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CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
MEETING

June 10, 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:

Bruce Bullard, Assistant Zoning Inspector
Michael Lucas, Esq., Legal Counsel
Christine Jarrell, Alternate
Richard Peterson, Alternate

King & Melton Court Reporters
11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

7:00 p.m.

1
2 CHAIRMAN HANFORD: Good evening. The Board of Zoning
3 Appeals meeting, June 10th, 2009, is now in session. I would
4 like to introduce the Board. Moving left to right, Blair
5 Hamilton, Claudia Hemphill, Richard Smith, and Vice Chair Jim
6 Rowe. I would also like to, in our audience, introduce — We
7 will probably need the camera to go on the first two people
8 here. We have in the audience two people that I would like to
9 introduce and welcome, Mr. Rich Peterson and Ms. Chris Jarel.
10 They are alternate Board members that will be called upon as
11 needed when one or more of the Board is unable to attend.
12 Thank you.

13 On advice of our counsel, anyone wishing to speak
14 tonight must be sworn in. Therefore, if you plan on speaking,
15 please stand and raise your right hand. Do you swear that the
16 testimony you are about to give will be the truth, the whole
17 truth, and nothing but the truth, so help you God? If so, say
18 "I do."

19 (Speakers responded affirmatively en masse.)

20 CHAIRMAN HANFORD: Thank you. When presenting your
21 case — You may be seated. When presenting your case or
22 commenting for the appeal or against the appeal, please come to
23 the microphone and give your name and address and confirm that
24 you've been sworn in. Thank you.

25 Bruce, were the legal notices published in a timely
26 manner?

27 MR. BULLARD: Yes, they were.

28 CHAIRMAN HANFORD: Let me introduce Bruce. I went
29 right by that. To my far right is Bruce Bullard, township
30 zoning inspector. And to my far left, Mike Lucas, our legal

1 counsel.

2 Did I give you a promotion?

3 MR. BULLARD: Yeah, you did. I am just an assistant.

4 CHAIRMAN HANFORD: Oh, just an assistant. You'd be
5 surprised.

6 MR. LUCAS: Not as much as Kathy will be.

7 MR. ROWE: Kathy is on vacation.

8 CHAIRMAN HANFORD: Yeah. Sorry about that.

9 If your request is denied you have the right to file
10 an appeal. If this is the case, Bruce will help you with the
11 details.

12 We have four items on the agenda tonight. Item
13 Number 1 on the agenda is a conditional use. Let's see. Item
14 Number 1, a conditional use, Number 30, Mrs. Gloria Schultz,
15 owner of Precious Care Assisted Living, Inc., at 8095 Auburn
16 Road, GB, Gateway Business District, requests an update to her
17 original conditional use permit issued, Number 0498-11, which
18 allowed for an assisted living home with maximum of 8
19 individuals. In 2005, Mrs. Schultz expanded the facility with
20 4 more beds, Appeal 0405-860, and most recently, the Ohio
21 Health Department authorized 4 more beds within the existing
22 facility, no floor area expansion, for a total occupancy of 15
23 persons. This conditional use permit would be an addendum to
24 the original permit issued, for the correct use category as an
25 "Adult Group Home," which provides accommodations for up to 16
26 unrelated individuals, as set forth in Section 5.02 B.14 of the
27 Concord Township Zoning Resolution. Precious Care facility is
28 currently licensed with the State of Ohio as an adult group
29 home. The original use category, "Assisted Living Homes," was
30 deleted from the Zoning Resolution in August 2001.

1 Would you please come forward to present your case?
2 Dand give your full name, your address, and also confirm that
3 you were sworn in, please.

4 MRS. SCHULTZ: Yes. I made notes of that. My name
5 is Gloria Scaperato Schultz, and I have been sworn in.

6 CHAIRMAN HANFORD: Thank you.

7 MRS. SCHULTZ: I am the owner of Precious Care
8 Assisted Living for the last 10 years. We have owned and built
9 in Concord Township. I think this first one is pretty set
10 forth. It's just a matter of an expansion inside the home.
11 Excuse my voice. I caught a cold from my granddaughter. So
12 we're expanding inside the home all along for the last 10
13 years. We went from 7 bedrooms — and that 8 is a mistake.
14 It's 7 bedrooms to an additional 4 and additional 3, so we went
15 from 7 to 10 on the first floor. It's all one big ranch home,
16 and we continued to live in walk-out basement section of the
17 home.

18 Then the State Health Department came in and
19 authorized us to have more residents, up to 15. The Adult
20 Group Home occupancy maximum is 16. Well, we don't have the
21 space for 16. So indeed, at that time, my husband and I moved
22 into what is now our storage suite, so we still maintained
23 living in the home up until last August of '08, so that house
24 is not only their house but it's our home. And it's probably a
25 good way to start a business because we were able to take care
26 of them. When the caregivers are on duty, they know where
27 we're at. We're right there. Now they call us. We have a
28 manager and he handles most of the area.

29 So what we're asking in this first one then is just
30 to make it current to say 15. That's all. And we are

1 licensed, Ohio Health Department Adult Group Home License
2 1937. So, I guess, that had to be all corrected because it was
3 by the wayside as expansion occurred inside the building.

4 We housed many, many Concordians in the last 10 years
5 from Joe Jakupek, who I have his, one of his few books that he
6 wrote. Rose Guerra is now there, Helen McKosky. So there has
7 been a lot of benefit to the people that wanted to stay in
8 their neighborhood and they lived at our home. Joe Jakupek got
9 to pass there. I think he went for one week somewhere else.
10 But Helen McKosky — Those are just the ones in the immediate
11 neighborhood. Rose Guerra is still living there. She is 94
12 now.

13 So as a result of Concord allowing us the privilege
14 of having an adult group home, we have helped the people in
15 your neighborhood and ours. So we are just asking that it
16 become current right now for this 15 beds. If it said 15, that
17 would be accurate with my license, which says 15.

18 Thank you for bearing with my voice.

19 CHAIRMAN HANFORD: Thank you.

20 MRS. SCHULTZ: So that's the most current one in
21 front of us right now. And then when you're ready, we'll talk
22 about the next one. Do you want me to go sit down?

23 CHAIRMAN HANFORD: No, just stay there because there
24 will probably be some question. Questions from the Board?

25 MR. SMITH: Yes, Mr. Chairman. Mrs. Schultz, with
26 the additional bed count, are there any additional car spaces
27 required, parking spaces?

28 MRS. SCHULTZ: We do have additional car spaces
29 provided because we have to provide for more caregivers now. I
30 was working two shifts for seven years. I worked the first

1 shift, went downstairs to sleep and worked the third shift, so
2 we had a second shift seven days a week. So I did, like, 122
3 hours — somehow I'm still alive — for seven days a week. And
4 so there weren't, there wasn't a need at that time for an
5 additional space for cars. Now we have parking for the
6 employees and the parking at the top of the driveway are for
7 visitors.

8 MR. SMITH: So you don't have to expand existing
9 parking or you do?

10 MRS. SCHULTZ: Not at this time, but once —

11 MR. SMITH: With the additional 15 beds, you don't
12 need to expand.

13 MRS. SCHULTZ: No, but we will need additional
14 parking if the next one is approved. There is plenty of space
15 for parking for the future, I will call it. There are places
16 we can put blacktop.

17 MR. SMITH: Thank you.

18 CHAIRMAN HANFORD: Anything you want to ask?

19 MS. HEMPHILL: No.

20 CHAIRMAN HANFORD: Blair?

21 MR. HAMILTON: No.

22 CHAIRMAN HANFORD: Is there anyone speaking for the
23 Conditional Use Number 30? You can have a seat now.

24 MRS. SCHULTZ: Okay.

25 CHAIRMAN HANFORD: Thank you. If there is anything
26 that comes up, by the way on the, either for or against, you
27 have the right to come back up and rebut, so —

28 MRS. SCHULTZ: All right.

29 CHAIRMAN HANFORD: Thank you.

30 Is there anyone speaking for Conditional Use Number

1 30? Anyone against? Seeing no one and hearing no one, if
2 there are no further questions, the public hearing for
3 Conditional Use Permit Number 30 is now closed. Any discussion
4 of the Board?

5 MR. BULLARD: Motion.

6 CHAIRMAN HANFORD: Motion. That's right. Thank
7 you. The chair will entertain a motion to approve Conditional
8 Use Permit Number 30.

9 MR. ROWE: So moved.

10 MR. HAMILTON: Second.

11 CHAIRMAN HANFORD: Second. Thank you. Discussion?

12 MR. SMITH: There was no expansion of the building
13 area with this request. It appears that it's, one of the
14 reasons for the amendment for the conditional use permit is to
15 bring it in line with the existing Zoning Resolution for a
16 group home.

17 CHAIRMAN HANFORD: Anybody else?

18 MS. HEMPHILL: It seems to all follow right where it
19 should.

20 CHAIRMAN HANFORD: Okay. The approval of the
21 Conditional Use Permit Number 30 is moved and seconded. We
22 have discussed it. If there are no other discussion, we will
23 proceed. The question on the Conditional Use Number 30, a yes
24 vote is for the approval of the use, a no vote denies the use.
25 Bruce, please call for the vote.

26 MR. BULLARD: Richard Smith?

27 MR. SMITH: Yes.

28 MR. BULLARD: Blair Hamilton?

29 MR. HAMILTON: Yes.

30 MR. BULLARD: Jim Rowe?

1 MR. ROWE: Yes.

2 MR. BULLARD: Claudia Hemphill?

3 MS. HEMPHILL: Yes.

4 MR. BULLARD: Gordon Hanford?

5 CHAIRMAN HANFORD: Yes. The ayes have it.

6 Conditional Use Permit Number 30 is approved. Tonight, before
7 you leave, make sure that you see Bruce, okay, for the
8 signatures and so on.

9 The next item on the agenda is Appeal 0509-950, and
10 that reads, Mrs. Gloria Schultz, owner of Precious Care
11 Assisted Living, Inc., at 8095 Auburn Road, GB, Gateway
12 Business District, requests a use variance to allow for a
13 second Adult Group Home to be added to the property. The
14 existing Adult Group Home located at this address was permitted
15 by conditional use in 1998, prior to the change in zoning
16 classification of the property, first in December 2004 to BX,
17 Business Interchange, and again in September 2007, GB, Gateway
18 Business. Adult Group Homes are currently not listed as
19 permitted or conditional uses in the GB District. If allowed,
20 the second Adult Group Home would be licensed as a separate
21 Adult Group Home with the Ohio Health Department on the site.

22 Please come forward and present Item Number 2. Thank
23 you.

24 MRS. SCHULTZ: I recognize myself again, Gloria
25 Scaperato Schultz. And, yes, I have been sworn in.

26 CHAIRMAN HANFORD: Thank you.

27 MRS. SCHULTZ: May I come forward and give you
28 pictures? They say to bring seven pictures.

29 CHAIRMAN HANFORD: Sure. Thank you.

30 MRS. SCHULTZ: With the help of my manager, who is

1 also our son, he did these on the computer. And then I want to
2 give you — They said bring documentation of financial need.
3 You can just look at these when you have time. Those are the
4 last three years taxes for Precious Care, which I can reiterate
5 on.

6 CHAIRMAN HANFORD: Which you are or will?

7 MRS. SCHULTZ: Oh, I could tell you about them but
8 it's just quite — it's incorporated, an S corporation. The
9 accountant knows about that. As you can probably tell, I am
10 the caregiver there. I am not really the expert business
11 person. But now that we're 10 years old and, you know, we
12 haven't had time to sit back and read any about this, I will
13 have to tell you, now we have to look at the hardship of owning
14 a group home.

15 You see all the big ones going around town, I am
16 sure, Summerville. Those are called residential care
17 facilities because they house more than 16 people. Group homes
18 are only allowed to house 16. The Ohio Health Department has
19 given me authorization and will give me another license to say
20 Precious Care Adult Group Home 1937A, perhaps, and 1937B, Adult
21 Group Home 1 and 2. There are two group home licenses and
22 that's a cap. That's the maximum that you can possibly put at
23 any one land. Even if you own 20 acres, you can only have two
24 group homes.

25 They would come out and do the same annual survey.
26 They come out sometimes twice a year. They do semiannual and
27 annual to make sure everything is according to standards. It
28 is not a nursing home. Our home is a house. And in the paper
29 a few weeks ago, you saw the greenhouses they're starting
30 across the country. Greenhouses for senior are just what we

1 have. It's a house where people live that are older and need
2 overseeing of any sort. It's not a skilled care facility. We
3 cannot put a foley in. We cannot do anything that's skilled
4 but we can house people that need a home.

5 And with Concord being a very people popular area,
6 you have families here that may indeed want mom and dad or
7 their aunt and uncle close by, so I am sure it would have no
8 problem filling 16 more beds, but it would be an extension.
9 And we show it there coming off the ramp, which is existing
10 now.

11 The Lake County building department would have to
12 approve of everything that goes on. An architect would have to
13 be hired to design it exactly as Concord wants it. The
14 building department required that that ramp be put off the side
15 of the house with the three bedrooms, so that was, like,
16 \$10,000 for that ramp, but it was necessary to make it
17 wheelchair accessible or for people that have wheelchairs that
18 are coming to visit.

19 Some of the residents may go out to a doctor
20 appointment in a wheelchair or they go to their family's for
21 dinner and they need a wheelchair to get out safely. So that
22 shows that that's possibly where they could put this 16 beds,
23 which would be extended out towards 44. So when you're looking
24 at the picture of the house from the front yard, if anyone has
25 been down Auburn Road, I am sure you see that my husband,
26 although he is disabled, cuts the grass with his John Deere and
27 keeps the yard looking really nice, so I think it is an asset
28 to Concord in the last 10 years.

29 It became, 1999, my husband became disabled. And, of
30 course, we couldn't qualify for disability at that time, so he

1 did do what he could around the house. And that is not the
2 hardship. The hardship is not the fact that we've worked two
3 shifts for seven days a week for the last ten years. The
4 hardship is not that we have — that's our only income. The
5 true hardship with Precious Care at this time is the bottom
6 line.

7 With the general economy, you all know how much it
8 costs to run your own home. Precious Care costs that times 15,
9 if we're paying caregivers \$10, \$11 and \$12 an hour now for the
10 last two years. We're providing very good food. We do all
11 their laundry. The utilities have gone up. No one is giving
12 us a bailout. I voted for Obama but he certainly hasn't come
13 and offered me a bailout. And we have to pay our mortgage at
14 Huntington Bank and, at times, most of the time, we pay a
15 double payment, so that can go away pretty quick here.

16 So what I am asking for in this hardship, economic
17 conditions, taxes would benefit Precious Care — and Concord
18 would benefit greatly by Precious Care's taxes if this were
19 approved. So I will just read a little bit here. I just can
20 tell you that the bottom line is my force of a hardship.

21 We have an elevation problem with our land which is
22 unique to only our land, which a variance would certainly
23 consider that. If you look at the second page, there is an
24 elevation. Well, some say you can build on that and some say
25 you can't. There is a runoff from Route 44, and I would say
26 the building should go behind the house. But I am not an
27 architect and I am not the Lake County building department, but
28 that's where our best utilization of the land would be.

29 As you see, it won't have a kitchen. It will
30 probably have bathrooms and bedrooms and a living space so they

1 can go in the living room. Special conditions exist which do
2 not apply to the other Gateway Business Districts. We're right
3 near, actually, neighbors to the Auburn Career Center. And in
4 time, I was hoping that they would indeed see fit to send their
5 L.P.N. nursing program and their state tested nursing students
6 over for on-hands training right at our home. That was being
7 considered about a year ago.

8 We would be asking for a maximum variance in this
9 situation. We would not come back in two years and say,
10 "Listen, can you give us two more, another permit for more?"
11 We can't do that because it's a cap with the Ohio Health
12 Department that we only have two 16-bed facilities, and we
13 actually have 15 and 16 at that point, so that's a cap.

14 I don't want to seem greedy. I just want to let you
15 know that the bigger homes have the numbers down correct. I
16 was not running the business to make money. I was running the
17 business out of something I really wanted to do. As you can
18 see from our taxes there, it's not a high profit margin. But,
19 certainly, if there was 16 more beds, with the income, it would
20 definitely make the business more acceptable.

21 If indeed we had an interested party to be a silent
22 partner to help build that, they will not find it financially
23 advisable to do so because, you know, we're not making enough
24 money with just 15 beds. The bottom line ends up being not as
25 desirable as it would be if you had 16 more. A reasonable
26 return is what they're looking at when they ask — look at
27 businesses. Is this business? No, this was our home. This
28 was a home that we made for seniors. Oh, now I have to look at
29 it as a business, which it really is. I have a problem doing
30 that.

1 If someone needs Ensure Plus and I go to Wal-Mart and
2 buy it, we should turn and ask their families to buy it. So
3 there is a lot of little things that eat up the profit, is what
4 I am telling you. What I have done in 10 years on my own,
5 without any help, has eaten up the profit. We pay the bills
6 every month. I don't think I have any overdue bills. We pay
7 the bills every month and we pay our taxes, but then at the end
8 of the month, the bottom line is people that know businesses
9 can't work off of that. They want something bigger.

10 So 16 more beds would probably make Precious Care a
11 desirable business for the future. If you wouldn't grant this
12 variance, I will guarantee that the doors would some day soon
13 close because the cost of everything is just out of sight. Our
14 taxes will soon go up. What is it, 2010, they may go up. I
15 have to pay my caregivers because I demand they be the best. I
16 am not paying them \$8.50 an hour. I am paying them \$10, \$11,
17 and in some cases \$12 an hour. So \$10 and \$11 is their basic
18 pay. Most places of our type of home is at \$8.50 an hour. I
19 guess I want things too perfect to pay just that.

20 We have a sense of place in Concord, so the addition
21 would be according to how Concord building materials would want
22 to be. You would want a certain — If you want to be specific
23 on how this should be built, that would certainly be what you
24 have a right to do. You want something — I know you have a
25 plan how the Gateway Business District needs to look, and I
26 think we can comply with that. And I think — What else did I
27 want to say in order not to be rambling on?

28 So we have to show where we do have a need. There is
29 a strong, a very good, a real financial need to make this
30 better. And the only way to make it better is to expand a

1 business that, for 10 years, has only stayed like it is in one
2 building. In order to expand, we will make it better and more
3 profitable for anybody that's looking at us to be an investor.

4 It's the maximum that will possibly be built. We are
5 not going to ask for any more. I will put that in writing.
6 Granting the variance will be in harmony with the general
7 intent of Concord and beneficial to the public welfare. When
8 the people get discharged from Tri-Point Hospital, they're
9 going to need short-term rehab not in their own homes. And
10 families generally tell them that, "We're going to take you
11 over to Precious Care for just until you get stronger," and the
12 therapist will come. And at that time, especially if they're
13 confused, the family then says, "Well, yeah, isn't this nice?
14 Would you like to stay here?" And they usually do, because
15 nobody wants to leave their own home but there is people that
16 need to leave their own home and come into our home.

17 They're watched 24 hours a day. We have an extra
18 caregiver on now during the day for people that may escape out
19 the door, and that's been pretty well taken care. She knows
20 now she's not to go out the door anymore. Someone is always
21 watching her. But we can't really house people like Kemper
22 House does with Alzheimer's. We can't house those kind of
23 residents. We are only limited to those that can understand
24 where they're at and they may have mild dementia, which we are
25 all getting, so that's to understand.

26 Just so you know, this is a cap. The topography of
27 the land makes it unique that we have to ask an architect in
28 the building department were to put the 16 beds, the shape of
29 the terrain, so that's part of our hardship. The property
30 value would increase. Taxes would increase.

1 Hardship, as potential investors look at Precious
2 Care, they do not see the right choice of being in Concord.
3 They don't see, investors don't see that, gee, how nice of her
4 to work 10 years with no vacation. They don't see that. They
5 see the bottom line. Gee, I haven't looked at the bottom line
6 in a while, you know. I know I am paying all the bills this
7 month and everything seems to be good. We can buy food and
8 shelter. Our roof is paid for.

9 So they're looking at the bottom line. So to look at
10 the bottom line, they're also looking at expanding. So it's
11 actually two group homes with two licenses by the health
12 department. That's what it amounts to. And the group homes
13 are allowed as a conditional use permit. The variance, I am
14 hoping you allow that for the existence of Precious Care in the
15 future. I think we look good in Concord. I think we're the
16 right thing in Concord.

17 Bill Shrout got to pass at our home. I think that
18 Concordians like the fact that there is a nice group home there
19 that would take care of their family.

20 And so rather than get too emotional, I can only tell
21 you that I am looking forward to Precious Care being in Concord
22 until I go to assisted living. I tell Rose Guerra right now, I
23 am taking her room when she leaves. So it's going to be there
24 to stay. Whether or not it's going to stay and be a viable
25 business is up to Concord giving us a variance. That's quite
26 as simple as it is. And the rest of it has to fall into place.

27 The variance is only the beginning step, the baby
28 step in making this big picture. We have to make sure Lake
29 County, we have to make sure they are aware of what's going on
30 and can approve things. And we have to make sure that the

1 architect is — We had to have an architect to make those 3
2 bedrooms and that wheelchair accessible bathroom in our last
3 expansion from 7 to 10 people, so an architect is required for
4 everything because we're considered a commercial building.
5 It's grandma's house but it's a commercial building.

6 So all I am asking is that you help keep us alive by
7 allowing us a variance to possibly expand.

8 CHAIRMAN HANFORD: Thank you.

9 MRS. SCHULTZ: Thank you.

10 CHAIRMAN HANFORD: Questions from the Board?

11 MR. SMITH: Mrs. Schultz.

12 CHAIRMAN HANFORD: Come back up, please. Questions?

13 MR. SMITH: In a letter to Kathy Mitchell, dated
14 April 2nd, 2009, there is a comment in here that says,
15 "Currently, we have a potential buyer who has made us an offer
16 with many variables." Could you explain that, please?

17 MRS. SCHULTZ: Okay. As I said a little bit, I will
18 explain it exactly now. When they looked at our taxes and they
19 do a profile of your business — very fancy word for
20 caregivers — a profile of your business shows how much money
21 you're making every year. Well, with 7 and then 10 beds, we
22 weren't making too much money. We expanded in 2008 to 15
23 beds. Now, that looks a little better. Okay? But it's still,
24 with 15 beds now, we've had to provide more caregivers.

25 So the potential buyer — and I will call it an
26 investor — well, I can't really put my money into this and
27 give you X number of dollars unless we show more profit. Now,
28 I could show more profit with Precious Care if I could make 16
29 more bedrooms, just like you see Salida Woods and Summerville.
30 Those are what, 92, 103 beds. Okay? That is a home. It's not

1 an institution. So that's why the health department says,

2 "Gee, you can only have 16 and 16."

3 MR. SMITH: So would your intent be to sell this
4 property then?

5 MRS. SCHULTZ: Eventually, our intention is to find a
6 buyer so that we can retire, but my intention right now is to
7 make this a viable business. There is no buyer that has signed
8 a paper to buy our home because it's not considered as
9 profitable it could be.

10 MR. SMITH: Was one of the variables that you obtain
11 this use variance?

12 MRS. SCHULTZ: We have to show where we could make a
13 bigger profit and that's the only way we can make a bigger
14 profit. Now, how do you — He doesn't want to buy, or she
15 doesn't want to buy a business that, okay, this is all I am
16 going to make every year. There is no room for growth. There
17 is no way I could — This is stagnant every year. And every
18 year, the cost of everything goes up and the income stays
19 down. We can't raise people's fees like you do in an apartment
20 because the seniors only have so much money, so — and the
21 market only allows so much.

22 MR. SMITH: Is your potential buyer here tonight?

23 MRS. SCHULTZ: The potential investor is here, yes.
24 I will have to tell you, I have an emotional attachment to
25 Precious Care. And no matter who chips in money to help us
26 maintain the financial fiscal responsibility of our bottom
27 line, I will always be there to make sure our residents are
28 comfortable.

29 MR. SMITH: I have another question, Mr. Chairman. I
30 had heard some talk about a large assisted living group that

1 wanted to buy some property in the vicinity of the Lake East
2 Hospital. And I just wanted to know, wondered if you heard
3 anything about that.

4 MRS. SCHULTZ: No. Because anything larger than ours
5 is residential care.

6 MR. SMITH: Right. This would also require a use
7 variance because that type of use isn't permitted in the
8 Gateway Business District.

9 MRS. SCHULTZ: Oh, I see. No, I did not hear that.

10 MR. SMITH: Thank you.

11 MRS. SCHULTZ: I knew there was a nursing home that
12 was interested in building but that was on Capital Boulevard
13 where you want your main, like, post office and your zoning
14 building to be. The nursing home that the man also owns
15 Homestead 1 and 2, that was a rumor I heard. I don't get out
16 much.

17 MR. SMITH: That was all I heard was a rumor.

18 MRS. SCHULTZ: Right. But you have an idea how you
19 want that area to look and I hope to meet up to that idea. You
20 have an idea how you want your Gateway Business to be and how
21 you want it to look.

22 MR. SMITH: Thank you.

23 MRS. SCHULTZ: And I want to be in that look. Thank
24 you.

25 CHAIRMAN HANFORD: I have a question.

26 MRS. SCHULTZ: Yes.

27 CHAIRMAN HANFORD: Looking at your viability here on
28 your present, of course, you are going to have the increase
29 now. Have you had people — How many people have you had come
30 to you that were interested, looked at the bottom line and

1 said, "Thanks but no thanks."

2 MRS. SCHULTZ: At least one that I can think of last
3 year, and it was a man that has a mortgage company in Mayfield
4 Road in — It's not Chesterland. I grew up in Chesterland.
5 It's past that. It is like Huntsburg, Hartville. It's on
6 Mayfield Road. He had a mortgage company and, you know, that
7 was when the mortgages were not being looked at with scrutiny.
8 I was hoping that when we do sell it some day, it would also be
9 someone that is a nurse or perhaps has an interest in seniors.

10 This is not just a business, a candy shop that you
11 can close up at 6:00. This is an everyday, 24 hours. Before I
12 came here, someone called me from the house, and I told them to
13 call my son, the manager. You know, I had this on my mind. So
14 this is not a business, this is a way of life. And I can't
15 turn to someone that's going to look at the bottom line and
16 make them believe that. We have to show the bottom line as
17 being a viable growing business.

18 CHAIRMAN HANFORD: Okay. Thank you. Any questions
19 for Mrs. Schultz?

20 MR. HAMILTON: Not at this time.

21 MS. HEMPHILL: Not at this time.

22 CHAIRMAN HANFORD: Thank you.

23 MRS. SCHULTZ: I am hoping you see fit to have my
24 dream come true and make Precious Care the best group home in
25 Concord Township.

26 CHAIRMAN HANFORD: Thank you very much.

27 Is there anyone speaking for the Appeal Number 0509-
28 950? Is there anyone speaking against the Appeal 0509-950?
29 Seeing none, no further questions, the public meeting for
30 Appeal Number 0509-950 is closed to the public. The chair will

1 entertain a motion for Appeal 0509-950.

2 MS. HEMPHILL: So moved.

3 MR. HAMILTON: Second.

4 CHAIRMAN HANFORD: Discussion?

5 MR. SMITH: Mr. Chairman, I have a little bit of
6 difficulty with this request for two reasons, but the first
7 being that, with all due respect to the current use of the
8 property, the township did rezone that area for a purpose. And
9 I do know that, or I understood that there was a large nursing
10 home facility that wants to come in this area. I am a little
11 bit hesitant about setting up what I would think is a grounds
12 for precedence.

13 And, secondly, I am a little bit curious. If there
14 is a potential buyer, why isn't the buyer making this
15 proposal? Obviously, they don't own the property now, so
16 that's probably a moot point. But that's a second concern,
17 that we want to increase our property so that we can get a
18 buyer.

19 MR. HAMILTON: I agree with that. The fact that
20 there is a desire to increase the rate of return on investment
21 just for a suitable buyer is not a hardship for looking to
22 obtain a use variance.

23 CHAIRMAN HANFORD: Presently, it is viable and will
24 be even more so with the addition, based on Item Number 1.

25 Claudia?

26 MS. HEMPHILL: I am sympathetic to your cause.
27 However, it is a precedent that is real difficult for me to set
28 at this point in time because it is for an increase in value.
29 Yes, I understand how the economics work for you. It is not
30 that I don't understand, but I don't think that's an option at

1 this point in time.

2 MR. ROWE: The same. I mean, it's just, you know,
3 too many variables. And like you say, it's in an area that
4 was, like Richard says, rezoned for a particular purpose and I
5 don't feel comfortable at this time in this situation. I mean,
6 it's pretty iffy where it's going.

7 CHAIRMAN HANFORD: I'd just like to say that I
8 appreciate your presentation and your sensitivity to your
9 people that you are housing. I think that's commendable. But
10 I too feel the same way as the rest of the Board.

11 No further questions? Okay. We will proceed. The
12 question is on the approval for Appeal Number 0509-950. A yes
13 vote is for the approval, a no vote is for denial of the
14 appeal. Bruce, could you call for a vote, please?

15 MR. BULLARD: Blair Hamilton?

16 MR. HAMILTON: No.

17 MR. BULLARD: Claudia Hemphill?

18 MS. HEMPHILL: No.

19 MR. BULLARD: Richard Smith?

20 MR. SMITH: No.

21 MR. BULLARD: James Rowe?

22 MR. ROWE: No.

23 MR. BULLARD: Gordon Hanford?

24 CHAIRMAN HANFORD: No. The nays have it. Appeal
25 Number 0509-950 is denied. As you leave, see Bruce, please.

26 Thank you.

27 The next item on the agenda is Appeal 0509-951,
28 Daniel and Dawn Weber of 6239 Painesville-Warren Road, R-4
29 Residential District, propose to construct an in-ground pool at
30 their house 65 feet from the center line of the road and 8 feet

1 from the side property line at the nearest point, in lieu of
2 the minimum requirements of 80 feet from the center line of the
3 road and 15 feet from the side property line, as set forth in
4 Section 31.02 of the Concord Township Zoning Resolution.

5 Please come forward to present your case. Give your
6 name and address and, also, verify that you've been sworn in.

7 MR. WEBER: Okay. My name is Daniel J. Weber. I
8 live at 6239 Painesville-Warren Road. My wife is Dawn Weber.
9 She was unable to make it tonight because she's in nursing
10 school and she has clinicals tonight, so she apologizes for
11 missing this.

12 We live on Painesville-Warren Road. And I have been
13 sworn in. When we first moved — I will give you a little
14 background. In '05, we put in an offer to buy the house, and
15 we put an offer in. And the seller came back and told us, oh,
16 by the way, they're going to change the road and this and that,
17 so we were very upset about that. ODOT came out, the officials
18 came out and showed us approximately where the tree lines would
19 be and where the property would change and everything and —
20 which, all said and done, they took out more trees than they
21 should have and everything.

22 But I just want to let you know that you guys are all
23 aware of that project and it took two years of that. We've
24 been up many nights. There was — It was very busy. We had a
25 swimming pool over there. And as all of you can remember, we
26 got, like, that 10 inches of rain in, like, a week. And what
27 happened was, whoever set up this property, there was a slope
28 down the front and there was a big mound across the front of
29 our property, and it just, rain would all go down the corridor
30 of the house.

1 Back in the picture — I have given you all a folder
2 and there is a color photo in there that shows over top of the
3 house. And next to it, you can see there was a round pool
4 there. And behind that round pool, there was a retaining wall,
5 which from all that rain, it fell over and the pool was leaning
6 some, so I felt it was very unsafe for our children, so we
7 removed the pool. We really loved that pool and, you know, it
8 was very hard to get rid of that. We have four children that
9 live with us. They're 7, 8, 16 and 18 years of age. And that
10 was really — We have family over a lot and that was really a
11 gathering area for the house.

12 At the time, we both went through divorces the year
13 previous and our funds were very short due to divorce and what
14 have you, and we did not have the funds to put an extra deck
15 in. So the deck that came with the house was only, like, 12 by
16 16 feet, so it's a very small gathering area and you had to
17 step down in very torrential area. I made you guys a bunch of
18 pictures that show — you know, it is kind of surprising they
19 really let them build a house on this property, to begin with,
20 but it's a very beautiful property. Out of every window you
21 look out of, there is trees you can see. There is no neighbor,
22 as you can see over on that overhead picture. We bought the
23 pie property next to the property that is considered waste
24 property by the State of Ohio.

25 And I called my neighbors. You can see a couple
26 houses back to the back of my property. When they were putting
27 in bids, a sealed bid for that property, I called my other
28 neighbors and I encouraged them that, you know, I would like to
29 buy the property; that in no necessary — under no
30 circumstances would I cut trees down; that that lot is to stay

1 wooded; and that I told them my future plans of wishing to put
2 in a swimming pool.

3 So, last year, we did put in a deck, which you can
4 see all the pictures. In the very rear of the deck, it's like
5 20 feet up off the ground. So as you can see, we're adding a
6 lot of useful space to our property, a gathering area for our
7 family, and the kids really love it.

8 So what our plan was, as long as you guys approved
9 this, is that we wanted to put a pool in. And I put, in the
10 letter in the front, the description of the pool, pictures of
11 the plans of the pool. And, obviously, it would have a 4-foot
12 fence around the entire perimeter of the pool.

13 Bruce and I spoke. And a couple things I wanted to
14 change on this proposal is, the pool, I was going to shorten.
15 I wanted to make it equal to the new deck so it's
16 proportional. I had the one end going further but I was going
17 to bring it in 4 feet, so I would make the pool 4 feet shorter
18 so, actually, it would be 66 feet at the furthest end from the
19 center line of the street. And then from the side property, it
20 would be 12 feet from the side property instead of 8 feet.

21 That side property is owned by the state. And I
22 don't know if you guys ever drove by that property but it's way
23 up. It's pretty high up on the hill, so there is really no
24 concern about a car going up the hill. There would be a fence
25 around the lot. And the pictures are in here.

26 I guess, you know, I didn't want to call this a
27 hardship but, truly, if I could put the pool anywhere, I would
28 rather put it on the other side of the house where there is a
29 leach field, so I am stuck. There is a septic system with a
30 leach field which, obviously, you're not allowed to — it's

1 impossible, obviously.

2 And then behind the house, I have a picture, also,
3 with all the pictures. We have about 15 feet of back yard
4 total, and it's on a slant off the hill. And then as you can
5 see in the letter, I stated for every foot that it drops —
6 every foot you go back, it drops about a foot. It's very
7 steep, so it's very dangerous for children. That's why I
8 wanted to put that deck up there, so the kids have an area to
9 play, and the pool would work out great for the kids.

10 So other than that, the last pictures I put in there,
11 I tried to put in some stakes and rope off an area. If you
12 look on the paper, the pink — purple paper, excuse me, the
13 part that's closest to you in the picture that's furthest from
14 the house, that area would be 4 feet in because I am going to
15 make the pool equal to the size of the new deck. And then
16 there would be a 4-foot concrete pad around the entire section
17 of the pool, which, also, you have a picture of the plan. This
18 is Signature Pools that is going to install this pool, if this
19 is okay, and he's done many pools in Concord and Mentor and
20 Painesville Township.

21 So, in closing, that is our request. We would like
22 to put the pool somewhere else but there is nowhere to put it.
23 The kids really enjoyed that pool, and we really would like to
24 go back to that because we have family get-togethers a lot.
25 And safety is a major concern, so we would, I mean, the rule is
26 you have to have a 4-foot fence anyway. We are not having any
27 diving board. We're actually going to do a sports pool where
28 it's deeper in the middle for a volleyball net and stuff for
29 the family. That's pretty much it.

30 CHAIRMAN HANFORD: Thank you. Any questions from the

1 Board?

2 MR. SMITH: Yes, Mr. Chairman. Mr. Weber.

3 MRS. SCHULTZ: Yes.

4 MR. SMITH: The size of the pool on your — By the
5 way, this is an excellent presentation.

6 MR. WEBER: Thank you.

7 MR. SMITH: The 16 by 40 is the pool?

8 MR. WEBER: Right.

9 MR. SMITH: And then on Signature Pool's drawing,
10 this says 40 feet, right?

11 MR. WEBER: Right. That would be 36 feet. That was
12 just an idea we were thinking of doing. It's like an arbor.
13 That would all have been a concrete pad but we decided not to
14 go with that.

15 MR. SMITH: Oh, okay.

16 MR. WEBER: So that has nothing, that has no bearing.
17 All it is for is the swimming pool only.

18 MR. SMITH: So — I'm sorry.

19 MR. WEBER: Around the perimeter, it shows a fence.
20 So if you look at that picture, that whole square by your thumb
21 there is going to be taken off. And instead of the pool being
22 40 feet long, it will be 36 feet long, which would do the brand
23 new — right. It would come right up to the edge of the brand
24 new deck.

25 MR. SMITH: Very good. Excellent presentation.
26 Thank you.

27 MR. WEBER: Thank you. Oh, another thing I meant to
28 talk to you guys about is, I did go through the time of calling
29 the neighbors. And that side property, the other side
30 property, Mr. and Mrs. Rose, unfortunately, Mr. Rose passed

1 away but there is no neighbors that would be affected by this.
2 I okayed with it my other neighbors. I mean, I just spoke with
3 them and said, "Would you have any problem with that?" Because
4 I know when you go ahead to get a variance like this, other
5 than you guys approving this, that it's a big thing with
6 neighbors.

7 If there was a neighbor living in this property and
8 it would be too close to their property, they would have an
9 issue with that. So that's the main thing, also, that I wanted
10 to tell you guys.

11 MR. HAMILTON: So you did speak to the other property
12 owner adjacent to the pie shape?

13 MR. WEBER: Yes, I did. I spoke with all the
14 neighbors. Last year, I spoke to the neighbor across the
15 street, Mr. Spehar. I spoke with him over a year ago. But the
16 other neighbors that it would affect down beneath me, I spoke
17 to just a couple months ago because the Ohio Department of
18 Transportation offered that land for sale in a sealed bid, so I
19 called the other property owners and I just flat out asked
20 them. I said, "Would you be interested in buying this
21 property?" Because this is really important to us and I wanted
22 to ensure to them — I mean, I could say what I wanted to say
23 but I told them, "You have my word on it that, you know, I am
24 not going to cut down any trees." This is beautiful. We
25 wanted more trees. The state took more trees than we wanted.
26 And we have, there is deer that come out over there and
27 everything. It's beautiful in Concord. We really love it in
28 Concord. You're close to Mentor, which has all the stores and
29 everything, but you're, like, out in the country in Concord and
30 it's really beautiful.

1 So I was a little upset when we first looked at the
2 house and we put a bid in and then they threw all that on us,
3 but we liked the house so much and I really was so much
4 interested in Concord because it's such a nice place to live.

5 CHAIRMAN HANFORD: Thank you.

6 MR. WEBER: Sure. Thank you.

7 CHAIRMAN HANFORD: Any other questions?

8 MR. ROWE: No. I had the same one that Richard had.

9 CHAIRMAN HANFORD: You can be seated.

10 MR. WEBER: Thank you.

11 CHAIRMAN HANFORD: Is there anyone speaking for the
12 Appeal Number, I should say, 0509-951? Against the appeal?
13 Seeing none or hearing none, if there are no further questions,
14 the public hearing for Appeal 0509-951 is closed. Discussion?

15 MS. HEMPHILL: Motion.

16 MR. ROWE: Motion.

17 CHAIRMAN HANFORD: Oh, there is no motion. The chair
18 will entertain a motion to approve Appeal Number 0509-951.

19 MR. SMITH: So moved.

20 MR. ROWE: Second.

21 CHAIRMAN HANFORD: Discussion?

22 MR. SMITH: He is really constrained by the
23 topography and, also, on the other side, the sewer, the septic
24 system.

25 CHAIRMAN HANFORD: That's right.

26 MS. HEMPHILL: He's stuck.

27 MR. SMITH: There's nowhere else to put a pool unless
28 you put it down the side of the hill.

29 CHAIRMAN HANFORD: Yeah, it's a true hardship.

30 MR. HAMILTON: It does decrease the variance by

1 making the pool shorter.

2 MS. HEMPHILL: Correct.

3 MR. HAMILTON: Closer to the 15-foot requirement.

4 CHAIRMAN HANFORD: Yeah. That's it for everybody?

5 With no further discussion, we will proceed. The question in
6 front of the Board is approval of the Appeal Number 0509-951.

7 Bruce, please call for the vote.

8 MR. BULLARD: Claudia Hemphill?

9 MS. HEMPHILL: Yes.

10 MR. BULLARD: Richard Smith?

11 MR. SMITH: Yes.

12 MR. BULLARD: Blair Hamilton?

13 MR. HAMILTON: Yes.

14 MR. BULLARD: Jim Rowe?

15 MR. ROWE: Yes.

16 MR. BULLARD: Gordon Hanford?

17 CHAIRMAN HANFORD: Yes. The ayes have it. Appeal
18 Number 0509-951 is approved. See Bruce before you leave.

19 MR. WEBER: Thank you very much.

20 CHAIRMAN HANFORD: Next on the agenda is the approval
21 of the minutes, last month's minutes, which were — What was
22 the date on that?

23 MS. HEMPHILL: The 13th.

24 CHAIRMAN HANFORD: The 13th, May 13th, 2009.

25 MR. ROWE: They looked fine.

26 CHAIRMAN HANFORD: Any additions? deletions? No?

27 MR. ROWE: I couldn't come up with any changes.

28 CHAIRMAN HANFORD: Okay, none. Call for a motion to
29 approval the minutes for May 13th, 2009.

30 MS. HEMPHILL: So moved.

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MR. ROWE: Second.

CHAIRMAN HANFORD: Thank you. All in favor?

(Five aye votes, no nay votes.)

CHAIRMAN HANFORD: Minutes are approved as written.

The meeting for June 10th, 2009, is now closed. Thank you.

(The meeting was adjourned at 7:51 p.m.)

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 23rd day of June 2009.
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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