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IN RE: OLMSTED TOWNSHIP BOARD OF ZONING APPEALS

- - - -

ON WEDNESDAY, MARCH 15, 2023,
COMMENCING AT 7:00 P.M.

- - - -

BOARD MEMBERS: ROBERTO PEREZ
 CINDY KELLY
 THOMAS COLE
 DAVE GAREAU

- - - -

REPORTED BY: BRIAN KUEBLER

- - - -

JK REPORTING
(216) 664-0541
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1 MR. COLE: All right. I'm going
2 to call the meeting to order of the Board
3 of Zoning Appeals.

4 Today is March 15th, 2023, the
5 time is 7:00 p.m. Decisions made by the
6 Board of Appeals shall be final within the
7 Township. Appeals shall be subject to
8 judicial review by the Court of Common
9 Pleas of Cuyahoga County, Ohio in
10 accordance with the laws of the State of
11 Ohio. Anyone wishing to make statements
12 may do so after being sworn in.

13 Please stand for the Pledge of
14 Allegiance.

15 - - - -

16 (Thereupon, the Pledge of Allegiance was
17 recited.)

18 - - - -

19 MR. COLE: Madam Secretary, can
20 you please call the roll call?

21 MS. AZBELL: Yes. Tom Cole?

22 MR. COLE: Here.

23 MS. AZBELL: Cindy Kelly?

24 MS. KELLY: Here.

25 MS. AZBELL: Dave Gareau?

1 MR. GAREAU: Here.

2 MS. AZBELL: Roberto Perez?

3 MR. PEREZ: Here.

4 MR. COLE: All right. Next up is
5 election of officers.

6 Do I have any motions on the
7 floor?

8 MR. GAREAU: Again, I'll make a
9 motion to nominate you for Chair.

10 MS. KELLY: I'll second that.

11 MR. GAREAU: And for the record,
12 you should refer to Tom Cole ^ yeah.

13 MR. COLE: So we had a motion by
14 Dave with a second by Cindy for me to be
15 chair. Can you please call the vote?

16 MS. AZBELL: Tom Cole?

17 MR. COLE: Yes.

18 MS. AZBELL: Cindy Kelly?

19 MS. KELLY: Yes.

20 MS. AZBELL: Dave Gareau?

21 MR. GAREAU: Yes.

22 MS. AZBELL: Roberto Perez?

23 MR. PEREZ: Yes.

24 MR. COLE: All right. Motion
25 carries, I'll be Chair again for this year.

1 I'd like to make a motion for Dave
2 Gareau to be Vice Chair.

3 MS. KELLY: I'll second that, too.

4 MR. COLE: All right. I made the
5 motion, Cindy seconded, and can we get a
6 vote, please.

7 MS. AZBELL: Tom Cole?

8 MR. COLE: Yes.

9 MS. AZBELL: Cindy Kelly?

10 MS. KELLY: Yes.

11 MS. AZBELL: Dave Gareau?

12 MR. GAREAU: Yes.

13 MS. AZBELL: Roberto Perez?

14 MR. PEREZ: Yes.

15 MR. COLE: All right. Motion
16 carries, Dave will be Vice Chair again for
17 this coming year, thank you, Dave.

18 Next up is approval of meeting
19 minutes from October 19th, 2022. I make a
20 motion to approve as written.

21 MR. PEREZ: Second the motion.

22 MR. COLE: Okay. Call the vote.

23 MS. AZBELL: Tom Cole?

24 MR. COLE: Yes.

25 MS. AZBELL: Cindy Kelly?

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MS. KELLY: Yes.

MS. AZBELL: Dave Gareau?

MR. GAREAU: Yes.

MS. AZBELL: Robert Perez?

MR. PEREZ: Yes.

MR. COLE: All right. Motion carried, the minutes are approved, no old business. On new business, first up is Application 23OLMT-ZBA001 submitted by Mentor Hazizaj?

MR. HAZIZAJ: Hazi - zaj.

MR. COLE: Hazizaj. Thank you, sorry about that.

MR. HAZIZAJ: It's all right.

MR. GAREAU: Mr. Chair, I need to recuse myself on this one.

MR. COLE: Okay. That's fine. Dave's going to recuse himself from this case. Thanks Dave, you're welcome to leave or stay around if you'd like.

MR. GAREAU: I'll hangout, I may ask questions.

MR. COLE: All right. And who's here to represent?

Okay. Please stand and raise your

right hand. And do you swear to tell the truth and nothing but the truth?

MR. HAZIZAJ: Yes.

MR. COLE: Thanks. And can you just step forward and closer to the mic so we can capture everything, and state your case, please.

MR. HAZIZAJ: I'm here for an improvement for building a new garage or relocating the old shed/garage, however you want to call it, I don't know.

So the measurements on the new shed are larger than the existing one, so the reason why I want to make it to be parallel with the existing garage and the house, so that's all there is.

MR. COLE: Okay.

MR. HAZIZAJ: The old shed is unsafe at this point, so it needs to be either repaired or replaced.

MR. COLE: Okay. So it's approximately almost double the size that current zoning code allows, is there a reason other than wanting it the same dimensions as the existing garage that you

need it that big?

MR. HAZIZAJ: No, doesn't have to be necessarily, but just to look nice. Because I'm, you know, redoing the whole property anyway and it will make a lot more sense to be that way.

MR. COLE: Uh-huh. Okay. And the existing barn or shed would be torn down?

MR. HAZIZAJ: Correct. It's too close to the neighbor's yard and they got small kids there, it's three feet on their line of, you know, property.

MR. COLE: Okay.

MR. HAZIZAJ: And it's right across from their entrance from the house. So I've seen kids running around, so I'm kind of worried about them going there playing and that thing collapses.

MR. COLE: Right.

MS. KELLY: Uh-huh. So will you be using this as a garage or --

MR. HAZIZAJ: I'm going to use it as a shed, there is a garage at the house right now.

MS. KELLY: Okay.

MR. HAZIZAJ: Yeah, but I've got lawnmower, I've got all kinds of stuff for the yard and right now they're just sitting on the old one on the opening, so obviously you have the pictures of it.

MS. KELLY: Right.

MR. HAZIZAJ: Yeah, it's sitting kind of like on cinderblocks and it's just -- I wanted to tear it down since last year, but I -- without having anything else to put the rest of the poles in, I just left it.

MS. KELLY: Uh-huh.

MR. PEREZ: Excuse me, sir, did you mention your existing garage is going to be the same size as your --

MR. HAZIZAJ: No, it's going to be as length.

MR. PEREZ: The length is going to be longer than --

MR. HAZIZAJ: But it's going to be narrow --

MR. PEREZ: Okay.

MR. HAZIZAJ: -- long narrow.

MR. COLE: It looks like the

existing garage is 768 square feet.
Proposed new shed is 640 square feet.
Maximum allowed is 330 square feet, I
believe.

MS. KELLY: Uh-huh.

MR. COLE: Yeah. Any other
questions from the Board?

Any questions from the audience,
or comments?

MR. HAZIZAJ: He's a friend of
mine.

MR. COLE: Okay. Any questions on
the Board? Do want to deliberate privately
or are we ready to make a motion?

MS. KELLY: Well, my problem is
the size. How much of that do you really
need? I commend you for wanting to make it
safer and all of that, but the size is just
way over the zoning.

MR. HAZIZAJ: Well, I can make it,
I guess shorter, but it will be kind of --
you know, I have to put a fence on the side
hopefully on the neighbors, and I want to
run a trench around it because it's kind of
with water around the property, so that's

the reason why, but if it's smaller, it's smaller, that's fine --

MS. KELLY: Uh-huh.

MR. HAZIZAJ: -- but it will look a lot nicer the way that, you know, the whole property line will be, so...

MS. KELLY: Uh-huh.

MR. COLE: It is almost -- you're requesting almost double what is allowed. Generally the Board approves, you know, depending on the situation, we generally would go 20, 30% larger, but not speaking for the rest of the Board, but generally double the size is generally not granted, but I'm not going to speak for anyone else, just putting it out there.

MR. HAZIZAJ: If I repair the existing one --

MR. COLE: Uh-huh.

MR. HAZIZAJ: -- is that going to be okay?

MR. COLE: That would be a question for the Building Department, the building inspector. Generally if that structure is there already, it's

grandfathered in to repair it, but I can't speak for the Building Department --

MR. HAZIZAJ: Correct.

MR. COLE: -- I can only speak for our Board here, so I can't say for sure.

MR. HAZIZAJ: Got it.

MS. KELLY: Can we grant a variance for something smaller?

MR. COLE: We could, yeah, I mean it is possible if he's willing to change his request.

MS. KELLY: So the square footage -- let's say 25% would be 412.5.

MR. COLE: I mean, that would be roughly a 20x20 shed instead of 20x32.

MR. HAZIZAJ: Okay.

MR. COLE: I would say you have a better chance of that being approved than what is currently requested.

MR. HAZIZAJ: All right. It is what it is.

MR. COLE: So it's up to you whether you want to change -- we could change your request on the fly if you'd like to, or we could just go for a vote on

what you requested originally.

MR. HAZIZAJ: Well, obviously I like what I requested originally --

MR. COLE: Yeah, I get that.

MR. HAZIZAJ: -- again, I have to talk to the Building Department also regarding the other one, if it can be repaired --

MR. COLE: Right, yeah.

MR. HAZIZAJ: -- but we'll make that decision soon anyway, because I don't want to --

MS. KELLY: Well, if you get a variance for a smaller square footage, then you know -- if it can't be repaired, then you know what you can do.

MR. COLE: Correct. Versus say, if we went with the existing proposal now and it was denied, and you want to come back at a later date and do a 20x20, you would have to reapply again, so.

MR. HAZIZAJ: I got it.

MR. COLE: So I would say before I make a motion, you have the choice of moving forward as-is or if you would like

to change your request?

MR. HAZIZAJ: Well, I can change the request, it's 20x20, the request?

MR. COLE: I can't say for sure that's what would be approved, but it's a better -- yeah.

MR. HAZIZAJ: Okay.

MR. COLE: 20x20 would be 400 square foot, I think what you come up with 412 or so for 25%, so that would be a probably 20x20.5 or so which would really -- for construction wise it wouldn't -- probably wouldn't be beneficial. You'd have to go probably 22 foot or 24 foot for the building itself, so I would probably -- if we're going to change that, I would go with a 20x20.

MS. KELLY: Could we just do a square footage?

MR. COLE: We could do a square footage, yeah. Not to exceed the 412 square foot, yeah, we could do that as well too.

So you kind of have two choices here, we can proceed with a vote on a 412

square foot shed, or we can move forward with a vote on a 640 square foot shed.

MR. HAZIZAJ: I mean, 420's fine, but, you know, I'm not a builder, but just make it an easier way so I don't have to --

MR. COLE: Yeah, that would give you an option of possibly rebuilding what you have, but if that doesn't work out, then you know you got approved for 25% more than you were allowed to do --

MR. HAZIZAJ: Correct.

MR. COLE: -- at that point.

MR. HAZIZAJ: I prefer not to rebuild the one that I have, you know, because --

MR. COLE: Right, sure.

MR. HAZIZAJ: -- it's -- plus it's close to the neighbors --

MR. COLE: Right, yeah.

MR. HAZIZAJ: -- so, I can move forward with the new.

MR. COLE: All right.

All right. Well, I'm going to make a motion to approve the amended request to make it a motion to approve no

larger than 415 square foot. And do I have a second?

MS. KELLY: Second.

MR. COLE: And can we get a vote, please.

MS. AZBELL: Tom Cole?

MR. COLE: Yes.

MS. AZBELL: Cindy Kelly?

MS. KELLY: Yes.

MS. AZBELL: Roberto Perez?

MR. PEREZ: Yes.

MR. COLE: All right. So the variance is passed with a maximum of 415 square feet.

MR. HAZIZAJ: Thank you.

MR. COLE: All right. Any floor discussion?

All right. I'd make a motion to adjourn at 7:15.

MR. PEREZ: Second.

MS. AZBELL: Tom Cole?

MR. COLE: Yes.

MS. AZBELL: Cindy Kelly?

MS. KELLY: Yes.

MS. AZBELL: Roberto Perez?

MR. PEREZ: Yes.

MR. COLE: All right. Meeting
adjourned.

C E R T I F I C A T E

I, Brian Kuebler, a Notary Public within and for the State of Ohio, do hereby certify that I attended the foregoing hearing in its entirety, that I wrote the same in stenotypy, and that this is a true and correct transcript of my computer-aided notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office, at Cleveland, Ohio, this 10 day of APRIL 2023.

=====
Brian Kuebler, Notary Public, State of Ohio
My commission expires June 12, 2027

1	A	C	12:17, 14:11, 17:9 County [1] - 2:9 Court [1] - 2:8 current [1] - 6:23 Cuyahoga [1] - 2:9	12:25, 14:1, 14:21 friend [1] - 9:10
<p>10 [1] - 17:13 12 [1] - 17:19 15 [1] - 1:6 15th [1] - 2:4 19th [1] - 4:19</p>	<p>accordance [1] - 2:10 adjourn [1] - 15:19 adjourned [1] - 16:3 aided [1] - 17:10 Allegiance [2] - 2:14, 2:16 allowed [3] - 9:3, 10:9, 14:10 allows [1] - 6:23 almost [3] - 6:22, 10:8, 10:9 amended [1] - 14:24 anyway [2] - 7:5, 12:11 APPEALS [1] - 1:1 Appeals [2] - 2:3, 2:6 appeals [1] - 2:7 Application [1] - 5:9 approval [1] - 4:18 approve [3] - 4:20, 14:24, 14:25 approved [4] - 5:7, 11:18, 13:5, 14:9 approves [1] - 10:10 APRIL [1] - 17:13 as-is [1] - 12:25 AT [1] - 1:7 attended [1] - 17:7 audience [1] - 9:8 AZBELL [22] - 2:21, 2:23, 2:25, 3:2, 3:16, 3:18, 3:20, 3:22, 4:7, 4:9, 4:11, 4:13, 4:23, 4:25, 5:2, 5:4, 15:6, 15:8, 15:10, 15:21, 15:23, 15:25</p>	<p>capture [1] - 6:6 carried [1] - 5:7 carries [2] - 3:25, 4:16 case [2] - 5:19, 6:7 certify [1] - 17:6 Chair [5] - 3:9, 3:25, 4:2, 4:16, 5:15 chair [1] - 3:15 chance [1] - 11:18 change [6] - 11:10, 11:23, 11:24, 13:1, 13:2, 13:17 choice [1] - 12:24 choices [1] - 13:24 cinderblocks [1] - 8:8 CINDY [1] - 1:14 Cindy [8] - 2:23, 3:14, 3:18, 4:5, 4:9, 4:25, 15:8, 15:23 Cleveland [1] - 17:12 close [2] - 7:10, 14:18 closer [1] - 6:5 code [1] - 6:23 COLE [52] - 1:15, 2:1, 2:19, 2:22, 3:4, 3:13, 3:17, 3:24, 4:4, 4:8, 4:15, 4:22, 4:24, 5:6, 5:12, 5:17, 5:23, 6:4, 6:17, 6:21, 7:7, 7:13, 7:19, 8:25, 9:6, 9:12, 10:8, 10:19, 10:22, 11:4, 11:9, 11:14, 11:17, 11:22, 12:4, 12:9, 12:17, 12:23, 13:4, 13:8, 13:20, 14:6, 14:12, 14:16, 14:19, 14:22, 15:4, 15:7, 15:12, 15:16, 15:22, 16:2 Cole [7] - 2:21, 3:12, 3:16, 4:7, 4:23, 15:6, 15:21 collapses [1] - 7:18 coming [1] - 4:17 COMMENCING [1] - 1:7 commend [1] - 9:17 comments [1] - 9:9 commission [1] - 17:19 Common [1] - 2:8 computer [1] - 17:10 computer-aided [1] - 17:10 construction [1] - 13:12 correct [5] - 7:9, 11:3,</p>	<p>D date [1] - 12:20 DAVE [1] - 1:16 Dave [9] - 2:25, 3:14, 3:20, 4:1, 4:11, 4:16, 4:17, 5:2, 5:19 dave's [1] - 5:18 decision [1] - 12:11 decisions [1] - 2:5 deliberate [1] - 9:13 denied [1] - 12:19 Department [3] - 10:23, 11:2, 12:6 dimensions [1] - 6:25 discussion [1] - 15:17 double [3] - 6:22, 10:9, 10:14 down [2] - 7:8, 8:9</p>	<p>G garage [7] - 6:9, 6:15, 6:25, 7:21, 7:23, 8:15, 9:1 Gareau [5] - 2:25, 3:20, 4:2, 4:11, 5:2 GAREAU [9] - 1:16, 3:1, 3:8, 3:11, 3:21, 4:12, 5:3, 5:15, 5:21 generally [5] - 10:10, 10:11, 10:13, 10:14, 10:24 grandfathered [1] - 11:1 grant [1] - 11:7 granted [1] - 10:14 guess [1] - 9:21</p>
2				
<p>20 [1] - 10:12 2022 [1] - 4:19 2023 [3] - 1:6, 2:4, 17:13 2027 [1] - 17:19 20x20 [5] - 11:15, 12:20, 13:3, 13:8, 13:17 20x20.5 [1] - 13:11 20x32 [1] - 11:15 216)664-0541 [1] - 1:23 22 [1] - 13:14 23OLMT [1] - 5:9 23OLMT-ZBA001 [1] - 5:9 24 [1] - 13:15 25% [3] - 11:13, 13:10, 14:9</p>	<p>B barn [1] - 7:8 beneficial [1] - 13:14 better [2] - 11:18, 13:6 big [1] - 7:1 BOARD [2] - 1:1, 1:13 Board [7] - 2:2, 2:6, 9:7, 9:13, 10:10, 10:13, 11:5 Brian [2] - 17:5, 17:18 BRIAN [1] - 1:20 builder [1] - 14:4 building [3] - 6:9, 10:24, 13:15 Building [3] - 10:23, 11:2, 12:6 business [2] - 5:8 BY [1] - 1:20</p>	<p>COLE [52] - 1:15, 2:1, 2:19, 2:22, 3:4, 3:13, 3:17, 3:24, 4:4, 4:8, 4:15, 4:22, 4:24, 5:6, 5:12, 5:17, 5:23, 6:4, 6:17, 6:21, 7:7, 7:13, 7:19, 8:25, 9:6, 9:12, 10:8, 10:19, 10:22, 11:4, 11:9, 11:14, 11:17, 11:22, 12:4, 12:9, 12:17, 12:23, 13:4, 13:8, 13:20, 14:6, 14:12, 14:16, 14:19, 14:22, 15:4, 15:7, 15:12, 15:16, 15:22, 16:2 Cole [7] - 2:21, 3:12, 3:16, 4:7, 4:23, 15:6, 15:21 collapses [1] - 7:18 coming [1] - 4:17 COMMENCING [1] - 1:7 commend [1] - 9:17 comments [1] - 9:9 commission [1] - 17:19 Common [1] - 2:8 computer [1] - 17:10 computer-aided [1] - 17:10 construction [1] - 13:12 correct [5] - 7:9, 11:3,</p>	<p>E easier [1] - 14:5 either [1] - 6:20 election [1] - 3:5 entirety [1] - 17:7 entrance [1] - 7:15 exceed [1] - 13:21 excuse [1] - 8:14 existing [8] - 6:13, 6:15, 6:25, 7:8, 8:15, 9:1, 10:18, 12:18 expires [1] - 17:19</p>	<p>H hand [2] - 6:1, 17:12 hangout [1] - 5:21 Hazi [1] - 5:11 Hazaj [2] - 5:10, 5:12 HAZIJAZ [35] - 5:11, 5:14, 6:3, 6:8, 6:18, 7:2, 7:9, 7:14, 7:22, 8:1, 8:7, 8:17, 8:21, 8:24, 9:10, 9:20, 10:4, 10:17, 10:20, 11:3, 11:6, 11:16, 11:20, 12:2, 12:5, 12:10, 12:22, 13:2, 13:7, 14:3, 14:11, 14:13, 14:17, 14:20, 15:15 hearing [1] - 17:7 hereby [1] - 17:6 hereunto [1] - 17:11 himself [1] - 5:18 hopefully [1] - 9:23 house [3] - 6:16, 7:15, 7:23</p>
3				
<p>30% [1] - 10:12 330 [1] - 9:3</p>				
4				
<p>400 [1] - 13:8 412 [3] - 13:10, 13:21, 13:25 412.5 [1] - 11:13 415 [2] - 15:1, 15:13 420's [1] - 14:3</p>				<p>I improvement [1] - 6:9 IN [2] - 1:1, 17:11 inspector [1] - 10:24 instead [1] - 11:15 itself [1] - 13:15</p>
6				
<p>640 [2] - 9:2, 14:2</p>				
7				
<p>768 [1] - 9:1 7:00 [2] - 1:7, 2:5 7:15 [1] - 15:19</p>			<p>F feet [5] - 7:11, 9:1, 9:2, 9:3, 15:14 fence [1] - 9:22 final [1] - 2:6 fine [3] - 5:17, 10:2, 14:3 first [1] - 5:8 floor [2] - 3:7, 15:16 fly [1] - 11:24 foot [7] - 13:9, 13:15, 13:22, 14:1, 14:2, 15:1 footage [4] - 11:13, 12:14, 13:19, 13:21 foregoing [1] - 17:7 forward [4] - 6:5,</p>	

J	<p>mine [1] - 9:11</p> <p>minutes [2] - 4:19, 5:7</p> <p>motion [14] - 3:9, 3:13, 3:24, 4:1, 4:5, 4:15, 4:20, 4:21, 5:6, 9:14, 12:24, 14:24, 14:25, 15:18</p> <p>motions [1] - 3:6</p> <p>move [2] - 14:1, 14:20</p> <p>moving [1] - 12:25</p> <p>MR [105] - 2:1, 2:19, 2:22, 3:1, 3:3, 3:4, 3:8, 3:11, 3:13, 3:17, 3:21, 3:23, 3:24, 4:4, 4:8, 4:12, 4:14, 4:15, 4:21, 4:22, 4:24, 5:3, 5:5, 5:6, 5:11, 5:12, 5:14, 5:15, 5:17, 5:21, 5:23, 6:3, 6:4, 6:8, 6:17, 6:18, 6:21, 7:2, 7:7, 7:9, 7:13, 7:14, 7:19, 7:22, 8:1, 8:7, 8:14, 8:17, 8:19, 8:21, 8:23, 8:24, 8:25, 9:6, 9:10, 9:12, 9:20, 10:4, 10:8, 10:17, 10:19, 10:20, 10:22, 11:3, 11:4, 11:6, 11:9, 11:14, 11:16, 11:17, 11:20, 11:22, 12:2, 12:4, 12:5, 12:9, 12:10, 12:17, 12:22, 12:23, 13:2, 13:4, 13:7, 13:8, 13:20, 14:3, 14:6, 14:11, 14:12, 14:13, 14:16, 14:17, 14:19, 14:20, 14:22, 15:4, 15:7, 15:11, 15:12, 15:15, 15:16, 15:20, 15:22, 16:1, 16:2</p> <p>MS [43] - 2:21, 2:23, 2:24, 2:25, 3:2, 3:10, 3:16, 3:18, 3:19, 3:20, 3:22, 4:3, 4:7, 4:9, 4:10, 4:11, 4:13, 4:23, 4:25, 5:1, 5:2, 5:4, 7:20, 7:25, 8:6, 8:13, 9:5, 9:15, 10:3, 10:7, 11:7, 11:12, 12:13, 13:18, 15:3, 15:8, 15:9, 15:10, 15:21, 15:23, 15:24, 15:25</p>	<p>need [3] - 5:15, 7:1, 9:17</p> <p>needs [1] - 6:19</p> <p>neighbor's [1] - 7:10</p> <p>neighbors [2] - 9:23, 14:18</p> <p>new [5] - 5:8, 6:9, 6:12, 9:2, 14:21</p> <p>next [2] - 3:4, 4:18</p> <p>nice [1] - 7:3</p> <p>nicer [1] - 10:5</p> <p>nominate [1] - 3:9</p> <p>Notary [2] - 17:5, 17:18</p> <p>notes [1] - 17:10</p> <p>nothing [1] - 6:2</p>	<p>point [2] - 6:19, 14:12</p> <p>poles [1] - 8:11</p> <p>possible [1] - 11:10</p> <p>possibly [1] - 14:7</p> <p>prefer [1] - 14:13</p> <p>privately [1] - 9:13</p> <p>problem [1] - 9:15</p> <p>proceed [1] - 13:25</p> <p>property [4] - 7:5, 7:12, 9:25, 10:6</p> <p>proposal [1] - 12:18</p> <p>proposed [1] - 9:2</p> <p>Public [2] - 17:5, 17:18</p> <p>put [2] - 8:11, 9:22</p> <p>putting [1] - 10:16</p>	<p>Roberto [4] - 3:22, 4:13, 15:10, 15:25</p> <p>roll [1] - 2:20</p> <p>roughly [1] - 11:15</p> <p>run [1] - 9:24</p> <p>running [1] - 7:16</p>
K	<p>Kelly [6] - 2:23, 3:18, 4:9, 4:25, 15:8, 15:23</p> <p>KELLY [22] - 1:14, 2:24, 3:10, 3:19, 4:3, 4:10, 5:1, 7:20, 7:25, 8:6, 8:13, 9:5, 9:15, 10:3, 10:7, 11:7, 11:12, 12:13, 13:18, 15:3, 15:9, 15:24</p> <p>kids [2] - 7:11, 7:16</p> <p>kind [5] - 7:17, 8:8, 9:21, 9:24, 13:24</p> <p>kinds [1] - 8:2</p> <p>KUEBLER [1] - 1:20</p> <p>Kuebler [2] - 17:5, 17:18</p>	<p style="text-align: center;">O</p> <p>obviously [2] - 8:4, 12:2</p> <p>October [1] - 4:19</p> <p>OF [1] - 1:1</p> <p>office [1] - 17:12</p> <p>officers [1] - 3:5</p> <p>Ohio [5] - 2:9, 2:11, 17:6, 17:12, 17:18</p> <p>old [4] - 5:7, 6:10, 6:18, 8:4</p> <p>OLMSTED [1] - 1:1</p> <p>ON [1] - 1:6</p> <p>one [6] - 5:16, 6:13, 8:4, 10:18, 12:7, 14:14</p> <p>opening [1] - 8:4</p> <p>option [1] - 14:7</p> <p>order [1] - 2:2</p> <p>originally [2] - 12:1, 12:3</p>	Q	S
L	<p>larger [3] - 6:13, 10:12, 15:1</p> <p>last [1] - 8:9</p> <p>lawnmower [1] - 8:2</p> <p>laws [1] - 2:10</p> <p>leave [1] - 5:19</p> <p>left [1] - 8:12</p> <p>length [2] - 8:18, 8:19</p> <p>line [2] - 7:12, 10:6</p> <p>look [2] - 7:3, 10:4</p> <p>looks [1] - 8:25</p>	<p style="text-align: center;">P</p> <p>P.M [1] - 1:7</p> <p>p.m [1] - 2:5</p> <p>parallel [1] - 6:15</p> <p>passed [1] - 15:13</p> <p>PEREZ [12] - 1:13, 3:3, 3:23, 4:14, 4:21, 5:5, 8:14, 8:19, 8:23, 15:11, 15:20, 16:1</p> <p>Perez [6] - 3:2, 3:22, 4:13, 5:4, 15:10, 15:25</p> <p>pictures [1] - 8:5</p> <p>playing [1] - 7:18</p> <p>Pleas [1] - 2:9</p> <p>Pledge [2] - 2:13, 2:16</p> <p>plus [1] - 14:17</p>	<p>questions [4] - 5:22, 9:7, 9:8, 9:12</p>	<p>safer [1] - 9:18</p> <p>seal [1] - 17:12</p> <p>second [7] - 3:10, 3:14, 4:3, 4:21, 15:2, 15:3, 15:20</p> <p>seconded [1] - 4:5</p> <p>Secretary [1] - 2:19</p> <p>sense [1] - 7:6</p> <p>set [1] - 17:11</p> <p>shall [2] - 2:6, 2:7</p> <p>shed [8] - 6:13, 6:18, 7:8, 7:23, 9:2, 11:15, 14:1, 14:2</p> <p>shed/garage [1] - 6:10</p> <p>shorter [1] - 9:21</p> <p>side [1] - 9:22</p> <p>sitting [2] - 8:3, 8:7</p> <p>situation [1] - 10:11</p> <p>size [5] - 6:22, 8:16, 9:16, 9:18, 10:14</p> <p>small [1] - 7:11</p> <p>smaller [4] - 10:1, 10:2, 11:8, 12:14</p> <p>so.. [1] - 10:6</p> <p>soon [1] - 12:11</p> <p>sorry [1] - 5:13</p> <p>speaking [1] - 10:12</p> <p>square [13] - 9:1, 9:2, 9:3, 11:12, 12:14, 13:9, 13:19, 13:20, 13:22, 14:1, 14:2, 15:1, 15:14</p> <p>stand [2] - 2:13, 5:25</p> <p>state [1] - 6:6</p> <p>State [3] - 2:10, 17:6, 17:18</p> <p>statements [1] - 2:11</p> <p>stay [1] - 5:20</p> <p>stenotypy [1] - 17:8</p> <p>step [1] - 6:5</p> <p>structure [1] - 10:25</p> <p>stuff [1] - 8:2</p> <p>subject [1] - 2:7</p> <p>submitted [1] - 5:9</p> <p>swear [1] - 6:1</p> <p>sworn [1] - 2:12</p>
M	<p>Madam [1] - 2:19</p> <p>MARCH [1] - 1:6</p> <p>March [1] - 2:4</p> <p>maximum [2] - 9:3, 15:13</p> <p>mean [3] - 11:9, 11:14, 14:3</p> <p>measurements [1] - 6:12</p> <p>meeting [3] - 2:2, 4:18, 16:2</p> <p>MEMBERS [1] - 1:13</p> <p>mention [1] - 8:15</p> <p>Mentor [1] - 5:10</p> <p>mic [1] - 6:5</p>	<p style="text-align: center;">N</p> <p>narrow [2] - 8:22, 8:24</p> <p>necessarily [1] - 7:3</p>	<p style="text-align: center;">R</p> <p>raise [1] - 5:25</p> <p>RE [1] - 1:1</p> <p>ready [1] - 9:14</p> <p>really [2] - 9:16, 13:12</p> <p>reapply [1] - 12:21</p> <p>reason [3] - 6:14, 6:24, 10:1</p> <p>rebuild [1] - 14:14</p> <p>rebuilding [1] - 14:7</p> <p>recited [1] - 2:17</p> <p>record [1] - 3:11</p> <p>recuse [2] - 5:16, 5:18</p> <p>redoing [1] - 7:4</p> <p>refer [1] - 3:12</p> <p>regarding [1] - 12:7</p> <p>relocating [1] - 6:10</p> <p>repair [2] - 10:17, 11:1</p> <p>repaired [3] - 6:20, 12:8, 12:15</p> <p>replaced [1] - 6:20</p> <p>REPORTED [1] - 1:20</p> <p>REPORTING [1] - 1:22</p> <p>represent [1] - 5:24</p> <p>request [6] - 11:11, 11:24, 13:1, 13:3, 14:25</p> <p>requested [3] - 11:19, 12:1, 12:3</p> <p>requesting [1] - 10:9</p> <p>rest [2] - 8:11, 10:13</p> <p>review [1] - 2:8</p> <p>Robert [1] - 5:4</p> <p>ROBERTO [1] - 1:13</p> <p>roberto [1] - 3:2</p>	

T	8:10
tear ^[1] - 8:9 Thereupon ^[1] - 2:16 THOMAS ^[1] - 1:15 three ^[1] - 7:11 today ^[1] - 2:4 Tom ^[7] - 2:21, 3:12, 3:16, 4:7, 4:23, 15:6, 15:21 torn ^[1] - 7:8 TOWNSHIP ^[1] - 1:1 Township ^[1] - 2:7 transcript ^[1] - 17:9 trench ^[1] - 9:24 true ^[1] - 17:9 truth ^[2] - 6:2 two ^[1] - 13:24	Z
U	zaj ^[1] - 5:11 ZBA001 ^[1] - 5:9 zoning ^[2] - 6:23, 9:19 ZONING ^[1] - 1:1 Zoning ^[1] - 2:3
unsafe ^[1] - 6:19 up ^[5] - 3:4, 4:18, 5:8, 11:22, 13:9	
V	
variance ^[3] - 11:8, 12:14, 15:13 versus ^[1] - 12:17 Vice ^[2] - 4:2, 4:16 vote ^[7] - 3:15, 4:6, 4:22, 11:25, 13:25, 14:2, 15:4	
W	
water ^[1] - 9:25 WEDNESDAY ^[1] - 1:6 welcome ^[1] - 5:19 WHEREOF ^[1] - 17:11 whole ^[2] - 7:4, 10:6 willing ^[1] - 11:10 wise ^[1] - 13:12 wishing ^[1] - 2:11 WITNESS ^[1] - 17:11 worried ^[1] - 7:17 written ^[1] - 4:20 wrote ^[1] - 17:8 WWW.JARKUB. COM ^[1] - 1:24	
Y	
yard ^[2] - 7:10, 8:3 year ^[3] - 3:25, 4:17,	