

BEFORE THE CONCORD TOWNSHIP, OHIO, BOARD OF ZONING APPEALS

April 8, 2009

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Blair Hamilton, Chairman
Gordon Hanford, Vice Chairman
Richard Smith
Claudia Hemphill
James Rowe

Also present:

Kathy Mitchell, Board of Zoning Appeals Secretary,
Zoning Inspector

King & Melton Court Reporters

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

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3 CHAIRMAN HAMILTON: Good evening. I would like to
4 welcome everyone to the April 8th — April 8th, 2009, Concord
5 Township Board of Zoning Appeals meeting. The meeting is now
6 in session. I would like to introduce my fellow Board members.
7 To my far left, Gordon Hanford, Claudia Hemphill, Richard
8 Smith, Jim Rowe. I am Blair Hamilton. To my far right is
9 Planning and Zoning Director Kathy Mitchell.

10 A couple housekeeping issues. Any audience member
11 conducting business before the Board must be sworn in. If you
12 are intending to speak tonight, I ask at this time that you
13 please stand and raise your right hand to be sworn in. Do you
14 swear that the testimony you present to the Board of Zoning
15 Appeals will be the truth, the whole truth and nothing but the
16 truth? If so, say "I do."

17 (Audience members responded affirmatively en masse.)

18 CHAIRMAN HAMILTON: Thank you. Business before the
19 Board will be conducted from the podium. Those wishing to
20 speak tonight will be asked to approach the podium, state their
21 name and address, and verify that you have been indeed sworn
22 in.

23 It takes a quorum of the Board, that is three votes,
24 to approve or deny each variance. If your request for variance
25 is denied, you have the right to an appeal. Kathy can help you
26 with the details if you choose to pursue this option.

27 Kathy, were the public notices printed in a timely
28 manner?

29 MS. MITCHELL: Yes, they were.

30 CHAIRMAN HAMILTON: Thank you.

31 The first item on the agenda tonight is Appeal

1 Number 030-947, Richard Walker, on behalf of Pressure
2 Technology of Ohio, proposes to construct a 3,360 square foot
3 building addition at 7796 — excuse me — 7996 Auburn Road,
4 RD-2, Research and Limited Industrial District, to be located
5 48.52 feet from the side property line, in lieu of the 50-foot
6 minimum side yard clearance required, as set forth in
7 Section 22.04 of the Concord Township Zoning Resolution.

8 Do we have anyone who wishes to speak in favor of the
9 request?

10 MR. GRABOR: Good evening, Board members. My name is
11 Chad Grabor. I am with Foresight Engineering. We did the site
12 plans and stuff for the Board of Appeals. It's very simple.

13 CHAIRMAN HAMILTON: Excuse me. You have been sworn
14 in?

15 MR. GRABOR: Yes, I have. Sorry.

16 The variance is fairly simple. We have an existing
17 building on site. It was completed several years back. In
18 completing this new site plan for a small addition on the back,
19 we found that the building has this side yard setback by, I
20 guess, 1.48 feet. So it's very simple. We just want to put
21 the addition on the back and maintain the same building line
22 that is existing, and in order to do so, we need to come here
23 for your approval.

24 CHAIRMAN HAMILTON: Very good. Any questions? The
25 zoning was mislocated originally.

26 MR. ROWE: Right.

27 CHAIRMAN HAMILTON: And we're off by a small amount
28 into the setback area.

29 MR. GRABOR: To the south, it's undeveloped
30 presently, the same zoning as what we are, R2, R2, Research and

1 Development.

2 MR. ROWE: RD-2.

3 MR. GRABOR: yeah. So we're not — We don't have
4 residential properties or anything that we would be abutting
5 against. It will be the same zoning.

6 CHAIRMAN HAMILTON: Thank you. Questions?

7 MS. HEMPHILL: Nothing from me.

8 CHAIRMAN HAMILTON: No? Very good. Thank you.

9 Is there anyone here tonight that wishes to speak
10 against the request? Seeing none, we will close any —

11 MS. HEMPHILL: Do we have anyone in favor?

12 CHAIRMAN HAMILTON: Oh, anybody else in favor?

13 MS. HEMPHILL: Yeah.

14 CHAIRMAN HAMILTON: I am sorry. Is there anyone else
15 in favor of the variance who wishes to speak? Seeing none and,
16 again, anyone opposed to the variance wishing to speak? Again,
17 seeing none, the public portion of the hearing is closed and we
18 are open for a motion to approve Appeal 0309-947.

19 MR. ROWE: So moved.

20 MR. SMITH: Second.

21 CHAIRMAN HAMILTON: And open for discussion.

22 MS. HEMPHILL: I don't see a problem.

23 MR. HANFORD: I don't see a problem.

24 MR. ROWE: It's pretty straight forth.

25 CHAIRMAN HAMILTON: Pretty straightforward, I agree.

26 Kathy, would you call the roll, please?

27 MS. MITCHELL: Mr. Rowe?

28 MR. ROWE: Yes.

29 MS. MITCHELL: Mr. Hanford?

30 MR. HANFORD: Yes.

1 MS. MITCHELL: Mr. Smith?

2 MR. SMITH: Yes.

3 MS. MITCHELL: Ms. Hemphill?

4 MS. HEMPHILL: Yes.

5 MS. MITCHELL: Mr. Hamilton?

6 CHAIRMAN HAMILTON: Yes. Appeal 0309-947 is
7 approved. Thank you.

8 The second item on the agenda tonight is Appeal 0309-
9 948. Joseph Iliano proposes to construct a garage addition at
10 7045 Sturbridge, R-1 Residential, to be located 12 feet from
11 the side property line, in lieu of the 15-foot minimum side
12 yard clearance required, as set forth in Section 15.07 of the
13 Concord Township Zoning Resolution.

14 MR. ILIANO: Good evening. My name is Joe Iliano. I
15 live at 7045 Sturbridge. I was sworn in prior to this.

16 Me and my wife, Amanda, come here today, new
17 residents of Concord. We moved here in November, found a
18 lovely home over on Sturbridge. We have a growing family. We
19 are running out of space. I had a large shed at my old house.
20 I don't have a shed at my new property now. We are talking —
21 We do own a small jet boat that we need to store in the
22 wintertime that costs money for the six to eight months we
23 don't use it.

24 We looked into maybe putting a third-car garage onto
25 the home. We got a site plan so we could come over, giving you
26 a quick site plan. Instead, originally — A basic side car
27 garage is 12 feet by 22 feet. We would not be the width — the
28 length of the home, about half of the length and out 12 feet,
29 where I would be able to store the boat in the winter months
30 and, in the back part of that third-car garage would be able to

1 store my kids' toys, lawn equipment and stuff like that.

2 Some of the pictures that I have shown you, I walked
3 around the neighborhood. I found around 71 homes in our
4 development and I believe 25 of them had third-car garages, so
5 35 percent rate. What I am asking for is in line in that
6 area. It seems that I see quite a few of those third-car
7 garages.

8 And then my back yard, I butt up against a few homes
9 and not a lot of sheds, to begin with. We bought the property
10 because of the nice square footage of the property and I don't
11 want to build a shed in the back yard to store things I can put
12 inside the garage. I think the variance is 15 feet. We are
13 asking for the three feet.

14 If you have any questions, you see the packet. I
15 came here to the zoning, they gave me the site plan. I went in
16 there. It's a basic site plan that I have given you for
17 tonight's meeting, and I am sure I can come back with more
18 specified 12-by-20 foot extension.

19 Any questions or anything?

20 CHAIRMAN HAMILTON: All right. Very good.

21 MR. SMITH: Mr. Iliano.

22 MR. ILIANO: Yes.

23 MR. SMITH: The pictures that you took are on your
24 street or in your neighborhood, the other three-car garages?

25 MR. ILIANO: That's correct, my street, Sturbridge,
26 along with Bunbury and another street off — three of them are
27 off by themselves off Ravenna and Prouty. So I walked around
28 the neighborhood and got an idea. Pretty much, the third-car
29 garages that you see are what I am looking for, a third-car
30 garage for the storage. I could use the room.

1 If you see on the side of my garage, I staked out
2 what 12 foot would be, circled it, just so you could see it
3 doesn't look out of the ordinary if we were to add it on. It
4 looks just like the other homes. Not to many sheds in that
5 development either.

6 MR. SMITH: Does that side of the house where the
7 garage addition would go face the neighbor's garage or —

8 MR. ILIANO: No, it doesn't. Actually, it will face
9 his residential area. I believe I had 24 feet from the
10 property line to my side of the garage and he has about 29, 30
11 feet from his property line to the side of his home.

12 MR. SMITH: Thank you.

13 MR. ILIANO: Anyone else?

14 MR. HANFORD: There is no roofline indicated on this
15 and how you are going to put that addition on.

16 MR. ILIANO: A gabled roof, a pitched roof. Like I
17 said, if you need to see further plans, I gave you just a basic
18 site plan to see if it was approved. I would have to
19 definitely come for the permit with more specified gabled roof,
20 things of that nature. The garage door would be an 8 foot by
21 7 foot normal size garage door on the front, what you see in
22 the other pictures. But it wouldn't be a shed-type roof. To
23 match the existing roofline, it would have to just be a gabled
24 roof off the side.

25 MR. HANFORD: Thank you.

26 CHAIRMAN HAMILTON: Other questions? All right.
27 Thank you.

28 MR. ILIANO: Thank you.

29 CHAIRMAN HAMILTON: Is there anyone else wishing to
30 speak in favor of the appeal? Yes, please come forward.

1 MR. DeFRANCO: My name is Ken DeFranco. I live at
2 7055 Sturbridge and I was sworn in.

3 CHAIRMAN HAMILTON: Very good.

4 MR. DeFRANCO: I am in favor of him putting the
5 addition on but my concerns would be that it would have the
6 reverse gable coming off his house and that the downspouts
7 would be running to curb drains, to the curb in the street so
8 we don't have any water problems in between the properties.
9 Other than that, I am in favor of it.

10 CHAIRMAN HAMILTON: I guess, for clarity, you are the
11 neighbor that would be adjoining the accessory garage?

12 MR. DeFRANCO: That's correct.

13 CHAIRMAN HAMILTON: Okay. Thank you.

14 MR. DeFRANCO: He is going to have a nice mural, on
15 the side, of the golf course. (Laughter.) Thank you.

16 CHAIRMAN HAMILTON: Any questions?

17 MS. HEMPHILL: No.

18 CHAIRMAN HAMILTON: Very good. Do we have anyone
19 that wishes to speak against the appeal? I see none. With
20 that, the public portion of the meeting is closed and we will
21 entertain a motion for Appeal 0309-948.

22 MR. HANFORD: So moved.

23 MS. HEMPHILL: Second.

24 CHAIRMAN HAMILTON: Very good. And discussion?

25 MR. ROWE: The other houses, near as we can determine
26 there with three-car garages, none of them are built on
27 variance. I mean, they're built to the side lot clearance.
28 The dimensions are different but there are some similarities to
29 the appeal that was in the other area. I can't remember the
30 name of the street but where the builder had two car and, that

1 one, I think was —

2 CHAIRMAN HAMILTON: It was a much larger variance.

3 MR. ROWE: — a larger variance.

4 MS. HEMPHILL: He was going to come much closer to
5 the property line.

6 MR. ROWE: Right. The others around that area were
7 constructed with that in mind, with the layout in mind for a
8 three-car garage.

9 MR. HANFORD: I think, from the neighbor standpoint,
10 who would like to see a boat sitting there?

11 MR. SMITH: Or in the back yard.

12 MR. HANFORD: Or in the back yard, exactly.

13 MS. HEMPHILL: This is not a huge variance. And as
14 long as he makes it look like the other houses on the street,
15 there are several that have added a third — have a third-car
16 garage. And their roofline accomodates it. It's handsome.

17 CHAIRMAN HAMILTON: I noticed on the plan the garage
18 is set back two feet. At least, from the plan view, it
19 appears, to mimic the existing garage.

20 MR. HANFORD: Yeah. It doesn't look like a long —
21 just, there is some back and forth on it, I guess.

22 CHAIRMAN HAMILTON: Very good. Further discussion?

23 MR. ROWE: No.

24 CHAIRMAN HAMILTON: Kathy, can we call the roll?

25 MS. MITCHELL: Mr. Smith?

26 MR. SMITH: Yes.

27 MS. MITCHELL: Ms. Hemphill?

28 MS. HEMPHILL: Yes.

29 MS. MITCHELL: Mr. Hanford?

30 MR. HANFORD: Yes.

1 MS. MITCHELL: Mr. Rowe?

2 MR. ROWE: Yes.

3 MS. MITCHELL: Mr. Hamilton?

4 CHAIRMAN HAMILTON: Yes. The Appeal 0309-948 is
5 approved. Thank you.

6 MR. ILIANO: Thank you.

7 CHAIRMAN HAMILTON: The third item on the agenda
8 tonight is the election of new Board of Zoning Appeals chairman
9 and vice chair.

10 MS. HEMPHILL: I would like to nominate Gordon.

11 MR. SMITH: Second.

12 CHAIRMAN HAMILTON: Second, if I have to.

13 MR. SMITH: If you need a second.

14 MR. HANFORD: Since I am next, I accept.

15 CHAIRMAN HAMILTON: All in favor?

16 MR. ROWE: Aye.

17 MR. SMITH: Aye.

18 MS. HEMPHILL: Aye.

19 CHAIRMAN HAMILTON: Aye. Opposed? Congratulations.

20 MR. HANFORD: Thank you.

21 MR. ROWE: Anybody opposed except you?

22 CHAIRMAN HAMILTON: And election of Board of Zoning
23 Appeal vice chair.

24 MR. SMITH: I nominate Jim Rowe for vice chair.

25 MS. HEMPHILL: Second.

26 CHAIRMAN HAMILTON: So moved. All in favor?

27 MS. HEMPHILL: Aye.

28 MR. SMITH: Aye.

29 MR. HANFORD: Aye.

30 CHAIRMAN HAMILTON: Aye.

1 MR. SMITH: Congratulations.

2 MR. ROWE: Thank you, thank you.

3 CHAIRMAN HAMILTON: Fourth item on the agenda is
4 approval of the March 11th, 2009, meeting minutes. Any
5 comments? discussion? corrections? deletions?

6 MR. ROWE: I would recommend they be accepted as
7 mailed to us. Everything seems to be fine.

8 MR. SMITH: Second.

9 CHAIRMAN HAMILTON: All in favor?

10 MR. ROWE: Aye.

11 MR. HANFORD: Aye.

12 MR. SMITH: Aye.

13 MS. HEMPHILL: Aye.

14 CHAIRMAN HAMILTON: Aye. Very good. This concludes
15 the April 8th, 2009, meeting of the Concord Township Board of
16 Zoning Appeals. Meeting is now adjourned.

17 (The meeting was adjourned at 7:17.)

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

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 21st day of April 2009.
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28 _____
29 Melinda A. Melton
30 Registered Professional Reporter

31 Notary Public within and for the
32 State of Ohio

33 My Commission Expires:
34 February 4, 2013
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