-4.

22 MR. HANFORD: Yes.

23 CHAIRMAN ROWE: Okay. Kind of a puzzlement, how that
24 got locked into there.

25 MR. HANFORD: My other comment I had — you mentioned
26 about the one acre aspect — is I think larger homes, bigger
27 toys. And you have large homes, large lots, stuck to something
28 that's roughly half of what a half acre would have just didn't
29 — I just don't understand the thinking on R-8 requirements.

30 MS. JARRELL: I think it is a very unique situation,

1 the R-8 zoning, and I really don't think that granting this
2 variance would inhibit the spirit and intent of our Zoning
3 Resolution because of the things that you've already mentioned.
4 It is restrictive.

5 CHAIRMAN ROWE: Yeah, it is.

6 Okay. So I'm closing the public portion of the
7 meeting and I would entertain a motion at this time to grant
8 the variance.

9 MR. HAMILTON: I make a motion to accept Appeal 0610-
10 969 as stated on the agenda.

11 CHAIRMAN ROWE: Do I have a second?

12 MR. HANFORD: Second.

13 CHAIRMAN ROWE: Moved and seconded. Okay. Any last
14 commentary? Here we go. Kathy, call for a vote, please.

15 MS. MITCHELL: Mr. Hanford?

16 MR. HANFORD: Yes.

17 MS. MITCHELL: Mr. Hamilton?

18 MR. HAMILTON: Yes.

19 MS. MITCHELL: Ms. Jarrell?

20 MS. JARRELL: Yes.

21 MS. MITCHELL: Ms. Miller?

22 MS. MILLER: Yes.

23 MS. MITCHELL: Mr. Rowe?

24 CHAIRMAN ROWE: Yes.

25 MR. EIPPERT: Thank you very much.

26 CHAIRMAN ROWE: Kathy, kind of, before moving into
27 the next agenda item, I would like to, with the agreement of my
28 fellow Board members, I would like to have the Zoning
29 Commission, kind of, look at this R-8, 576-square-foot
30 situation. Like they say, R-1 is 1,024. It just seems a

1 little worthy of review, I guess, from my observation.

2 MR. HANFORD: And I second that.

3 CHAIRMAN ROWE: Item Number 2 is regarding a
4 Conditional Use Permit Number 34. Mr. Dennis Green, on behalf
5 of Fifth Third Bank, proposes a drive-through facility for a
6 new bank proposed on Johnnycake Ridge Road on Permanent Parcel
7 Number 10A-28-18 (portion in the B-1 Restricted Retail
8 district; proposed lot split pending approval), and adjacent to
9 the Concord Plaza. Drive-through facilities are permitted as a
10 conditional use in the B-1 District when in compliance with the
11 applicable conditional use requirements set forth in
12 Section 13.18 of the Concord Township Zoning Resolution.

13 Good evening.

14 MR. WEBER: Good evening. Thank you. My name is
15 Jerry Weber. The company is Weber Architecture. I am located
16 at 13711 Madison Avenue in Lakewood, Ohio, and I'm the
17 representative for Fifth Third Bank in their request for a
18 conditional use to put up a new one-story, 4,227-square-foot
19 bank building with attached drive-through facilities.

20 CHAIRMAN ROWE: And could I interrupt you? Did you,
21 perhaps, come in after everybody was sworn in?

22 MR. WEBER: I am sorry. Yes, I was sworn in when
23 everybody was. I forgot to say that.

24 CHAIRMAN ROWE: That's all right. Okay. Could you
25 just kind of run through the situation?

26 MR. WEBER: Okay.

27 CHAIRMAN ROWE: I think, actually, the letter
28 submitted seems to detail out the situation. Perhaps, the
29 Board members might have gleaned any questions off of the
30 submittal?

1 MS. MILLER: I have one. How many Fifth Thirds have
2 five lanes?

3 MR. WEBER: You want a percentage or a number count?

4 MS. MILLER: Is this an average number of lanes
5 for —

6 MR. WEBER: The average number is probably less than
7 five because we do have some smaller sites that we can't fit
8 five on, but this is their standard prototype with the five
9 lanes. And I would say 75 to 85 percent of them that I've done
10 have the five lanes.

11 MS. MILLER: I'm just wondering because the turn here
12 looks a little tight if more than one person is trying to exit
13 the lane, and I was just wondering if five lanes were too many
14 for that. I mean, I know it's on the back and I see how the
15 track flow goes but I was just — That was the thought I had.

16 MR. WEBER: Yeah. This site actually gives us a
17 generous amount of turning radius. We've had a lot tighter. I
18 am working on a couple right now that are half as free as this
19 one. So, I mean, even if we had more land, this is the way we
20 would design it.

21 MS. MILLER: That's just my concern, is people
22 getting out of there and thinking of it in practice.

23 MR. WEBER: Right. The main concern is, if there was
24 an entrance coming in added, then you have cars coming in
25 against each other but, most of the time, people are exiting
26 the drive-through. It's not like a toll booth where they're
27 shooting through like this. It's more this guy is done, the
28 next guy pulls up, this guy is being waited on, this guy is
29 waiting, they go, they go, you know, so it's kind of staggered,
30 the way they exit the — The only time you may have a conflict

1 is if someone in the ATM and someone in the outside lane is
2 doing their work.

3 You just have to be diligent. I mean, you have that
4 anywhere else, even in a parking lot for the shopping center or
5 something. You have to watch out for the other guy.

6 MR. HAMILTON: A question for Kathy. In the last
7 variance on this building, didn't we include a variance for
8 fewer than five waiting spaces? Is that part of that
9 variance?

10 MS. MITCHELL: That was a different —

11 MR. HAMILTON: A different bank.

12 MS. MITCHELL: That was Key Bank.

13 MS. JARRELL: Sorry. Excuse me.

14 CHAIRMAN ROWE: Okay. Any other questions?

15 Did you have anything you wanted to add, I mean,
16 anything?

17 MR. WEBER: I am here to answer questions. I mean,
18 the plans, I think, and my description that I submitted are
19 pretty self-explanatory. The bank is — wants to stay in
20 Concord. You know, we have a small branch right next door to
21 this property. The opportunity came up. Whenever the
22 opportunity comes up for the bank to purchase their own piece
23 of property and own their building, that's what they want to
24 do.

25 I know that the existing bank probably has four
26 employees in it. With this bank, you're going to have a couple
27 more employees because it's a larger facility. It has all of
28 the services that the bank offers out of the, you know, the
29 neighborhoods and in the surrounding suburbs and whatnot. You
30 have your basic banking, checking accounts, savings accounts.

1 You get your mortgage lending, your business lending. You also
2 get financial support and financial advice right at the
3 branch. You don't have to go downtown or into another city to
4 get that, those services, so they're happy to say here.

5 MR. HANFORD: Just as a quickie question.

6 MR. WEBER: Yes, sir.

7 MR. HANFORD: Which probably has nothing to do with
8 what we got here, but we've got these big piles of dirt behind
9 you. As a bank —

10 MR. WEBER: Yeah. They're gonna have to go.

11 MR. HANFORD: Thank you.

12 MR. WEBER: But beyond our property, I don't have —

13 MR. HANFORD: Well, I know you don't have but it's
14 certainly an inducement for the owner to say, "Listen, we've
15 got a bank here. It's a quality structure. We don't need to
16 have the Sahara Desert behind us."

17 MR. WEBER: I will pass that information on to the
18 powers that be.

19 MR. HANFORD: Pass it on on your own behalf. I have
20 nothing to say on this. I just thought it was an interesting
21 comment, as a neighbor.

22 CHAIRMAN ROWE: Okay. Having not anything to say,
23 thank you very much. You said quite a bit.

24 MR. HANFORD: We're hearing a lot of that today.

25 CHAIRMAN ROWE: Thank you. Let me just check. Is
26 anyone else in the audience speaking — anyone who wishes to
27 speak in support of the granting of this conditional use
28 permit?

29 MR. NICHOLS: I would like to make general comments
30 neither in support or denying.

1 CHAIRMAN ROWE: Middle of the road, okay.

2 MR. NICHOLS: My name is Bill Nichols and I live on
3 Allegheny Drive over off of Mountain Park but I am here on
4 behalf of —

5 CHAIRMAN ROWE: Address?

6 MR. NICHOLS: Oh, my address, 7610 Allegheny Drive.
7 But I am here tonight on behalf of Hope Ridge United Methodist
8 Church, which is directly across the does.

9 CHAIRMAN ROWE: One last thing, Bill. You were sworn
10 in?

11 MR. WEBER: Yes, I was. I was sworn in.

12 CHAIRMAN ROWE: Thank you very much.

13 MR. NICHOLS: I am representing Hope Ridge United
14 Methodist Church, directly across the street at 9870 Johnnycake
15 Ridge.

16 CHAIRMAN ROWE: Okay, fine. Thank you.

17 MR. NICHOLS: Our concern is — We're not opposed to
18 the drive-through. What we're concerned about is, within 100
19 yards or a little more, on Johnnycake Road there, there are all
20 kinds of entrances and exits. It's a dangerous corner. It's
21 an intersection, number one. It's a sharp turn. You can start
22 out with — Well, Borlin Florist, they're gone now. But then
23 you come to Fifth Third with their own entrance and exit. Then
24 you have Chase ATM there with their own entrance and exit. And
25 then you have the entrance and exit for the shopping center
26 itself. And then we're across the street with our own entrance
27 and exit. And, of course, immediately proceeding west on
28 Johnnycake Ridge Road, you have J & B Automotive on the south
29 side and then you have Sun Mart gas station and snack bar or
30 whatever. I don't know. Then you have another entrance and

1 exit for the shopping center there. And then, a little bit
2 further, you have — oh, what is in there — Convenient and a
3 veterinarian.

4 The problem is, they're not well-defined entrances
5 and exits to and from Johnnycake Ridge Road.

6 CHAIRMAN ROWE: Yeah.

7 MR. NICHOLS: And you were speaking about people just
8 coming out. Well, I have seen people come out of there.
9 They'll go through your drive-in and they'll come, they'll want
10 to turn left but this guy over here that did the Chase thing or
11 the shopping center thing and he wants to turn right, and it's
12 all open. I mean, they're not designated lanes. They're not
13 striped, delineated in any manner. It's confusing. And we
14 would like to see well-defined lanes to control traffic. This
15 is becoming a dangerous intersection. And I know that's not
16 the purpose of this meeting.

17 CHAIRMAN ROWE: I was just going to say that we don't
18 have much —

19 MR. NICHOLS: But here we are with more drive-
20 throughs and this is certainly going to contribute to this
21 situation. And we're not anti-business. I do business with
22 Fifth Third Bank. I hope you put a vault in with safe deposit
23 boxes because I'd like to rent one.

24 AUDIENCE MEMBER: You got it.

25 CHAIRMAN ROWE: Well, as I say, your point —

26 MR. NICHOLS: The traffic situation that this will,
27 maybe, not contribute to but it could possibly — the setup
28 could make it worse.

29 CHAIRMAN ROWE: It could — It may help a little bit,
30 also, because —

1 MR. NICHOLS: Yes. That's what we're hoping for,
2 well-defined —

3 CHAIRMAN ROWE: — because they are going to be over
4 in another area.

5 MR. NICHOLS: — entrances and exits.

6 MS. MILLER: May I?

7 MR. NICHOLS: It is hard to tell on this diagram.
8 This is the first time I've seen it. I haven't really studied
9 it.

10 MS. MILLER: I have one thing I specifically noticed
11 when I was looking over this, is that you had these —

12 MR. NICHOLS: So there will be curbing and so forth
13 to delineate this —

14 MS. MILLER: Well, not only that —

15 MR. NICHOLS: — and separate it?

16 MS. MILLER: It is painted with arrows. And,
17 Mr. Green, will that, in fact, be there —

18 AUDIENCE MEMBER: Yes.

19 MS. MILLER: — showing people where to go?

20 MR. WEBER: Yes.

21 MS. MILLER: Because I really do think that's
22 helpful.

23 MR. NICHOLS: Because that would help the traffic at
24 this intersection.

25 MS. JARRELL: Sir, you didn't have the privilege of
26 having the site plan before this meeting but there are notes up
27 here that says that the drives and the ingresses and egresses
28 need to be reviewed by the Ohio Department of Transportation
29 and there may be a traffic study that's going to be required,
30 so that approval has not been received yet.

1 MR. HANFORD: Yeah. That's —

2 MR. NICHOLS: Okay. But the curbing —

3 MS. JARRELL: So it is still —

4 MR. NICHOLS: — and the stripes and so forth would
5 help alleviate the present situation, so — and that's what
6 we're concerned about.

7 CHAIRMAN ROWE: I thank you for your concern but I do
8 have to move the meeting along.

9 MR. NICHOLS: Absolutely. I thank you for your time
10 and consideration.

11 CHAIRMAN ROWE: Thank you, Bill

12 MS. MITCHELL: Mr. Chairman, can I just make a point
13 to the audience? This will be, this will be undergoing site
14 plan review at the Zoning Commission level where traffic
15 circulation, ingress, egress, striping, painting, that's all
16 required and that will happen at the site plan review.

17 CHAIRMAN ROWE: It's all under control, or it will
18 be.

19 Getting back to the situation, was there anyone in
20 the audience that might be speaking in opposition of granting
21 the conditional use permit? Hearing none, I will close the
22 public portion of this meeting and, at this time, entertain a
23 motion.

24 MR. HANFORD: I make a motion to approve Conditional
25 Use Permit Number 34.

26 MS. MILLER: I'll second.

27 CHAIRMAN ROWE: It's been seconded. Thank you. Any
28 last couple words from the Board members only?

29 MR. HAMILTON: No questions, no comments.

30 CHAIRMAN ROWE: Kathy, would you call for the vote,

1 please?

2 MS. MITCHELL: Ms. Jarrell?

3 MS. JARRELL: Yes.

4 MS. MITCHELL: Ms. Miller?

5 MS. MILLER: Yes.

6 MS. MITCHELL: Mr. Hamilton?

7 MR. HAMILTON: Yes.

8 MS. MITCHELL: Mr. Hanford?

9 MR. HANFORD: Yes?

10 MS. MITCHELL: Mr. Rowe?

11 CHAIRMAN ROWE: Yes.

12 The next appeal on this evening's agenda, Appeal

13 Number 0616-0970, Mr. Gregory Osborne of 6962 Williams Road, an

14 R-4 District, proposes a house addition to be located 7 feet

15 from the side property line and a deck addition to be located 2

16 feet from the side property line, in lieu of the 15 foot

17 minimum side yard clearance required, as set forth in

18 Section 18.07 A of the Concord Township Zoning Resolution.

19 MR. OSBORNE: How are you today? Gregory Osborne,

20 O-s-b-o-r-n-e, 6962 Williams Road, Concord, Ohio. Thanks for

21 having me today.

22 CHAIRMAN ROWE: And you were sworn in?

23 MR. OSBORNE: I was sworn in, correct.

24 CHAIRMAN ROWE: Thank you.

25 MR. OSBORNE: I am here today asking for a variance

26 to the east of my property. I understand the current side yard

27 setback is 15 feet and now, with my addition, I will be 7 feet

28 away, 2 foot with my deck. I really feel there is no negative

29 impact. I feel that I won't be setting a precedent. This is a

30 rare situation due to the fact that my neighbor is my father,

1 Richard M. Osborne, Sr. The land, actually, is also in trust
2 for me some day. But I have a letter I would like to put on
3 the record from my father. I would be happy to read it but,
4 basically, it's saying that he has no problem, as far as he is
5 concerned, with the variance and me being so close to his
6 contiguous parcel next to me, so I will put that in.

7 CHAIRMAN ROWE: Thank you.

8 MR. OSBORNE: In addition, I would like to add that
9 my wife and I built the house about eight years ago. We had no
10 children. Now we have three children, the ages of seven, six,
11 and two. It is safe to say that it's extremely tight. I was
12 going to have my wife come tonight but she's at home with the
13 kids.

14 We also have a rare situation. Our six-year-old has
15 special needs. He has autism and he also, as of this past
16 year, was diagnosed with epilepsy. He currently shares a
17 bedroom with my two-year-old. Once or twice a week, he has a
18 seizure or he wakes up because he doesn't sleep normally. He
19 wakes up my two-year-old and, at 3:00 or 4:00 in the morning,
20 and I have two or three children up for the rest of day or the
21 night and the morning. As you can imagine, that doesn't wear
22 on the wife too well.

23 That's my hardship. That's why I want to add on. I
24 am going to be adding on. The goal is to, hopefully, get the
25 variance and add onto the east. Immediately, that would extend
26 my kitchen area and put a nice therapy room in the basement for
27 my son. We have two full-time therapists. They work with my
28 son 8 to 10 hours a day.

29 And then, next year, which I don't need a variance
30 for, I would like to build to the west, which would be putting

1 in a great room and another bedroom and so forth. Potentially,
2 I'd like do them together. We'll see where this and where the
3 weather takes us.

4 CHAIRMAN ROWE: Okay. Thank you. While Greg is at
5 the microphone, would there be questions from the Board that
6 you would like to address?

7 MS. JARRELL: I'd first like to say that my daughter
8 was epileptic, so my prayers are with you. I understand that
9 completely.

10 MR. OSBORNE: I appreciate that.

11 MS. JARRELL: Your property is breathtaking.

12 MR. OSBORNE: Thank you.

13 MS. JARRELL: But, really, the fact that your dad is
14 your neighbor and that you experience a terrible time with your
15 son, I am very sorry for that but those points are moot and
16 they are irrelevant to the issue at hand, with all due
17 respect. And it would make sense, in my opinion, that perhaps
18 your father could sell you some of that land so that you can
19 achieve, you know, be in line with our zoning.

20 MR. OSBORNE: I have looked at every alternative.

21 MS. JARRELL: Have you considered that?

22 MR. OSBORNE: My attorney has looked at it. Due to
23 the encumbrances and liens on the contiguous parcel that he
24 has —

25 MS. JARRELL: I am sorry. What was that?

26 MR. OSBORNE: Due to the encumbrances, liens that the
27 bank has on the contiguous parcel that my father owns, they
28 don't want to release any property. I don't know if you guys
29 do any work in today's banking environment but I do every day,
30 and they want to double your rates, shorten your amortization

1 and make you pay down things but one thing they're not doing is
2 giving up any collateral.

3 So I worked hard with First Merit, the bank. Erik
4 Walter has talked to them numerous times. We have done those
5 avenues. If it was as simple as getting an acre from him, it
6 wasn't a problem, I obviously wouldn't have taken time to be
7 here today but that's not the situation, so that's why I am
8 here today asking for the variance.

9 CHAIRMAN ROWE: So, Greg, you —

10 MR. OSBORNE: You know, to add, I have over 100 — We
11 have over 100 acres there. A lot of it is flood plane. I have
12 looked at alternatives to build a much larger home somewhere on
13 the property, but due to Big Creek and the expense of building
14 a bridge across Big Creek — as you guys know, when that area
15 floods, it brings down large trees — I can't find an area to
16 actually build the home on 100 acres there.

17 MS. JARRELL: There is considerable amount of
18 property on the other side, and I know that you wanted to do in
19 two phases.

20 MR. OSBORNE: On which side?

21 MS. JARRELL: If you are facing your house, on the
22 left side.

23 MR. HAMILTON: To the west.

24 MR. OSBORNE: Correct. So I am asking for both
25 sides. In order to get what I need, I need to go on both
26 sides. My duplication area is not on the west side. I would
27 be building close to that. So to add what I wanted on the east
28 side, I just couldn't do. It is too close to my septic.

29 MR. HAMILTON: Well, it would appear that your east
30 side addition has more to do with the current layout of the

1 house and making things fit with the way the house is currently
2 laid out as far as the mud room and the entrance.

3 MR. OSBORNE: It does.

4 MR. HAMILTON: And that's not something you can just
5 pick up and move anywhere else on the house without completely
6 rearranging the floor plan on the entire building, so I
7 understand your constraint. However, this is a large variance
8 you're asking for in terms of amount of encroachment on the
9 property line.

10 MR. OSBORNE: Again, I just think it is a unique
11 situation because the contiguous owner is my father. We don't
12 plan on selling it but I understand you don't believe me on
13 that, so — The goal is to keep that property in the family and
14 pass it from generation but I understand that you think it
15 could be sold and et cetera, et cetera.

16 MS. MILLER: The 2 feet would be problematic in any
17 case that was brought to us and I — 2 feet, to me, is really
18 pushing it. And I would just wonder whether there is any
19 possibility of designing, redesigning that gazebo area?
20 I mean, I know that a gazebo has to be that type of formulation
21 but I am just wondering if there is any other options because
22 it is so tight. Two feet is, you know, pretty extreme.

23 MR. OSBORNE: It's better than one foot.

24 MS. MILLER: Well, yeah.

25 MR. OSBORNE: I understand. It is tight. We've
26 looked at it and, again, I'm in a tight setting over there and
27 we don't want to lose that setting. I've looked at other
28 alternatives, as far as building somewhere else or getting,
29 acquiring land from my father but I've exhausted all efforts,
30 so that's why I am here asking for the variance.

1 MR. HANFORD: In your discussions with the land
2 design consultants —

3 MR. OSBORNE: Yes.

4 MR. HANFORD: — did they know you were coming in
5 with a large, well, I'd say a large — a small setback in the
6 design? They had no, absolutely, no other ideas to give you?

7 MR. OSBORNE: Not really. Jim, Jr., couldn't be here
8 tonight but they, obviously, they did the plans.

9 MS. JARRELL: Have you discussed it with him?

10 MR. OSBORNE: Yes, I have. And —

11 MS. JARRELL: They had no ideas?

12 MR. OSBORNE: Well, obviously, you can, you know, not
13 have the gazebo there or not do the east side addition and you
14 wouldn't have a problem, but —

15 MR. HANFORD: Because they have basically designed,
16 spent a lot of time and money and effort, knowing that you were
17 looking at a rather extreme variance request.

18 MR. OSBORNE: Right.

19 MR. HANFORD: I just, it's something — I don't
20 understand why they would do that. That's all I have.

21 MS. MILLER: Would it be possible to take another
22 look at it just to, possibly, get some more, some more room
23 there?

24 MR. OSBORNE: I can try. I mean, I don't want to —
25 We have exhausted our efforts pretty deeply.

26 MS. JARRELL: I have been in banking and I'm a
27 realtor, so I understand collateral and all of that very well.
28 It just seems to me, if you wanted to keep — If the property
29 is ultimately going to stay in the family, there could be some
30 way to, you know, modify whatever loans, debts you have, trust

1 issues, to make it work now.

2 MS. MILLER: A gift, could he — I don't know.

3 MR. OSBORNE: Feel free to talk to Erik Walter. He's
4 my counsel. He had some other conflict today to be here with
5 me, but he talked to the bank. I deal with banks every day.
6 It's part of my job. It's part of a large collateral package
7 and they don't want it released, period. If that's hard for
8 you to understand. I am sorry.

9 MS. MILLER: You're only talking 13 feet —

10 MR. OSBORNE: Yeah.

11 MS. MILLER: — and it would be in the clear.

12 CHAIRMAN ROWE: Well, the problem is it's a tough
13 situation to, you know — We don't know how the votes would go,
14 but it's a tough one to be positive about going in, you know,
15 getting that granted. That is really the situation. I might
16 suggest, and I think it's proper, that you could request that
17 this request be tabled for a period of time for further
18 investigation, review, whatever. Thereby, when it's reopened,
19 it's still under the same appeal as far as the costs and so
20 forth.

21 MR. OSBORNE: Sure.

22 CHAIRMAN ROWE: And I don't know. Can — Is there a
23 limit to a tabling?

24 MS. MITCHELL: He has to request the tabling and then
25 it's however long. I guess, I have a question or suggestion.

26 CHAIRMAN ROWE: Sure.

27 MS. MITCHELL: Is it worth separating out? You've
28 got the addition and you've got the deck, the addition itself
29 being 7 feet and the deck being 2. Is it worth separating out
30 the two issues and saying, Consider the one and we'll table the

1 other and we'll, kind of, work on the deck issue a little bit?
2 I mean, it's obviously less of a variance. I don't know if
3 that's something you would consider or like or — The deck is
4 obviously the biggest encroachment.

5 MR. HANFORD: So you're saying look at one and he
6 would have to come back with suggestions on the deck?

7 MS. MITCHELL: Or if he would prefer, he could come
8 back for the whole thing, but if there is any merit in
9 discussing, at least, the one portion —

10 CHAIRMAN ROWE: Well, it's, you know, a role of the
11 dice on the vote.

12 MS. MITCHELL: Yeah. Greg, what do you think as far
13 as —

14 MR. OSBORNE: Yeah. I would ask to table the deck
15 and exhaust efforts to get away from the 2 foot or get more
16 land and, you know, if we could move forward with the variance
17 on the 7 feet so I could have it start, we would appreciate
18 it. That's what I would want.

19 MS. MILLER: You know, I understand your
20 limitations. I understand what kind of design you want. I am
21 all for what you want to do, but I have a problem with 2 feet.

22 MS. JARRELL: Even with the 7, it's still a 50
23 percent variance, which is significant.

24 MR. HANFORD: Yeah.

25 MS. MITCHELL: Do you want to table the whole thing
26 or table just a portion?

27 MR. OSBORNE: James, what do you think I should do?

28 MR. HANFORD: Well, I think you're getting the flavor
29 here that we're not excited.

30 MR. OSBORNE: It's like when the judge pulls me aside

1 and tells me what to say, right?

2 MR. HANFORD: But it's — I thought tabling was a —

3 CHAIRMAN ROWE: I think it needs some work.

4 MR. HANFORD: But that's your decision.

5 MR. OSBORNE: Time is of the essence, is all I am
6 worried about. When will the next — It would be a month from
7 now, obviously?

8 MR. HANFORD: Yes.

9 CHAIRMAN ROWE: Yes. It would be the second
10 Wednesday of August.

11 MS. MITCHELL: Yes. It's down there, the dates.
12 August 11th.

13 MR. HANFORD: Yes, August 11th.

14 MR. OSBORNE: All right. I'll table it and I will
15 exhaust my efforts. We'll table it, again, and I hope that,
16 next time, we can get a positive vote. Appreciate your time.

17 CHAIRMAN ROWE: Shake the cages.

18 MR. OSBORNE: Thank you.

19 CHAIRMAN ROWE: Anything we need to do? I mean, it
20 is now tabled?

21 MS. MITCHELL: It's officially tabled.

22 CHAIRMAN ROWE: Thank you.

23 MR. OSBORNE: Thank you.

24 CHAIRMAN ROWE: The next item on this evening's
25 agenda, Appeal 0610-0971, Ms. Barbara Lorenzo of 7808 Oakridge
26 Drive, R-1 District, requests a variance for a shed located
27 8 feet from the side property line, in lieu of the 15 foot
28 minimum side yard clearance required, as set forth in
29 Section 15.07 B of the Concord Township Zoning Resolution
30 Zoning Resolution.

1 MS. LORENZO: Good evening.

2 CHAIRMAN ROWE: Good evening.

3 MS. LORENZO: I'm Barbara Lorenzo at 7808 Oakridge
4 Drive, Concord Township, and I was sworn in.

5 When we were going to put up the shed, I guess you
6 could call it, we had a permit. We requested a permit and the
7 permit was granted, so we were now surprised to find out that
8 it is not in compliance. And, actually, because it is set on
9 an angle, I think only, like, the back three feet of the barn
10 is out of compliance, and the hardship would be to have to move
11 the barn after it's built.

12 CHAIRMAN ROWE: Thank you. Would you like to refresh
13 the Board on a little of how it got, kind of, set?

14 MS. LORENZO: Well, there was a shed there from when
15 we first bought the house and it was dilapidated. The
16 squirrels had moved in and taken over, which is why we decided
17 to take that one down and put up a much nicer one. And, like I
18 said, I just — I was under the impression, when you requested
19 a permit, that when you were granted the permit, you know,
20 everything was checked out and that's why you request a permit,
21 but I guess that doesn't work that day.

22 MR. HANFORD: Well, we don't go out there and survey
23 the property. I understand that's what, I think, Jim is asking
24 for, is you to give us a little bit of history on the fence and
25 the lines and where it was and all that so we could —

26 MS. LORENZO: Yeah. I guess, our neighbor on one
27 side had put up a fence and, I guess, I was kind of thinking
28 their fence was on the line of the property. Never, you
29 know — I've lived there for so long, I had no idea anymore
30 where the stakes were or where the exact property line was.

1 And, you know, as a result of some of this problem coming up,
2 we did end up having the property surveyed, which brought us to
3 finding out that it was not in compliance.

4 CHAIRMAN ROWE: The building, you located it the
5 same —

6 MS. LORENZO: In the same spot that the old one was,
7 basically, in the same spot. It's a little bigger and it's
8 also — you know, they were both, kind of, on an angle. The
9 other one, apparently, was just smaller and was not an issue at
10 the time. There was actually another building on the property
11 as well that we had taken down, you know, that was there when
12 we purchased the house.

13 MS. JARRELL: Kathy, can you help us on the fact that
14 this zoning permit was revoked? How does that process work
15 when it's revoked?

16 MS. MITCHELL: When the original permit was issued,
17 it was based on the plot plan or information that we receive.
18 We do not require a survey for sheds, smaller structures. The
19 only thing we require a survey for is dwellings. So it was
20 their understanding that the property line was the fence. It
21 was our understanding, too, when we inspected it because there
22 is only an imaginary line out there for us to go off. And
23 based on the historical information we had, that was, in fact,
24 correct.

25 Unfortunately, by doing the survey, they discovered
26 that that was not the case and came forward and said, you know,
27 "This is wrong," which is why we then had to revoke the
28 permit. It was no longer in compliance. So that brought us to
29 recommending, if they didn't want to move it, to request the
30 variance due to the circumstances.

1 I guess the — You've been in the house for how
2 long?

3 MS. LORENZO: Since about 1982.

4 MS. MITCHELL: And so there was a shed there when you
5 purchased that's been there all that time?

6 MS. LORENZO: Purchased. It was there all that time.

7 MS. MITCHELL: And you removed it.

8 MS. LORENZO: Well, we took it down because it was in
9 need of removal.

10 MS. MITCHELL: And that is common that we find that
11 people will go off an old location of a shed and we go off the
12 best records that we have.

13 MR. HAMILTON: Kathy, what prompted the survey?

14 MS. MITCHELL: They'll have to answer that question.

15 MR. HAMILTON: What prompted the survey?

16 MS. LORENZO: What prompted the survey? We had some
17 work done in our yard and, apparently, some of that work was
18 also on the — too close to the neighbor and was causing some
19 issues.

20 MR. HAMILTON: Issues with the neighbor?

21 MS. LORENZO: Yes.

22 MS. JARRELL: How did they feel about this? Do you
23 have any idea?

24 MS. LORENZO: The barn? I think they're fine with
25 it.

26 MS. JARRELL: May I just make a general comment to
27 pass on to the Zoning Commission, also? Am I allowed to do
28 this? This shed is not a shed. It's a nice structure, it
29 really is, and it's two levels. And, in my opinion, I just
30 believe that there should be some kind of size parameter,

1 perhaps, that we should consider when allowing these permits
2 because, you know, maybe a survey should have been conducted.
3 I mean, it's a big building and I think a survey should have
4 been done at the time. To just go on an assumption as to where
5 the property line is, you know, didn't behoove anybody. It
6 didn't behoove relationships anywhere.

7 CHAIRMAN ROWE: That's the landowner's, you know,
8 responsibility to know where his property line is.

9 MS. JARRELL: Right. I agree, too. But it's not a
10 shed. It's a significant structure.

11 MR. HAMILTON: So what — If I can piggyback on that,
12 what is the foundation and how is this shed installed and what
13 is involved in moving it?

14 MS. LORENZO: I mean, I think it appears to be much
15 larger than the old one was. I'm sure it's higher but, you
16 know, they put a front porch on it to make it not look like
17 just a shed.

18 MS. JARRELL: Right.

19 MS. LORENZO: So I am sorry. What was the question?

20 MR. HAMILTON: What's involved in moving it?

21 MS. LORENZO: Oh, moving it, well, they came out and
22 put —

23 MS. JARRELL: Footers?

24 MS. LORENZO: — gravel and flattened it all out and
25 prepared the area and put the barn on top of that area.

26 CHAIRMAN ROWE: It's not on a cement slab?

27 MS. LORENZO: It's not cement, no.

28 MR. HANFORD: The only thing here is just — We're
29 talking a part of the shed is encroaching, one corner, not
30 unlike what we discussed last week or the week before where

1 just a small section was over the line. And I don't, I don't
2 have any problems with how the shed looks. In fact, I think
3 this looks good.

4 I may have a problem though, and it's something we
5 can discuss either now or another time, is the attempt to make
6 sheds second-story, you know. So that might be something we
7 need to look at in the future but, right now, we're talking a
8 corner of the shed. It's not that the whole side is
9 encroaching.

10 MS. MILLER: This is the shed — Excuse me.

11 CHAIRMAN ROWE: I am sorry. Go ahead.

12 MS. MILLER: — back here, correct? That's the —

13 MS. MITCHELL: That's the old shed.

14 MS. LORENZO: That must have been the old one, see,
15 because there was two there, one closer to the house and one
16 further back from the house.

17 MS. MILLER: See, I see the one. I am looking —
18 well, I was looking — I see, from the drawing, that that was
19 there. This one appears to be — The original one was in
20 compliance, it looks.

21 MR. HANFORD: Yeah, yeah. This one here is just this
22 corner.

23 MS. MILLER: Yeah.

24 MR. HANFORD: About three feet?

25 MS. LORENZO: Yeah. And, like I said, I was under
26 the misunderstanding that that was why you got a permit, you
27 know, that everything was checked out and approved.

28 MR. HANFORD: Well, you know this wasn't easy.

29 MS. LORENZO: No.

30 CHAIRMAN ROWE: According to this, it's — the corner

1 of the shed is 8 feet from the property line.

2 MR. HANFORD: Yes. But if you look at the overall
3 movement in the spot — I don't know. We'd have to do a
4 triangle percentage of it.

5 CHAIRMAN ROWE: I know. I am saying, but a goodly
6 portion of that shed is less than 15 feet. I mean, the corner
7 is 8 feet.

8 MR. HANFORD: Yes.

9 CHAIRMAN ROWE: If you triangulate that, a good share
10 of that is less than kosher. And it is a shed construction.
11 It would seem that it could be moved.

12 MS. MILLER: Is the neighbor asking that it be moved?

13 MS. LORENZO: No.

14 CHAIRMAN ROWE: I think that's all the info we need.
15 Thank you.

16 MS. LORENZO: Okay. Thank you.

17 CHAIRMAN ROWE: Anyone else in the audience that
18 would be speaking in support of the granting of this variance?
19 Anyone in the audience that would be speaking in opposition to
20 the granting of this variance?

21 MS. HOHLFELDER: Yes.

22 CHAIRMAN ROWE: Step forward, please.

23 MS. HOHLFELDER: I did come in late, so I was not
24 sworn in.

25 CHAIRMAN ROWE: Pardon?

26 MS. HOHLFELDER: We came in late, so I was not sworn
27 in or anything.

28 CHAIRMAN ROWE: You know the drill?

29 MS. HOHLFELDER: I know the drill.

30 CHAIRMAN ROWE: Do you swear to tell the truth, the

1 whole truth and nothing but the truth, so help you God?

2 MS. HOHLFELDER: I swear to tell the truth and
3 nothing —

4 CHAIRMAN ROWE: Just say "I do."

5 MS. HOHLFELDER: I do.

6 CHAIRMAN ROWE: Thank you. And your name, address
7 and all —

8 MS. HOHLFELDER: My name is Kristine Hohlfelder,
9 address is 7816 Oakridge Drive in Concord, and we are on the
10 side where it's too close. We are the neighbor where it does
11 encroach into our side.

12 CHAIRMAN ROWE: Okay.

13 MS. HOHLFELDER: And, first of all, I apologize. I
14 only brought one set of pictures but we did, kind of, take some
15 pictures to give you an idea, size wise, where this does hit
16 the stakes for the property line, and I know that she was
17 talking about just the back corner. However, if you — The
18 shed is at an angle, so that back corner is, you know, just 7
19 or 8 feet away. So even as you go up, it is still, you know,
20 as you go up, it is still not the 15 feet.

21 And, like I said, I don't know if I can do pictures
22 or, you know, whatever, but this shows where the property stake
23 is and the corner of that and you can see how close that it
24 is.

25 And prior to this, there have been other issues. I
26 know the fence was mentioned and some other issues. A fence
27 was also installed and 90 percent of that fence was placed on
28 our property. It was put in — A brick driveway was put in and
29 so the fence was put in to line up with the brick driveway.
30 And in doing so, it is very much over into our property. And,

1 again, I took pictures of that as well. It hasn't been just
2 this shed issue. There is the fence. There were plants
3 planted along our property as well, trees, and most of them
4 have been removed. There is still a large tree that has not
5 been removed yet. So it wasn't the issue of just the shed.

6 And the gentleman that is living there, we had even
7 told him that, when we put our fence in five years ago, that
8 the property line ran, you know, just on the other side of this
9 line of trees, that we did not put our fence on the property
10 line. And the issue came to light when he had had firewood
11 stacked along the fence and we had asked to move it because we
12 wanted to paint the fence and then we wanted to try to put
13 plants along the other side of our fence to help hide — plants
14 and bushes to help hide this structure.

15 Again, the shed that was there before was like a
16 typical, normal size shed, like — I don't know — 8 by 8, 10
17 by 10, whatever it is, and this is very large, you know,
18 two-story. So even though it may have been placed in the
19 general vicinity, the other shed was, you know, much smaller
20 and this one is much larger so, obviously, it is going to go
21 over towards the property line, you know, further.

22 So I don't know if, you know, if you need to see any
23 pictures or how that works.

24 MR. HANFORD: Let them see them.

25 MS. HOHLFELDER: Okay. This is the actual shed there
26 and then the stake for the property line is here, so you can
27 see from here this to corner.

28 (Discussion was held off the record.)

29 MS. HOHLFELDER: And that just gives you an idea for
30 the two-story. And then we were also informed that they were

1 putting a privacy fence in and the privacy fence would start
2 from one corner and go to — he was going to stop at in front
3 of this tree. So if he does stop, I mean, it is not covering
4 up the structure or anything.

5 We said, "Maybe if you put the fence all the way
6 down, it would help hide the fact that it is too close." This
7 is one of the trees that they planted. You can see that —
8 here is the stake — that it is clearly way over. We would
9 like to have that moved and it is still there.

10 This is the fence up front that was put in. This is
11 all our property. And you can see, by putting it in, it
12 totally covered the property back over. This is the angle that
13 shows where the fence is and that's the actual property line
14 that runs there.

15 MR. HANFORD: Okay. It would have been nice to have
16 a picture from the back shooting back to see how the line of
17 the building —

18 MS. HOHLFELDER: Oh, yeah. This is in the front yard
19 and the other is in the back.

20 MR. HANFORD: Yeah. I can't see —

21 MS. HOHLFELDER: See, like, here is — You can, kind
22 of, just see it staked and then the stakes go, like, at an
23 angle. That's straight rather than at an angle.

24 THE REPORTER: Do you want to go off the record while
25 she's —

26 CHAIRMAN ROWE: Yeah. That's fine. Off the record
27 for explanation.

28 (Discussion was held off the record.)

29 CHAIRMAN ROWE: Thank you.

30 MS. HOHLFELDER: Yep.

1 CHAIRMAN ROWE: Anyone else in the audience who would
2 be speaking in opposition to the granting of this variance
3 0971? Hearing no further opposition, I will close the public
4 portion of this hearing and open for discussion from the Board
5 members.

6 MR. HAMILTON: I have to say that the shed appears to
7 be the culmination of a bunch of errors that were made prior to
8 the shed going in and subsequent to the shed going in, so it's
9 not the only problem here. It is what we're requesting on a
10 variance but how it got that way is largely due to negligence.

11 MS. JARRELL: Jim.

12 CHAIRMAN ROWE: Yes?

13 MS. LORENZO: When we put the white picket fence up,
14 we — Do you want me to come there?

15 MS. MITCHELL: Yes.

16 MS. LORENZO: When we put the white picket fence up,
17 we talked to the neighbors and, you know, because, you know,
18 instead of having it on a slant to follow closer to the line,
19 we wanted it straight and they were fine with it at the time.
20 We would not have put it that way had we not talked to them
21 first.

22 CHAIRMAN ROWE: Thank you.

23 MR. HANFORD: Is that the same neighbor?

24 MS. LORENZO: Yes. And the fence is going to be
25 moved.

26 MR. HANFORD: Okay.

27 MS. MILLER: And what about when the shed was put
28 in?

29 MS. LORENZO: When the shed was put in, we ordered
30 the permit, thinking that's what you order the permit for —

1 CHAIRMAN ROWE: Yeah, okay.

2 MS. LORENZO: — was making sure that it was in
3 compliance.

4 MR. HANFORD: How did you get confused on the line?

5 MS. LORENZO: On the line, well, originally, down our
6 side of the driveway were Christmas trees and all those trees
7 were taken out, so exactly, you know, where the line was on the
8 other side of the trees, I was not clear on; and then when they
9 were all removed, the, kind of, line that we always went by was
10 totally not there anymore.

11 MR. HANFORD: How long have your neighbors been in
12 their house; do you know?

13 MS. LORENZO: Five years?

14 MR. HOHLFELDER: Ten years.

15 MR. HANFORD: Ten years.

16 CHAIRMAN ROWE: Thank you. And the public portion of
17 this meeting was closed.

18 MR. HANFORD: Yes. Just information.

19 MS. JARRELL: I have to concur with Blair that I
20 think that there was negligence, probably, going on, not
21 knowing where the property line is. You had made a comment
22 earlier, it is — the onus is on the owner to know where their
23 property line is. Particularly, when a larger structure is
24 going in, I think that — and I am not going to reiterate —
25 that I think zoning and granting a permit should be aware, on a
26 larger structure, as to exactly where the property lines are.

27 I am just wondering if there is a way that, perhaps,
28 we could resolve this between the neighbors, if there was
29 something that could happen to make this, you know, palatable
30 for everybody without this. I mean, I am not sure. There is a

1 privacy fence going in and I —

2 CHAIRMAN ROWE: It's the human choice. If we try to
3 broker and negotiate every situation —

4 MS. JARRELL: I understand that.

5 CHAIRMAN ROWE: It comes down to, call for a vote,
6 please.

7 MS. MITCHELL: Mr. Hamilton?

8 MR. HAMILTON: No.

9 MS. MITCHELL: Mr. Hanford?

10 MR. HANFORD: No.

11 MS. MITCHELL: Ms. Miller?

12 MS. MILLER: No.

13 MS. MITCHELL: Ms. Jarrell?

14 MS. JARRELL: No.

15 MS. MITCHELL: Mr. Rowe?

16 CHAIRMAN ROWE: No. Application denied five to
17 zero.

18 The next item on our agenda for this evening is
19 Appeal 0610-972. Mr. Donald Deitrick, on behalf of Cometic
20 Gasket, proposes to construct an addition to their facility
21 located at 8090 Auburn Road, RD-2 Research and Limited
22 Industrial District, with 66 landbanked parking spaces on the
23 property. A variance is requested to provide 60 percent of the
24 required (improved) parking spaces, in lieu of 70 percent
25 minimum required number of spaces to be initially provided, as
26 set forth in Section 29.07 of the Zoning Resolution. The
27 proposed landbanked spaces equal 40 percent of the required
28 parking for the site.

29 A second variance is requested to allow the
30 landbanked spaces proposed along the northern property line to

1 be located 5 feet from the side property line, in lieu of the
2 25 foot minimum distance required from the property line, as
3 set forth in Section 29.07 B and 29.12.

4 Now, there is a revision. The revision submitted to
5 request only 16 parking spaces be landbanked for the project.
6 The reduced setback along the northern property line is no
7 longer needed. Landbanked parking spaces shall be permitted
8 upon approval by the Board of Zoning Appeals, in accordance
9 with the criteria outlined in section 29.07 of the Zoning
10 Resolution.

11 There's got to be somebody here to talk about this.

12 MR. DEITRICK: Good evening. My name is Don
13 Deitrick. I'm with M. E. Osborne Building Company. We're the
14 general contractors for the addition for Cometic. I am also
15 responsible for the preparation of the site plan. And with me
16 is this evening is Richard Weber. He is our architect
17 consultant for the project. And I was in the swearing in at
18 the beginning of the meeting tonight.

19 MR. WEBER: I'm Richard Weber, 8058 Hermitage Road.
20 I was sworn in.

21 CHAIRMAN ROWE: Thank you.

22 MR. DEITRICK: Basically, you said everything. The
23 packet we submitted with the revision is where we stand right
24 now in the project and the design.

25 MR. WEBER: The first item, the first part of this
26 revision was because we inadvertently, and because of old age,
27 I included the existing office twice in all the calculations,
28 which required a lot more sparking than is actually required.
29 So in going through it again, and then with your zoning
30 inspector's help, we noted the error and discovered that we

1 didn't need anywhere near that. We didn't need the 5 foot
2 variance, the landbanked parking, these things over there. All
3 we need is 16, which falls well within that which you are
4 allowed to do.

5 CHAIRMAN ROWE: Yeah.

6 MR. WEBER: And that's what we would like to do, is
7 just put in the 16 additional spaces landbanked, provide 102,
8 as the firm requires. We've got plenty — We've got space to
9 go beyond 16 even but, again, I don't want to call them parking
10 requirements. I sat where you guys do for many years and we
11 did the parking requirements, and they're not arbitrary.
12 They're someone's best calculation for a generic office, a
13 generic this, a generic that and they're not specific. In many
14 cases now, we're finding that fewer and fewer people are
15 working in much larger and larger spaces because of the need
16 for more storage and more machine spaces. The machines are
17 getting bigger and doing more things.

18 So it's, basically, the buildings have become shelter
19 for industrial operation and it's warehousing and not a lot of
20 people, so we don't really need the parking. We don't really
21 want to provide parking we don't need because it adds to the
22 watershed, it adds to the — it adds to all these things.

23 We have calculated for it, should we need it in the
24 future. The last thing we wanted to do is hire someone and not
25 have a space for them to park. I think that our society has
26 grown a little wiser in those terms. I think that the stores
27 know that if you can't park someone to come to the store, no
28 one is going to come to the store. So we'll be parking what we
29 have to. If we have to exceed, you know, go into these 16
30 spaces, we will come back and ask to pave it if we need it but,

1 right now, we don't need it and don't see any sense in parking.

2 CHAIRMAN ROWE: Very good. Thank you, gentlemen.

3 MR. DEITRICK: Any questions?

4 CHAIRMAN ROWE: No.

5 Anyone else speaking in support of? Our law
6 director? Anyone speaking in opposition of? Hearing none, the
7 public section is closed. I will entertain a motion.

8 MR. HANFORD: A motion to approve Appeal Number 0616-
9 972.

10 CHAIRMAN ROWE: Yes. That was a motion?

11 MR. HAMILTON: That was a motion to approve. Second.

12 CHAIRMAN ROWE: Thank you.

13 MR. HANFORD: And Kathy is not here.

14 CHAIRMAN ROWE: We will rest for a while, while our
15 esteemed fearless leader calls for a vote, unless anybody —

16 MR. HANFORD: Discussion?

17 CHAIRMAN ROWE: Yeah. Any snappy repertoire?

18 MR. HANFORD: It's still hot in here. I have a
19 discussion. It's still hot in here. Do we need to work on the
20 air conditioning?

21 MS. JARRELL: Yes.

22 AUDIENCE MEMBER: In listening to what you were going
23 through, I might suggest, as in the Ohio state, they have a
24 section of definitions where they define "shed," they define
25 "accessory structure." They don't tell you what it should look
26 like but they might tell you a shed is a one-story building
27 with a tin roof, something like that, that perhaps in your
28 zoning code, in the future, you maybe want to move on to do
29 some definitions.

30 MR. HANFORD: We had that discussion about an hour

1 and a half ago. Thank you.

2 AUDIENCE MEMBER: Then I'll second it.

3 MR. HANFORD: Second, no. Actually, third it.

4 CHAIRMAN ROWE: Call for a vote.

5 MS. MITCHELL: Ms. Miller?

6 MS. MILLER: Yes.

7 MS. MITCHELL: Mr. Hanford?

8 MR. HANFORD: Yes.

9 MS. MITCHELL: Ms. Jarrell?

10 MS. JARRELL: Yes.

11 MS. MITCHELL: Mr. Hamilton?

12 MR. HAMILTON: Yes.

13 MS. MITCHELL: Mr. Rowe?

14 CHAIRMAN ROWE: Yes.

15 And, lastly, for the very exciting part of one of
16 these discussions, the approval of the minutes of the June 9th,
17 2010, meeting as was provided to the members.

18 You can't vote because you weren't here.

19 MS. MILLER: I would like to make a motion to approve
20 because I did look them over.

21 CHAIRMAN ROWE: Do I hear a second?

22 MR. HANFORD: Second.

23 CHAIRMAN ROWE: Do I hear approval by acclimation?

24 (Four affirmative votes, no nay votes.)

25 CHAIRMAN ROWE: Amen. With that, the meeting is
26 closed.

27 (The meeting was adjourned at 8:26 p.m.)
28
29
30

1 STATE OF OHIO)
2) CERTIFICATE
3 COUNTY OF CUYAHOGA)
4

5 I, Melinda A. Melton, Registered Professional
6 Reporter, a notary public within and for the State of Ohio,
7 duly commissioned and qualified, do hereby certify that, to
8 the best of my ability, the foregoing proceeding was reduced
9 by me to stenotype shorthand, subsequently transcribed into
10 typewritten manuscript; and that the foregoing is a true and
11 accurate transcript of said proceedings so taken as
12 aforesaid.
13

14 I do further certify that this proceeding took
15 place at the time and place as specified in the foregoing
16 caption and was completed without adjournment.
17

18 I do further certify that I am not a friend,
19 relative, or counsel for any party or otherwise interested
20 in the outcome of these proceedings.
21

22 IN WITNESS WHEREOF, I have hereunto set my hand and
23 affixed my seal of office this 26th day of July 2010.
24
25
26
27

28 _____
29 Melinda A. Melton
30 Registered Professional Reporter

31 Notary Public within and for the
32 State of Ohio
33

34 My Commission Expires:
35 February 4, 2013
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