

BEFORE THE CONCORD TOWNSHIP, OHIO, BOARD OF ZONING APPEALS

May 13, 2009

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

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

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 HANFORD: Good evening. The Board of Zoning
4 Appeal meeting of May 12th (sic.), 2009, is now in session. I
5 would like to introduce the Board. To my far left, Blair
6 Hamilton, Claudia Hemphill. To my right, Richard Smith and
7 Vice Chair Jim Rowe. I am Gordon Hanford. To my far right is
8 Kathy Mitchell, township zoning inspector.

9 Under advice of our counsel, we are asking you to,
10 anyone who is speaking, to stand and take an oath, anyone
11 speaking tonight, take an oath. Do you swear the testimony you
12 are about to give will be the truth, the whole truth, and
13 nothing but the truth, so help me God? If so, say "I do."

14 (Speakers responded affirmatively en masse.)

15 CHAIRMAN HANFORD: Thank you.

16 Kathy, were the legal notices published in a timely
17 manner?

18 MS. MITCHELL: Yes, they were.

19 CHAIRMAN HANFORD: Thank you.

20 When presenting your case or commenting for or
21 against the appeal — I assume since you are, since you are by
22 yourself — please come to the microphone, give your name and
23 address, and confirm that you have been sworn in. Thank you.

24 We have one item on the agenda tonight. A three-vote
25 majority is required to either approve or deny an appeal. If
26 your request is denied, you have the right to file an appeal.
27 In this case, Kathy Mitchell will help you through the details.

28 Item Number 1, the only one on the agenda, is Appeal
29 Number 0409-949. Jeffrey Wright proposes to construct a fence
30 at 12425 Summerwood Drive, R-2, PUD District, adjacent to the
31 public right-of-way and 6 feet in height, in lieu of the 4-foot

1 maximum height required, as set forth in Section 34.05 of the
2 Concord Township Zoning Resolution.

3 Would you present your case, please?

4 MR. WRIGHT: Thank you. I am Jeff Wright. I reside
5 at 12425 Summerwood Drive, Concord, Ohio. I have been sworn
6 in, I guess.

7 CHAIRMAN HANFORD: Thank you.

8 MR. WRIGHT: So, basically, I am just here because my
9 wife and I are just applying for this variance for a 6-foot
10 fence on our property that borders or actually is parallel to
11 608. I think just our main concern is our children. We've
12 seen a couple of instances where some rocks have flown into the
13 yard just from either gravel from trucks or whatever, tire pops
14 flying. One hit the house, one in our yard, so I think safety
15 is just my main concern.

16 I think second, too, is I think that our desired
17 location of the fence, it doesn't restrict, I guess, vehicle
18 views on the corner lot or, I guess, adjacent properties. And
19 that's really about it. I mean, it's straight safety for my
20 family and kids and just trying to, you know, go for the 6-foot
21 fence, which we think that extra 2 feet would help with privacy
22 also, too.

23 Is there any questions that I can, any questions on
24 pictures that I can help you with?

25 MR. SMITH: Mr. Chairman, Mr. Wright.

26 MR. WRIGHT: Yes?

27 MR. SMITH: On the picture that you submitted, is
28 that a sample of the fence?

29 MR. WRIGHT: Yes, that's exactly right. This is a
30 6-foot sample of the fence and it's exactly where it would be

1 placed. I had Tom Shannon come out and actually let me borrow
2 that panel, so this is exactly where it would be placed.

3 MR. SMITH: Would that also be the distance from the
4 roadway then to where that fence line is?

5 MR. WRIGHT: Correct.

6 MR. SMITH: Thank you.

7 CHAIRMAN HANFORD: Now, the pegs that are on your
8 lawn, are they — is that where that fence is going to go?
9 You've got some pegs and some markers.

10 MR. WRIGHT: Yeah, the peg is where the end of this
11 fence is. It's actually shown right here. There are some
12 markers that's from, like, the gas company to just kind of
13 show.

14 CHAIRMAN HANFORD: Okay. Thank you.

15 MS. MITCHELL: Mr. Chairman, I will just add, for the
16 record, that behind this property — I don't know if you
17 noticed on the GIS map — is actually Concord Township owned
18 property and it's opened space, so it will not be developed.

19 CHAIRMAN HANFORD: Thank you, Kathy. Any other
20 questions?

21 MR. ROWE: No.

22 CHAIRMAN HANFORD: Okay. Thank you.

23 MR. WRIGHT: Thank you.

24 CHAIRMAN HANFORD: You are the only ones in the
25 audience but I will ask, is there anyone for the appeal? For
26 the appeal?

27 MR. WRIGHT: Please.

28 CHAIRMAN HANFORD: Anyone against the appeal?

29 Actually, seeing none, let me just close this appeal and we
30 will get on with the questions of the Board. Comments?

1 MS. HEMPHILL: I have no problem with it.

2 MR. HAMILTON: My only concern was the sight line
3 from the stop sign coming out of the street, access onto 608,
4 if the fence would obstruct the view down the road, down 608.
5 And whether it's a 4-foot fence or 6-foot fence, I really
6 couldn't see any difference.

7 CHAIRMAN HANFORD: No. I stopped and did the same
8 thing. And that is a pretty busy highway.

9 MS. HEMPHILL: Yes, it is.

10 CHAIRMAN HANFORD: Actually, I was going to ask you,
11 Kathy, when I read the, what it says in the book, 30 — Is it
12 305?

13 MS. MITCHELL: 34.05.

14 CHAIRMAN HANFORD: 34.05, thank you. It says here,
15 "No fence in any front yard, or any yards adjacent to the
16 public right(s)-of-way, excluding controlled access highway,
17 shall exceed 4 feet." Is that a controlled access highway?

18 MR. ROWE: No.

19 MS. MITCHELL: It's never been.

20 CHAIRMAN HANFORD: Never been, okay. All right.
21 Thanks. Well —

22 MR. SMITH: Good question.

23 CHAIRMAN HANFORD: Pardon me?

24 MR. SMITH: Good question.

25 CHAIRMAN HANFORD: Do we have a motion to approve the
26 appeal?

27 MR. ROWE: So moved.

28 MR. SMITH: Second.

29 CHAIRMAN HANFORD: Motion has been moved and
30 seconded. Can I have a vote, Kathy?

1 MS. MITCHELL: Mr. Rowe?

2 MR. ROWE: Yes.

3 MS. MITCHELL: Mr. Hamilton?

4 MR. HAMILTON: Yes.

5 MS. MITCHELL: Ms. Hemphill?

6 MS. HEMPHILL: Yes.

7 MS. MITCHELL: Mr. Smith?

8 MR. SMITH: Yes.

9 MS. MITCHELL: Mr. Hanford?

10 CHAIRMAN HANFORD: Yes.

11 MR. WRIGHT: Thank you.

12 CHAIRMAN HANFORD: All right. The appeal is
13 approved. And before you leave, see Kathy to get whatever you
14 need to have signed.

15 MR. WRIGHT: Okay. Thank you very much.

16 CHAIRMAN HANFORD: Thank you.

17 AUDIENCE MEMBER: Is that a record for you guys?

18 MS. HEMPHILL: Close. A tie.

19 MR. WRIGHT: Thanks again. Appreciate it.

20 CHAIRMAN HANFORD: You're welcome.

21 MS. HEMPHILL: Good night.

22 The next item on the agenda is the approval of the
23 minutes of April 8th, 2009, meeting. Is there any additions?
24 deletions? changes?

25 MS. HEMPHILL: I didn't see anything.

26 MR. ROWE: No.

27 CHAIRMAN HANFORD: All in favor of approving the
28 minutes?

29 (Five Board members voted aye.)

30 CHAIRMAN HANFORD: Minutes approved. The May 13,

1 2009, meeting for Zoning Appeals is now closed. Thank you.

2 (The meeting was adjourned at 7:09 p.m.)

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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 22nd day of May 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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