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3 OLMSTED TOWNSHIP ZONING COMMISSION

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- - - -
ON THURSDAY, MAY 22, 2025,
COMMENCING AT 7:00 P.M.

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BOARD MEMBERS: SEAN LOWE
MELANIE OSELAND
ASHLEY SANCHEZ

12

13

ALSO PRESENT: JUSTIN REED -
BUILDING COMMISSIONER

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TRANSCRIBED BY: MARK WILLIAMS

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MR. LOWE: Here.

2

MS. SANCHEZ: Melanie Oseland?

3

MS. OSELAND: Here.

4

MS. SANCHEZ: Justin Whelan?

5

Absent.

6

Justin Funk? Absent.

7

Paul Hamer? Absent.

8

Ashley Sanchez? Here.

9

MR. LOWE: If we can all please
stand for the Pledge of Allegiance.

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(Thereupon, the Pledge of Allegiance was
recited.)

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- - - -
MR. LOWE: First order of business
is the approval of the Minutes of the
regular March 27th, 2025 meeting. Are
there any additions, corrections, or
revisions?

13

Hearing none, do I hear a motion
for approval?

14

MS. OSELAND: I make a motion to
approve the Minutes.

15

MR. LOWE: Is there a second?

16

MS. SANCHEZ: I second.

2

3

1 MR. LOWE: We're starting the
2 regular May 22nd, 2025 meeting of the
3 Olmsted Township Zoning Commission to order
4 at 7:01 PM.5 As an administrative note, we are
6 recording these proceedings for the
7 purposes of providing a historical record.
8 As such, all members of the Zoning
9 Commission and any departments that speak
10 during the meeting are asked to speak their
11 name clearly prior to your statement or
12 comment. This would be for each time you
13 speak.14 Additionally, if you have not
15 signed in and would like to speak tonight,
16 this includes the Applicant or any member
17 of the public that would wish to speak,
18 please sign in now, we'll use that name to
19 call people to the microphone.20 Since we are hearing a rezoning
21 issue this evening, we can dispense with
22 swearing in the speakers.23 With that if the Vice Chair would
24 please call the roll.

25 MS. SANCHEZ: Okay. Sean Lowe?

1 MR. LOWE: If you could please
2 call the roll.

3 MS. SANCHEZ: Sean Lowe?

4 MR. LOWE: Yes.

5 MS. SANCHEZ: Melanie Oseland?
6 MS. OSELAND: Yes.7 MS. SANCHEZ: Ashley Sanchez?
8 Yes.9 MR. LOWE: There are no old
10 business items on the meeting agenda.11 Before we move to new business,
12 does any member of the Board or the
13 Building Department have an item for
14 follow-up?15 Okay. Now on to new business. We
16 will now hear new business items before the
17 Board brought by the Applicant. The first
18 and only item on the Agenda is Application
19 No. 24OLMT-ZC002, submitted by Robert
20 Kilbane requesting the rezoning of Parcel
21 264-19004 from its current zoning
22 classification of L-1, light industry, to
23 R-40, single-family.24 If the Applicants could please
25 step to the lectern and present their item.

1 And if you would please state your names
2 before speaking.

3 MR. MCCONVILLE: Members of the
4 Commission, my name is Luke McConville, I
5 am an attorney, I represent Bob Kilbane and
6 Ashley Kilbane.

7 I thought I would walk through the
8 zoning analysis from our perspective and
9 then turn the floor over to them so you
10 could hear a little bit more about the
11 property from them.

12 Before I get into the zoning
13 analysis though there are a couple of
14 background items that I would like to
15 mention that I think are worth keeping in
16 mind.

17 One is that the property is
18 currently under contract. So there's a
19 buyer for the property. The buyer intends
20 to build a home on the property if rezoning
21 is successful and the contract will not
22 come to fruition, obviously if the rezoning
23 is not granted.

24 Secondly it's a principle in Ohio
25 zoning law that's articulated in some of

1 the zoning tests that is pertinent to know
2 whether the owner of the property knew
3 about their zoning predicament before it
4 arose.

5 You see that laid out specifically
6 in [unintelligible] Supreme Court's
7 annunciation of the Practical Difficulties
8 Tests For Zoning Matters. And in this
9 case, the Applicant did not know this
10 property was not zoned residential or was
11 not a buildable lot for residential, and
12 that was based on two points of data. One
13 is that on the County website, this remains
14 true today, the parcel is listed as a
15 residential parcel. So this particular
16 property was bought out of a sheriff's sale
17 and in connection with the information that
18 was provided to the owner of the property
19 at the time of that sheriff's sale, they
20 had good case to believe that it's a
21 residential property.

22 In addition to that and more
23 importantly in my mind, they did some due
24 diligence on the property and reached out
25 to your then Building Commissioner Dave

1 Faciana, had conversations with Mr. Faciana
2 in which he indicated to them that the
3 property was residential and could be built
4 on and use a buildable lot for a
5 residential project.

6 We [unintelligible] we do have
7 correspondence from Mr. Faciana that we
8 intend to provide to you this evening. So
9 that's a little bit of background that I
10 think is pertinent to our application.

11 We did receive the staff report
12 this morning in which Mr. Reed articulated
13 some of the particular concerns related to
14 our application.

15 And I think the biggest concern
16 that is articulated in that staff report is
17 Spot Zoning. So I wanted to take the
18 opportunity to walk through an analysis of
19 Spot Zoning.

20 Both the Ohio Supreme Court and
21 other courts in the State of Ohio stated
22 with particularity that it is not
23 unconstitutional to zone -- to rezone a
24 single parcel of land. And I think that's
25 a misconception amongst zoning boards that

1 somebody is not allowed to spot zone,
2 that's not true. Zoning boards are allowed
3 to spot zone and that is the black letter
4 law in the State of Ohio.

5 When they're doing a Spot Zoning
6 for a rezone, they have to consider certain
7 factors.

8 Number one, they have to consider
9 whether a Spot Zoning would be
10 discriminatory in any manner or whether it
11 would be unreasonable. And then they also
12 have to consider whether a Spot Zoning
13 would benefit only a single property or
14 alternatively whether it would be to the
15 public good.

16 So when we look at the Spot Zoning
17 Analysis in our case, I think we can
18 alleviate any concerns that you might have
19 that a reviewing court would have a problem
20 with rezoning.

21 Number one, it's clearly not
22 discriminatory, we're just asking for a
23 residential use. And I believe that if you
24 take a look at the vicinity map that we
25 submitted in connection with our

1 application, what that reveals is that the
 2 present uses of all of the surrounding
 3 property are residential. There are 27
 4 separate residences that are shown on that
 5 vicinity map and that are in the immediate
 6 vicinity of our parcel.

7 The only other use that's
 8 contiguous for our parcel is a conservation
 9 use. And our argument is that a
 10 residential use is going to have far less
 11 of an adverse impact on the conservation
 12 restrictions that are placed on that parcel
 13 than any light industrial use would have.

14 So certainly the request is
 15 reasonable in a sense that we're asking the
 16 property to be zoned for use that is
 17 compatible with all of the others that are
 18 surrounding it.

19 It's also to the public benefit to
 20 rezone this parcel -- and I'm saying that
 21 it's opinion, my client canvassed the
 22 neighborhood in preparation for this
 23 hearing, spoke to many neighbors who are in
 24 support of the rezoning. We have five
 25 separate property owners who gave us

10

1 written statements indicating their support
 2 for the rezoning.

3 I'd like to provide those to the
 4 Board if that is okay with the Board.
 5 These are an email -- there are multiple
 6 copies of that and separate written
 7 statements.

8 UNIDENTIFIED FEMALE SPEAKER: We
 9 would like a copy of that to --

10 MR. REED: Excuse me, would it be
 11 possible to come to the microphone? We do
 12 have a recording device up there so we can
 13 transcribe it.

14 UNIDENTIFIED FEMALE SPEAKER:
 15 [Unintelligible] in a moment.

16 MR. REED: Okay. Yeah, just when
 17 we speak, if we could speak up at the
 18 microphone so that we can get the
 19 transcription.

20 ATTORNEY: For purposes of that, I
 21 also have a map here -- and Ashley will
 22 talk more about this when she's interacting
 23 with you, but this map shows where those
 24 particular property owners are located
 25 relative to our property.

1 So you can see from the map that I
 2 just placed in front of you that two of
 3 the property owners who signed those
 4 statements are immediately contiguous to
 5 our parcel. Another is located just one
 6 parcel apart from ours, and two are within
 7 five parcels. And Ashley will also
 8 indicate to you that there are other
 9 property owners -- and she can point them
 10 out on the map -- who indicated to her that
 11 they either intended to be here tonight and
 12 support the project or that just in general
 13 they supported the rezoning.

14 So we really think that Spot
 15 Zoning is not something that you're going
 16 to run into problems with in terms of any
 17 court review. Our use is consistent with
 18 all other uses that are around this parcel,
 19 and there is support from the general
 20 public to say we'd rather have this rezoned
 21 residential and developed residential than
 22 to have it light industrial use as far as
 23 on the parcel.

24 I also think it's worth pointing
 25 out and reading into the record the fourth

12

1 bullet point on the Staff Report. That
 2 reads rezoning from light industry to
 3 residential is generating conflicts into
 4 residential and industrial uses. It's
 5 actually the opposite. If this remains
 6 light industrial, my client will have no
 7 choice, but to try to market it for light
 8 industrial use. We don't believe there's a
 9 market for that. Because owners don't want
 10 to come into a neighborhood and create all
 11 kinds of problems with their neighbors.

12 In order to keep the use of the
 13 property consistent with everything around
 14 it as opposed to conflicting with what's
 15 already there, the rezoning would be called
 16 for.

17 There are uses that could go in
 18 under your Code, but I think would be very
 19 disruptive to what is a current existing
 20 residential neighborhood. Light
 21 manufacturing is permitted under the light
 22 industrial use, storage units could be
 23 built there, that would have traffic coming
 24 and going. I think there are conditional
 25 uses for auto service station, gasoline

1 station, adult entertainment. There are
 2 things that you could conceivably see on
 3 that property as light industrial that you
 4 wouldn't want to have in your -- in what is
 5 currently a residential neighborhood.

6 Another concern that's pointed out
 7 in the Staff Report is the concern about
 8 the inconsistency with their Master Plan,
 9 and I wanted take an opportunity to address
 10 that as well.

11 We acknowledge that the Master
 12 Plan calls for commercial and industrial
 13 development at this corridor, but our
 14 proposed use is not entirely inconsistent
 15 with your Master Plan. In particular, your
 16 Master Plan calls for keeping up and
 17 beautification of existing residential
 18 neighborhoods. It calls for strengthening
 19 the schools, the properties under contract
 20 to a young family, and this would be, in
 21 our mind, a way to add to your tax base
 22 because there is a market, we're able to
 23 demonstrate that one, for the residential
 24 use.

25 So with that I'll turn it over to

1 Bob Kilbane and [unintelligible] and John
 2 Chandler can tell you a little bit more
 3 about the process that they undertook to
 4 purchase the property.

5 MR. KILBANE: Thank you. Hello,
 6 my name is Robert Kilbane, and in early
 7 April 2022 I contacted the Building
 8 Department and the gal suggested that I
 9 call back the next day and speak with Dave
 10 Faciana. And this call was in regards to
 11 us purchasing a 3.55 acre parcel which the
 12 address is 27218 Bagley Road. And that
 13 conversation I had with Mr. Faciana was
 14 about us getting two lots out of this
 15 parcel because it was almost enough
 16 frontage to get two lots, but, you know, he
 17 looked at it, asked me to call back the
 18 next day or a couple days and I did that,
 19 and he said that he didn't think it was
 20 possible for us to get two lots because of
 21 the frontage being a little bit short, but
 22 it had 168 foot frontage and was 3.55 acres
 23 and there had been a home raised there
 24 recently, and he said that, you know, we
 25 could get one residential building up.

1 That's what was there before and that's,
 2 you know, what we could get.

3 So I then called Mr. Chandler, our
 4 realtor, and I spoke with him -- and this
 5 is three months before we get the property
 6 because I wanted to make sure -- Ashley was
 7 involved in this, she said now contact them
 8 and make sure that it's a buildable lot,
 9 and that's what I did.

10 And I asked Mr. Chandler to also
 11 contact the Building Department and he also
 12 spoke with Dave Faciana.

13 So he contacted them through an
 14 email -- again, that email is dated April
 15 13th, three months before the transfer date
 16 of July 8th. And, you know, we talked
 17 about the land next to it, all parcels
 18 around it were all residential -- and I
 19 have maps here I can pass out -- I see you
 20 folks have maps, this exact same map -- but
 21 I also brought the email that first -- that
 22 John had sent to the Building Commissioner
 23 at the time -- and I'm happy to give those
 24 out if you'd like -- and again, this was
 25 three months before the transfer date --

1 because truthfully I wouldn't have gone
 2 ahead with it -- and I told Ashley,
 3 everything's good, there's not going to be
 4 a problem, so I was somewhat surprised when
 5 the people purchased the property and then
 6 they came to the Building Department and,
 7 you know, they -- it was a different -- it
 8 was a little difficult for them at that
 9 time, so I brought this along, you're
 10 welcome to read what we have.

11 And since that time, you know,
 12 Ashley was -- her parents were thinking
 13 about building on it, but they decided not
 14 to, so Mr. Chandler had listed the property
 15 and at this point I'd like to pass it over
 16 to Mr. Chandler and he can tell you what
 17 his thoughts and what happened at that
 18 point.

19 MR. CHANDLER: Members of the
 20 Board, my name is John Chandler, I'm with
 21 Howard Hanna Real Estate. And I was
 22 contacted by Bob Kilbane to take a look at
 23 this property and see what I thought about
 24 it and what could be done with it. And so
 25 I went out and walked the property and I

1 called Bob back and I said, well, it's a
 2 nice-size parcel if there was a house on
 3 it. I'm actually working with Dave on
 4 eight acres on Columbia, we're trying to
 5 see if we can get two to three houses on
 6 that, so I went and set up with him, so let
 7 me approach this subject on this address as
 8 long as I'm going to be in front of him.

9 So I did meet with David and I'm
 10 just confirming what they've already said,
 11 but Dave looked at it too and then came to
 12 the conclusion he said, you know what, I
 13 don't think you'll have a chance to get two
 14 lots out of it, you're really going to end
 15 up just one lot, one house. He said there
 16 was a house there before, you're going to
 17 have to confirm, you know, about the
 18 connections out on Bagley, but I do know
 19 you have utilities out there to connect to.

20 So I relayed that information back
 21 to Bob and we put it on the market. And
 22 when I did my research again, I'm also
 23 confirming, let me check the tax duplicate
 24 and the records, the status on those two
 25 reports said "residential". When I get my

1 report from CoreLogic, which does work for
 2 the banks and realtors and so forth that
 3 update us on land usage, it came back
 4 "residential". So we put it on the market
 5 and immediately got some good activity for
 6 building one home, and that's how it went,
 7 and then we got a contract on it, and of
 8 course Dave's moved on, so we then were
 9 informed, well, you're going to have to
 10 check, I don't know if you can put a
 11 single-family home on it, and then that's
 12 when the question came up about the
 13 timeline, which we never were told, that
 14 when a house comes down, we have to do
 15 something within two years.

16 So I'm just saying, you know, our
 17 -- we clearly were thinking we were moving
 18 in the right direction with the property,
 19 but what it was being used for, and
 20 certainly the neighborhood all being
 21 residential, we were really surprised to
 22 think that it could go light industry.

23 MS. KILBANE: Hello, I'm Ashley
 24 Kilbane. I think that Luke has talked
 25 about a lot of the legal and the practical

1 issues, I'm going to kind of talk a little
 2 bit more about the human perspective if I
 3 could.

4 So Bob's my father-in-law, my
 5 parents live out of state. I have two
 6 girls, twins, they're 10-years-old, and
 7 it's my dream to have both sets of
 8 grandparents here, so I thought, wow, you
 9 know, I can get a property, maybe we could
 10 do something with it. And then, you know,
 11 they couldn't get their house sold and it
 12 was just an opportunity came up where there
 13 was another beautiful family that could use
 14 it. My parents ended up buying a little
 15 townhouse, literally right outside my
 16 neighborhood, my kids can walk there. And
 17 so we thought, okay, you know, we can build
 18 a house on this, so why not let somebody
 19 else build a wonderful home for themselves.
 20 So actually the person that we're under
 21 contract with, he's here, he's a Cleveland
 22 firefighter, his wife is a lawyer for the
 23 Cleveland Clinic, they've got young kids,
 24 they want to make their forever home here.

25 So I walked the neighborhood

1 before this hearing -- because I wanted to
 2 make sure that this happens for them too --
 3 and I walked and I met all of the
 4 neighbors. And if you walk, you know, the
 5 streets right over there, if you walk that
 6 neighborhood, the only thing you can see is
 7 residential homes. So two of the people
 8 that I spoke to, my neighbors directly to
 9 my -- the east, right next to the
 10 conservation, it's this gentleman here
 11 [indicating], and then right across the
 12 street is this lady here [indicating],
 13 everybody I spoke to was, you know, well,
 14 why can't you build a residential home,
 15 like we're all residential, of course we're
 16 in support of this. The neighbor directly
 17 to my west, he's a veteran, he said he was
 18 going to be here, I said, you know, just in
 19 case you can't come, can I tell them that
 20 you support? He said, yes, you can do
 21 that. I think he had some people to write
 22 down -- I only had a pencil because my
 23 daughter took the pen out my car -- but
 24 it's in writing, and, you know, everybody
 25 pretty much supports -- not pretty much,

1 everybody did support it, and they said,
 2 yeah, absolutely, I'll support this.
 3 And when I got that letter this
 4 morning from the Law Director, when I saw
 5 it -- it was the Law Director, right?
 6 MR. MCCONVILLE: Building
 7 Commissioner.
 8 MS. KILBANE: Oh, Building
 9 Commissioner, Justin, yeah, so I -- you
 10 know, I thought about the Spot Zoning and
 11 it kind of seemed the opposite. I said,
 12 well, to be consistent, it should be
 13 residential because I walked that
 14 neighborhood and talked to everybody and,
 15 you know, I walked up and I saw their
 16 houses and they're nicely-done yards and
 17 their dogs barking -- everybody seemed to
 18 have a dog and it just -- I'm hoping that
 19 the purpose for which you guys are given
 20 the authority to make these decisions, to
 21 make these changes -- you know, there's the
 22 black letter law, there's all that that
 23 Luke had spoken about, that you guys are
 24 given the awesome duty and the authority to
 25 use the common sense, essentially, and to

1 make sure that everything's cohesive and
 2 livable for the citizens here.
 3 So I'm really hoping that you side
 4 in our favor and I really thank you for
 5 your time and attention, especially because
 6 we're the only thing on the agenda today.
 7 So thank you so much for coming in and
 8 listening. Thanks.

9 MR. LOWE: We haven't opened
 10 public comment yet. Sorry.

11 Was there any questions that the
 12 Board has for the Applicant?

13 MS. KILBANE: I think we have one
 14 more.

15 MR. LOWE: Okay.

16 MR. MCCONVILLE: I wanted to add
 17 one more thing just to tie things up.

18 There is a statute -- and I
 19 believe it's in Chapter 519 of the Revised
 20 Code -- I don't have the exact section off
 21 the top of my head -- that indicates that
 22 municipalities are obligated to notify
 23 county when they accomplish the rezoning.
 24 And my thought is that typically occurs
 25 through the filing of a rezoning plat. We

1 don't know whether that happened or not.
 2 We do have a question about that. It's
 3 curious to us that, you know, there are
 4 these databases, including the county's own
 5 database, that shows that the property's a
 6 residential -- you know, listed as
 7 residential -- zoned as residential, and
 8 certainly we relied on that in doing our
 9 due diligence in purchasing this property.

10 I think it's also just worth
 11 adding that zoning considerations are
 12 designed based on evidence. You can't just
 13 rezone something arbitrarily, you have to
 14 have a reason to do it, and we think we've
 15 given you several reasons that you could
 16 rely on and that would protect the
 17 Township, and that's why we don't think
 18 Spot Zoning is a concern.

19 And just to go over those again
 20 very briefly, our use would be consistent
 21 with all the uses around it. Our use would
 22 address the articulated concern in your
 23 Staff Report they not be incompatible uses
 24 that are contiguous to each other or
 25 nearby. And our use would serve to enhance

1 the public welfare as is evidenced by -- I
 2 think we now have seven people in the
 3 immediate neighborhood who have come
 4 forward and support the rezoning because
 5 they in part don't want a light industrial
 6 use at that location.

7 So with that, I'll listen for
 8 comments.

9 MR. LOWE: I have a quick question
 10 before we open up public comment.

11 So I understand you acquired the
 12 property in 2020 and there was previously a
 13 home on the property. So was the home torn
 14 down before Mr. Kilbane acquired the
 15 property?

16 MS. KILBANE: 2022.

17 MR. LOWE: 2022, sorry.

18 MR. KILBANE: Yes.

19 MR. LOWE: The home was gone
 20 before you acquired the property. Okay.

21 Any other questions?

22 MS. SANCHEZ: I have a question.

23 So the houses that are around it, do you
 24 know the rough age of them? Are they maybe
 25 pre 2019 or post 2019?

1 MR. KILBANE: Perhaps the Building
2 Commissioner would know best.

3 MS. SANCHEZ: This is off the
4 top -- like, I don't know that you're going
5 to know.

6 MR. REED: I can look --

7 MS. SANCHEZ: I'm just trying to
8 think if they were pre the Comprehensive
9 Plan.

10 MR. REED: Yeah, I might have the
11 dates here, let me see. The neighboring
12 property directly next door, let's see if
13 they have the age roughly -- 1953 --

14 MS. SANCHEZ: Yeah.

15 MR. REED: -- of the home directly
16 next door. And then next to that looking
17 at 1963, and next to that, 1961. So -- and
18 just from my recollection of, you know,
19 being in the neighborhood, I believe most
20 of the homes are -- they probably haven't
21 been built in the last 20 years in that
22 neighborhood.

23 MR. MCCONVILLE: Those would be
24 considered preexisting nonconforming uses
25 for the zoning change and those preexisting

1 nonconforming uses could continue transfer
2 to transfer of the lot. As long as the
3 property continues to be used residential,
4 those homes can remain and, in fact, I
5 believe those homes can be built as well,
6 as long as there isn't a significant gap in
7 the period of time that would constitute a
8 change of use.

9 MS. SANCHEZ: So the two-year
10 issue that you mentioned earlier, sounds
11 like --

12 MR. MCCONVILLE: I think that's
13 the two-year issue --

14 MS. SANCHEZ: -- and this is
15 Ashley Sanchez speaking, by the way.

16 MR. REED: And I could speak to
17 that if you'd like. Building Commissioner
18 Olmsted Township, Justin Reed. He is
19 correct that if a home is damaged, let's
20 say in a fire or something of that nature,
21 they can rebuild that structure. That is
22 possible if it's an existing nonconforming
23 use. It's in Chapter 340 -- or Section 340
24 of our Zoning Code.

25 And then with regards to the

1 Discontinuance of Use, they are correct.
2 The discontinuance is a period of two
3 years, so I can speak a little bit more to
4 that later, but that is the -- that is
5 factual.

6 MR. MCCONVILLE: I think the point
7 there from the Applicant's standpoint is
8 that the neighborhood's likely to stay a
9 neighborhood because, you know, those homes
10 are already built, and one can concede that
11 continuing the residential use is easier,
12 you know, down the road than reformatting
13 the property for a different use.

14 MS. OSELAND: Melanie Oseland. So
15 on this paper you said it says October
16 22nd -- 2022, sorry -- the property
17 transfers from Robert and Juanita Kilbane
18 to Ashley Kilbane. Did they buy it
19 originally and then transferred it to you?

20 MR. KILBANE: Well, she owed us a
21 little bit of money, it was in our name and
22 now she's paid that off, so we transferred
23 it 100% to Ashley. Ashley's my
24 daughter-in-law.

25 MS. OSELAND: Oh, okay. So but

1 you bought it originally?

2 MR. KILBANE: Yes, She wanted it.

3 MS. OSELAND: Okay.

4 MR. LOWE: Any other questions for
5 the Applicant at this time?

6 Okay. We're ready to open public
7 comment. I think we had a couple folks
8 join us a little after we started, so I
9 guess a quick note here, for anyone that
10 comes to the lectern to speak, please
11 address all comments or questions to the
12 Board. You may not direct questions to the
13 applicants or presenters. Members of the
14 Board may wish to address your comment
15 directly to the applicants or the
16 administration later, and I'll open the
17 floor for public comment.

18 If you could please state your
19 name, address, and any entity you may
20 represent when you speak.

21 Anthony, did you want to say
22 anything?

23 MR. CARONE: Hello, my name is
24 Anthony Carone. I live at 29844 Center
25 Ridge Road. And we are here, me and my

1 partner are the ones in regards to trying
 2 to purchase this property. And we
 3 currently -- we did live off of Bagley,
 4 just down the street a little bit and it
 5 was kind of like a postage-stamp size lot
 6 that we had, we were just looking, you
 7 know, for a bigger piece of land. You
 8 know, she has a child, we have one on the
 9 way, and we're just hoping to finding a
 10 nice piece of land with some acreage that
 11 we can, you know, have children grow up on
 12 and just make that home for them.

13 So we did move, sold the house
 14 and, you know, we were getting ready to
 15 purchase this one, you know, learned about
 16 the zoning and everything, but, yeah, I
 17 mean, we just -- you know, nice, quiet
 18 family, just wants to raise their family.
 19 We love the school district, Olmsted
 20 Township and everything, this is where we
 21 want to live. So, you know, we're just
 22 hoping that this kind of goes through, you
 23 know, get moving with everything we want to
 24 do as well.

25 MR. LOWE: Thank you. Sure.

1 MS. KILBANE: I'll add that, you
 2 know, we had an original contract and
 3 they've extended the contract multiple
 4 times because this is where they -- you
 5 know, they really want this piece, they
 6 would like to make it their forever home,
 7 so they're very much invested in coming
 8 into this neighborhood.

9 And I just would say that I
 10 understand that two-year thing that, you
 11 know, we had relied upon what the previous
 12 building director had said and also the
 13 County website and all the information that
 14 we had, and, you know, this -- that's all
 15 from the human perspective and the common
 16 sense perspective, I guess, I know that
 17 there's the legal perspective as well, but
 18 that's, I guess where you guys come in. So
 19 again, thank you so much.

20 MR. LOWE: Is there anyone that
 21 hadn't signed-in that would like to speak?
 22 Either one. Whoever would like to go first
 23 could step to the lectern. Thanks.

24 If you could state your name.

25 MS. MILANO: I signed in as I came

1 in two minutes --
 2 MR. LOWE: No problem.
 3 MS. MILANO: My name is Rose
 4 Milano. I live at 27229 Bagley Road. I'm
 5 directly across from the property that
 6 they're talking about --
 7 MS. SANCHEZ: Could you please
 8 repeat your address?
 9 MS. MILANO: 27229 Bagley Road.
 10 And I've lived there for about 28, 29
 11 years. So I'm all for it just being a
 12 single home. I've got neighbors that I'm
 13 friends with on each side of us and I've
 14 talked to both neighbors, we really
 15 wouldn't want any kind of commercial
 16 building directly across from us. It's a
 17 nice neighborhood, everyone gets along. I
 18 just think it would be a disaster to put --
 19 first of all, I think it would be hard to
 20 get a factory -- whatever light industrial
 21 in that area, plus there's also the traffic
 22 problem.

23 When there was a -- you know, when
 24 they were doing all that construction over
 25 there and we had all that traffic, it was

1 terrible just getting in and out of the
 2 driveway, so I don't even think we have
 3 enough -- if it would be light industrial,
 4 they would put something in there, I think
 5 would be a big traffic problem, and I think
 6 ideally it should just be a home that's
 7 what was there before. Okay?

8 MR. LOWE: Thank you.

9 MS. MILANO: All right.
 10 MR. BUYNACK: Hi, my name is David
 11 Buynak, I live at 27178 Bagley Road. And I
 12 am, I guess you would consider the neighbor
 13 to the very east of that property if you
 14 take the conservancy land and the CEI power
 15 land away from that.

16 I've lived here for about 50 years
 17 and during that time that the entire road,
 18 Bagley, got rezoned from R-40 to the light
 19 industry, and to my knowledge, no one on
 20 that route really knew about the rezoning
 21 at the time.

22 Now I'm not saying I keep up with
 23 each and every motion that the Township
 24 does, but about three years ago, a builder
 25 came in on a property across the street

1 from me and wanted to develop 20 acres of
 2 land and put warehouses on that. We were
 3 successful in defeating them simply because
 4 it just didn't fit in the neighborhood, nor
 5 did the warehouse district provide adequate
 6 sewage and all the infrastructure necessary
 7 for the development of that land.

8 I would like to see this
 9 particular parcel, rezoned R-40 or whatever
 10 that designation is, but I think I would
 11 also like to see the rest of Bagley Road
 12 rezoned that.

13 Was it last year or two years ago,
 14 Redwood Development came in and wanted to
 15 develop the property by the ice company.
 16 And at the time, no one really in the area
 17 wanted that apartment complex to go in. I
 18 do not know the current state of that, but
 19 the Township did seem to go along with the
 20 rezoning of that land from business or
 21 light industry to some high-density value
 22 that the apartments would be considered
 23 for.

24 So just those very things I'd like
 25 to see this land and the street basically

1 remain residential. I don't think there's
 2 too many people on the street that would
 3 like to see business in there.

4 I do live in the Township Center
 5 Planning, so my zoning's a little bit
 6 different, it's commercial, but even that
 7 doesn't seem to be rapidly developing into
 8 anything commercial with the exception of
 9 the driving range. So that's basically my
 10 comments.

11 MR. LOWE: Thank you. Any other
 12 members of the public wish to speak?

13 Okay. I'll close public comment
 14 at this time and invite Mr. Reed to speak
 15 from the administration.

16 MR. REED: All right. I'm
 17 Building Commissioner Justin Reed, Olmstead
 18 Township. First, I'll just speak to some
 19 of the comments that were made regarding
 20 the raising of the home and the two-year
 21 timeframe. I was not here when Dave
 22 Faciana was here, obviously, so I can't
 23 speak to what those conversations were. I
 24 know there's some email traffic that they
 25 were able to provide.

1 Looking at the dates on the County
 2 auditor, I do see that the property was
 3 raised in 2021. I see the emails are in
 4 2022, so it would've been within that
 5 two-year timeframe. So at that point in
 6 time you could utilize the property for
 7 another single-family residential home
 8 because it would've been within the
 9 two-year timeframe of the discontinuance
 10 for the existing nonconforming use.

11 So they are correct in that when a
 12 property is rezoned to another zoning
 13 district, if there is an existing use on
 14 the property, that that use is allowed to
 15 remain, they do not have to tear down their
 16 houses and leave because the property was
 17 rezoned, but if that structure or use is
 18 removed there's a two-year time limitation.

19 The reason that they have it that
 20 way in the Zoning Code is so that over time
 21 those existing nonconforming uses will kind
 22 of dissipate and go away over time, and
 23 you'll start to see the area develop out
 24 per the zoning that it's been set up for.

25 Regarding the county and the land

1 use, the zoning, so when you go to their My
 2 Place, which I have on the screen right
 3 here, this is their County auditor site,
 4 they do list land use residential vacant
 5 land.

6 One thing we've got to remember
 7 when we're dealing with County and audit
 8 purposes and Township zoning is they're not
 9 placing the Township zoning on their
 10 website for County purposes, that's what
 11 they're taxing the property as. There was
 12 a residential property on it, they saw the
 13 residential property get raised, it's in
 14 their record here that it was raised in
 15 2021, so they would've kept it as
 16 residential vacant land for their tax
 17 purposes because it was vacant and it was
 18 being used as residential.

19 Why they never went and changed
 20 that over to a light industry or some form
 21 of industrial commercial taxation, I don't
 22 know. You know, I don't why the county
 23 wouldn't update that, but it doesn't really
 24 affect our zoning, that's County tax
 25 purposes.

1 And then lastly with regard to the
 2 zoning and the Comprehensive Plan, as you
 3 can see on the zoning map here -- let's see
 4 if I can zoom out a little bit -- there was
 5 a Comprehensive Plan done and with that
 6 Comprehensive Plan it was recommended that
 7 these areas over here were zoned for retail
 8 and industrial to spur economic growth.
 9 You have some main corridors there with
 10 Bagley and Stearns, Cook --

11 MR. LOWE: And you're talking
 12 about the light blue --

13 MR. REED: The light -- the light
 14 blue, the red and the dark blue. So the
 15 dark blue is a Business Park District,
 16 which is actually part of a JED agreement
 17 for "Joint Economic District", and then you
 18 have the light blue, which is the light
 19 industry, and the red, which is a Retail
 20 Business District, which is it has an
 21 overlay for a town center project, which I
 22 know you guys are all familiar with the
 23 recent developments coming in there.

24 So when they did this study what
 25 they found was -- if we zoom out to the

1 whole Township -- the Township is highly
 2 residential. Basically all the yellows and
 3 oranges and the greens throughout are all
 4 residential. So the Township really didn't
 5 have an area that was designated for
 6 business or industry. And when you do
 7 zoning, you generally want to have a
 8 mixture of different types of uses and
 9 different types of zoning to spur those
 10 types of growth and activity.

11 You'll see that the subject parcel
 12 is right here in green -- I'm circling it
 13 right now -- it's right there in that light
 14 industry area. The idea behind that area
 15 being light industry was that, yes, there
 16 were homes built in maybe the fifties and
 17 sixties, they rezoned it, the hope was that
 18 it would grow into an industrial area or a
 19 business area, and then essentially what
 20 that'll do is it'll spur economic growth
 21 for the Township. So that's the idea
 22 behind it.

23 Putting a new single-family home
 24 there, although I do understand there are
 25 many residential uses currently around it,

1 those are all existing nonconforming
 2 residential uses, and by putting a new home
 3 there, if any of the other properties do
 4 get an offer, from let's say a developer,
 5 to try to put in some business or light
 6 industry what that could do is it would
 7 cause conflict with this brand new house
 8 there that is rezoned to residential right
 9 next to all the light industry. So that
 10 was the idea behind the impact on adjacent
 11 properties.

12 So I do believe that the Trustees
 13 in the Township, they zoned it this way
 14 through the proper procedures as part of
 15 their Comprehensive Planning to spur that
 16 economic growth. And I think that was the
 17 vision of the Township and that is the
 18 reasoning behind it. That's all I have.

19 MR. LOWE: This is Sean Lowe. Do
 20 you know, you may not, when these
 21 properties were rezoned to light industry?

22 MR. REED: I don't know when they
 23 were rezoned. I spoke with one of the
 24 Trustees earlier. It sounds like it
 25 would've been over 20 years ago. And I

1 know they did some revisions to the
 2 Comprehensive Plans in 2012, 2013 and 2018
 3 to try to spur that JED agreement, but from
 4 my understanding, it's been zoned light
 5 industry for quite a while as part of their
 6 planning.

7 MR. LOWE: I know we talked about
 8 this before, but this property is not in
 9 the JED?

10 MR. REED: This property is not
 11 currently in the JED. When you look at the
 12 Comprehensive Plan, the dark blue section
 13 with the dash lines around it, it's an
 14 overlay, it's a business park, that is
 15 definitely in the JED.

16 The light blue below that all
 17 across the north side of Bagley is actually
 18 listed in the Comprehensive Plan for future
 19 incorporation into that JED as development
 20 occurs over time.

21 MR. LOWE: Any other members have
 22 a question?

23 Last question from me. What would
 24 the process be if the rest -- the remaining
 25 of these parcels not conforming to convert

1 them back to residential instead of Spot
 2 Zoning, what would that look like?
 3 MR. REED: Well, I think that it
 4 would have to go through the similar
 5 process, to the Zoning Commission and to
 6 the to the Trustees, for a map amendment.
 7 So, basically the properties would
 8 have to get together and apply for a map
 9 amendment to go before the Zoning
 10 Commission and seek a recommendation.
 11 Because as you're aware the Zoning
 12 Commission makes a recommendation, Trustees
 13 will be the entity that actually votes on
 14 that.
 15 MS. SANCHEZ: I guess I have a
 16 question. This is Ashley Sanchez. So if
 17 they were to seek, say, a variance instead
 18 of a zoning amendment, could they, like,
 19 amend their application, just request a
 20 variance that would allow them to build a
 21 house on this property, but then in the
 22 future we could maintain the light
 23 industrial character?
 24 MR. REED: So I think that would
 25 be through a different process. Use and

1 area variances go through the Board of
 2 Zoning Appeals, I believe, so it would be a
 3 different board that would hear that I
 4 believe.
 5 MR. MCCONVILLE: Can I offer
 6 comment on that?
 7 MR. REED: Sure.
 8 MR. MCCONVILLE: Prior to
 9 submitting our application we reached out
 10 to your legal advisor, Jim Mathews, and I
 11 had a conversation with him about the
 12 property and the situation, and I asked him
 13 would you as the legal advisor for the
 14 Township prefer that we ask for a use
 15 variance from the Board of Zoning Appeals
 16 or seek a rezoning of the parcel at the
 17 Zoning Commission, and he advised me that
 18 the Township -- legal counsel on behalf of
 19 the Township would prefer that we seek this
 20 rezoning, so that's why we're here.
 21 MS. SANCHEZ: When was that
 22 conversation?

23 MR. MCCONVILLE: That conversation
 24 would've been anywhere from six weeks to
 25 two months ago.

1 MS. SANCHEZ: Okay. But not like
 2 in 2022 or anything --
 3 MR. MCCONVILLE: No, no, that
 4 conversation was -- you know, we decided
 5 that we have this property under contract,
 6 we have this zoning issue, we want to go
 7 about trying to adjust that issue because
 8 we'd like to sell the property.
 9 We called your legal advisor to
 10 say, hey, what's the best route for us to
 11 take to accomplish what we're trying to
 12 accomplish, and he indicated a preference
 13 that we seek a rezoning, not the variance.
 14 MS. SANCHEZ: And do we have
 15 any -- like was there an email of that
 16 conversation or anything? Any type of
 17 record?
 18 MS. KILBANE: He may have emailed
 19 me [unintelligible].
 20 MR. MCCONVILLE: I don't know --
 21 MS. SANCHEZ: Okay.
 22 MR. MCCONVILLE: -- that Mr.
 23 Mathews and I exchanged emails, but I can
 24 tell you it was an attorney to attorney
 25 communication, and I would not want to

1 misrepresent that because of that.
 2 MS. SANCHEZ: So this is your
 3 email to us.
 4 MR. MCCONVILLE: I was able to
 5 speak on the phone today --
 6 MS. SANCHEZ: Do you have a date?
 7 MR. MCCONVILLE: It's February
 8 12th.
 9 MS. SANCHEZ: Of 2025?
 10 MR. MCCONVILLE: I indicate in my
 11 email to Ashley that we discussed the
 12 possibility of obtaining a use variance,
 13 we're going through the process of rezoning
 14 the parcel from light industry to
 15 residential. Mr. Mathews indicated that
 16 rezoning the parcel would be preferable and
 17 indicated that the process should be
 18 initiated by the titleholder.
 19 So we were attempting to be
 20 cooperative [unintelligible] through the
 21 Township.
 22 MR. REED: I would like to make a
 23 comment to that.
 24 MR. LOWE: Sure.
 25 MR. REED: I did speak with our

1 attorney, our legal team, Mr. Mathews
 2 several times about this over the past
 3 week, and he did inform me that they had a
 4 conversation. His understanding was that
 5 he was giving information on a procedural
 6 basis, not on a recommendation of any
 7 rezoning or any support of rezoning, but
 8 procedural information on what the process
 9 would be and which process to take. That's
 10 what he informed me.

11 MR. MCCONVILLE: Yeah, and I
 12 didn't -- you know, I don't want to imply
 13 that he was putting his thumb on the scale
 14 as to what you all should do with the
 15 application, he was simply saying that he
 16 thought the best route for us to take
 17 procedurally was the route that we've
 18 taken. So it was a conversation that was
 19 limited to the procedure.

20 MR. LOWE: I have a quick question
 21 for the Applicant. Since there are only
 22 three members of the Commission here, in
 23 order to successfully pass a motion all
 24 three of us have to vote in the same way.

25 Would there be a preference to --

1 for the Commission to table the motion for
 2 a greater attendance of the Commission, or
 3 would you prefer to start the clock and
 4 have us send this to the Trustees for their
 5 next meeting?

6 MR. MCCONVILLE: Can I ask you a
 7 question?

8 MR. LOWE: Hopefully I may know
 9 the answer, I'm not sure.

10 MR. MCCONVILLE: My understanding
 11 is that the Commission makes
 12 recommendation --

13 MR. LOWE: Right.

14 MR. MCCONVILLE: -- and that the
 15 Trustees are not bound necessarily by the
 16 recommendation, that they'll consider the
 17 evidence all over again --

18 MR. LOWE: Correct.

19 MR. MCCONVILLE: -- certainly
 20 taking your recommendation into
 21 consideration, but they're not bound by it;
 22 is that accurate?

23 MR. LOWE: Yes.

24 MR. MCCONVILLE: Can you give us a
 25 moment?

1 MR. LOWE: Sure. Justin, am I
 2 right that once we --

3 MR. REED: You are correct.
 4 MR. LOWE: -- start a clock that
 5 the Trustees have to act?

6 MR. REED: How this works is
 7 you're a recommending body --
 8 MR. LOWE: Right.
 9 MR. REED: -- so the decision here
 10 does not -- if you were to vote yes or no,
 11 the decision here is not the deciding
 12 factor in the rezoning or the map
 13 amendment.

14 MS. SANCHEZ: So you're saying
 15 we're really important.

16 MR. REED: Yes, yes. So you make
 17 a recommendation one way or another, and
 18 then that recommendation is sent to the
 19 Trustees. You'll provide that
 20 recommendation to the Trustees. And then
 21 after they receive that recommendation,
 22 within 30 days at the next Board meeting,
 23 they will hear the case and vote on it.
 24 You know, they look at your recommendation,
 25 but they also hear the case again and they

1 vote on it.

2 MR. LOWE: But if we table it,
 3 right, that delays the clock for the --

4 MR. REED: Yes. So --

5 MR. LOWE: -- Trustees to act?

6 MR. REED: Yes. If it is tabled,
 7 it won't move on to the next step at this
 8 point in time, it will table to the next
 9 meeting that you guys are available, and
 10 then you would vote at that point in time.
 11 It won't go to the Trustees until it gets
 12 through recommendation here.

13 MR. LOWE: And I was offering that
 14 as a courtesy because we have a quorum of
 15 three and our zoning requirements require a
 16 vote of three to move the motion forward,
 17 so it would have to be unanimous.

18 MR. MCCONVILLE: In order to pass
 19 you need a majority of the body --

20 MR. LOWE: Yes.

21 MR. MCCONVILLE: -- not a majority
 22 of the quorum?

23 MR. LOWE: Right.

24 MR. MCCONVILLE: Okay. You know,
 25 one question I had, do we know whether

1 there had been any efforts to develop any
 2 of that light blue area as light
 3 industrial?

4 I mean, it just seems to me that
 5 if the rezoning of those parcels wasn't
 6 recent, if it occurred some time ago, that
 7 that would be a pretty good indication that
 8 people have elected over time to kind of
 9 stay and to hold, and that that
 10 neighborhood has real integrity, that the
 11 owners transfer to transfer on maintaining.

12 Do we know whether there have been
 13 efforts at development within that small
 14 area?

15 MR. LOWE: Do you have something
 16 to add there, Justin?

17 MR. REED: I can add that we have
 18 development in the Retail Business District
 19 area, and nothing has at this point pushed
 20 into that area yet. I think the hope is
 21 that once that area starts getting
 22 developed out, it will spur more growth.

23 So as of right now, there's a
 24 large development proposed on the northeast
 25 corner of Stearns and Bagley, potentially

1 one on the south side of Bagley, west of
 2 Sterns. So as that TCPD, Town Center
 3 Planned Development, builds out, I believe
 4 the hope when it comes to economic
 5 development is that once businesses see
 6 proof, then more start to come to the area.
 7 So I think that's -- but nothing at this
 8 point in time that I'm aware.

9 MS. KILBANE: What was the -- what
 10 did you think was the date of the rezoning
 11 was? You said --

12 MR. REED: I said that I don't
 13 know the date of the rezoning. In
 14 conversations with the Trustee prior to the
 15 meeting, I was informed that it's been over
 16 20 years, but I don't know an exact date at
 17 this point in time. We can try to gather
 18 that information at the Trustee meeting so
 19 that we can have the date of, you know,
 20 when the rezoning occurred, but from my
 21 understanding, it was some time ago.

22 MR. MCCONVILLE: I don't want to
 23 be argumentative, but I do want to comment
 24 that, you know, if you look at the vicinity
 25 map that we included as part of our

1 application, there are parcels in that red
 2 area that are also still used
 3 residentially.

4 It also occurs to me that the
 5 conservation property that's to our east
 6 and along the border of our property is
 7 somewhat of a firewall to that idea,
 8 because it will never be developed. It
 9 can't be, it's restricted by deed
 10 restrictions that are put in place by the
 11 land conservancy. So that land will remain
 12 as it is today, probably in perpetuity.
 13 That's something to consider in terms of
 14 how that whole section would look going
 15 forward.

16 MR. LOWE: Any other questions or
 17 comments from the Board?

18 MR. REED: I'll make one
 19 comment --

20 MR. LOWE: Sure.

21 MR. REED: -- before the Board has
 22 any questions or comments.

23 MR. LOWE: Sure.

24 MR. REED: Per the code -- and I
 25 know I've mentioned this before -- the

1 Zoning Commission shall within 30 days
 2 after such public hearing recommend one of
 3 the following, that the amendment be
 4 approved as requested, the amendment be
 5 denied.

6 So if you decide to make a motion
 7 tonight, you know, those would be -- it'd
 8 either be making a motion to approve the
 9 amendment as requested to make a
 10 recommendation to approve the amendment as
 11 requested or a recommendation to the
 12 Trustees the amendment be denied. So those
 13 are your options as far as what motion you
 14 guys decide to make tonight.

15 MS. SANCHEZ: I guess this is a
 16 good time to do board discussion.

17 MR. LOWE: Okay. Yeah, we're
 18 ready to open up for discussion among the
 19 Board.

20 I guess I'd say I'm heavily
 21 sympathetic to the situation. I don't want
 22 to set a precedent for Spot Zoning. I
 23 think there's maybe another way. I agree
 24 that the current character of the
 25 neighborhood is residential. I think it

1 would take a long time for that to change.
 2 It would require a lot of property owners
 3 to sell for commercial and light industrial
 4 uses. So I don't think we should be Spot
 5 Zoning parcels.

6 MS. SANCHEZ: Yeah, I have -- I've
 7 been taking a lot of notes and I have a lot
 8 of things that are floating in my head. I
 9 am also extremely sympathetic because I
 10 think like it just makes sense for a house
 11 to be there. I personally live on
 12 three-and-a-half acres in the Township, and
 13 I know it's really rare to get something
 14 like that, and I love my home -- I was just
 15 talking about this like an hour ago -- and
 16 I think it would be amazing for another
 17 family to come in and live on a parcel like
 18 that.

19 My concern -- our role as the
 20 Zoning Board, we were told this is the
 21 Comprehensive Plan, this is the vision of
 22 the future of the Township, and we were
 23 told, like, these are the concerns that
 24 people have and we want to stick to it,
 25 and where I'm thinking with that is we have

1 residential areas like where I live in the,
 2 like on the Lewis Road District, which is
 3 like rural residential, and there's all of
 4 these requests to change that, to make it
 5 development, and so we're trying to stop
 6 Spot Zoning there, but then to do Spot
 7 Zoning in other areas of the Township that
 8 concerns me. And also just the purpose of
 9 the Comprehensive Plan was we need industry
 10 in the Township because our taxes are
 11 outrageous and we have no way to bring in
 12 industry or build a tax base, so I'm like
 13 balancing all of those things because I
 14 think that they're absolutely like -- you
 15 should be able to build your house there,
 16 just trying to think of, like, the best
 17 solution for the Township long term.

18 I know you started this out by
 19 saying Spot Zoning is constitutional, and I
 20 do know that when we were doing our
 21 training as the Zoning Board, we were told
 22 that Spot Zoning, it may be legal, but it's
 23 strongly discouraged. And there were a
 24 number of factors that we were supposed to
 25 consider whenever we should do Spot Zoning.

1 And I know one of those was public outcry.
 2 And here we have all of the neighbors who
 3 are in support and think this should be
 4 residential, so that weighs in favor.

5 So I just have a lot of different
 6 ideas that are percolating in my head and
 7 I'm trying to do my best job as a member of
 8 the Zoning Board to take all of these
 9 factors into account and make sure that
 10 we're doing our job properly.

11 I also think it's a shame that,
 12 you know, this two-year timeframe just
 13 lapsed.

14 MS. KILBANE: Well, with respect
 15 to your former building commissioner did
 16 make that comment, it was within the two
 17 years.

18 MS. SANCHEZ: Exactly, that was
 19 within the two years, but it's been -- that
 20 was 2022 and now we're in 2025, so more
 21 than two years have passed since that
 22 contact.

23 MS. KILBANE: I mean, that's
 24 everything [unintelligible] when we talked
 25 to the Building Commissioner at the meeting

1 [unintelligible] --

2 MR. REED: Is that all you had? I
 3 was just going to get it on the record if
 4 you had anything else to say.

5 MS. KILBANE: Oh, sorry.

6 MS. SANCHEZ: I think we're
 7 actually in floor discussion there, so
 8 there shouldn't really be comments right
 9 now anyways, so it's okay.

10 MR. REED: Oh.

11 MR. LOWE: I understand your
 12 comments though.

13 Anything else?

14 Melanie?

15 MS. OSELAND: No.

16 MR. LOWE: As Mr. Reed had said
 17 the purpose of the Zoning Commission is to
 18 make recommendations to the Township and
 19 the Trustees are the final arbiter here, so
 20 I'm ready to make a motion if the
 21 Commission is ready.

22 I move to recommend denial to the
 23 Board of Trustees for Application No.
 24 24OLMT-ZC002, the rezoning of Parcel No.
 25 264-19004 to its current zoning

1 classification of L-1, light industry, to
 2 R-40, single-family. Do I hear a second?
 3 MS. OSELAND: Second.
 4 MR. LOWE: If the Vice Chair could
 5 please call the roll.
 6 MS. SANCHEZ: Okay. Sean Lowe?
 7 MR. LOWE: Yes.
 8 MS. SANCHEZ: Melanie Oseland?
 9 MS. OSELAND: Yes.
 10 MS. SANCHEZ: Ashley Sanchez? I'm
 11 going to say "no", which would approve the
 12 Spot Zoning, but it doesn't matter anyways,
 13 right?
 14 MS. KILBANE: [Unintelligible].
 15 MR. LOWE: Well, my motion was to
 16 deny the --
 17 MS. SANCHEZ: Exactly.
 18 MR. LOWE: Yeah.
 19 MS. SANCHEZ: So your motion is to
 20 deny?
 21 MR. LOWE: Yes.
 22 MS. SANCHEZ: And you're voting
 23 "yes"?
 24 MR. LOWE: To deny.
 25 MS. SANCHEZ: Yes.

1 MR. LOWE: Yes.
 2 MS. SANCHEZ: And you vote yes to
 3 deny. I'm voting no to approve --
 4 MR. LOWE: I see.
 5 MR. REED: And I will say --
 6 MS. SANCHEZ: -- but it doesn't
 7 matter.
 8 MR. REED: -- I will just say
 9 procedurally I will have to check with the
 10 Law Director to determine -- because you
 11 only have three, it won't actually go
 12 through --
 13 MS. SANCHEZ: Right.
 14 MR. REED: -- so I don't know if
 15 it'll go to the next step to the Trustees.
 16 They might have to come back before the
 17 Zoning Commission again, so I will have to
 18 check with the Law Director on that if
 19 there's not a --
 20 MR. LOWE: Approved motion.
 21 MR. REED: Approved motion, yeah.
 22 So I want to let you know that.
 23 MR. LOWE: So we would be
 24 adjourning the meeting without having
 25 passed the motion.

1 MR. REED: Sounds like that to me.
 2 I would have to check with the Law Director
 3 on that, but I believe that that is the
 4 point of the -- only having three members
 5 --
 6 MR. LOWE: Right.
 7 MR. REED: -- of the Board --
 8 MR. LOWE: Right.
 9 MR. REED: -- just so you're
 10 aware.
 11 MR. LOWE: Right. Okay. So the
 12 motion fails because the three -- we did
 13 not have three votes to pass --
 14 MR. REED: I believe that -- I
 15 believe that to be true. So I believe that
 16 -- I will check with the Law Director and
 17 determine if that's accurate, but I'm
 18 pretty sure that that is accurate and at
 19 that point I would have to find out what
 20 the next steps would be, if they have to
 21 reapply to the Zoning Commission or if they
 22 just go on to the next meeting, I'll have
 23 to check on that.
 24 MR. LOWE: Okay.
 25 MR. KILBANE: Mr. Reed, should we

1 have a meeting? Do you have any other
 2 suggestions or is there anything that we
 3 could do to get -- come to an
 4 understanding --
 5 MR. REED: I think --
 6 MR. KILBANE: -- to hopefully get
 7 this resolved?
 8 MR. REED: I think I'd have to
 9 leave that to the process of what the Code
 10 allows. And, you know, the formal
 11 processes would be to go through the
 12 Boards. And so administratively we have no
 13 way of approving it, you have to go through
 14 either the Zoning Commission and the
 15 Trustees or to the Board of Zoning Appeals.
 16 MR. LOWE: Could we have these
 17 conversations outside of the meeting?
 18 MR. REED: Yes, we could have
 19 conversations outside of a meeting.
 20 MR. MCCONVILLE: I would just ask
 21 if we could get a prompt response from the
 22 Law Director on where we stand
 23 procedurally, whether we're going to be --
 24 MR. REED: I will find out.
 25 MR. MCCONVILLE: --

1 [unintelligible] I don't think we should be
 2 forced to file another application. In
 3 other words, I think we should be back
 4 before you with a full Board or preferably
 5 since you did have a vote of one, that we
 6 be put on the Trustee's agenda since
 7 there's a time [unintelligible] anyway.

8 MR. REED: I will check with the
 9 Law Director and we will find out after the
 10 close of the meeting. I am hopeful that
 11 I'll know tomorrow.

12 MR. MCCONVILLE: Okay. Thank you.

13 MR. REED: So we'll let the Board
 14 to continue with their process.

15 MR. LOWE: The date of the next
 16 regularly-scheduled meeting of the Zoning
 17 Commission is June 26th, 2025 at 7:00 PM.

18 Do I hear a motion to adjourn?

19 MS. SANCHEZ: I make a motion to
 20 adjourn.

21 MR. LOWE: Okay. If you could
 22 please call the roll.

23 MS. SANCHEZ: Okay. Sean Lowe?

24 MR. LOWE: Yes.

25 MS. SANCHEZ: Melanie Oseland?

1 C E R T I F I C A T E

2
 3 I, MARK WILLIAMS, a Notary Public within
 4 and for the State of Ohio, do hereby certify that
 5 I attended the foregoing hearing in its entirety,
 6 that I wrote the same in stenotypy, and that this
 7 is a true and correct transcript of my
 8 computer-aided notes.

9 IN WITNESS WHEREOF, I have hereunto set my
 10 hand and seal of office, at Cleveland, Ohio, this
 11 21 day of JUNE A.D. 2025.

12
 13
 14
 15 MARK WILLIAMS - e-signature

16
 17 MARK WILLIAMS, Notary Public, State of Ohio
 17 My Commission expires June 12, 2027

1 MS. OSELAND: Yes.

2 MS. SANCHEZ: Ashley Sanchez?

3 Yes.

4 MR. LOWE: Meeting adjourned at
 5 8:07 PM.

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