

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETING MINUTES**

Tuesday, August 9, 2022

Painesville Township Office 55 Nye Rd. Painesville Twp., OH, 44077

Present: Dave Enzerra, Dave Lindrose, Ken Sullivan, Randy VanBuren, Tom Hill
Absent: None
Zoning Inspector: Harley DeLeon
Legal Counsel: Jeremy Iosue

Chairman Tom Hill called the meeting to order at 6:30 P.M. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

Legal Advisor Jeremy Iosue swore in persons who were present to speak, and intended to testify during the Public Hearing.

Public Hearing:

- **Case 2022-0021-BZA:**

Applicants Angela M & Mark E Painter submitted an Variance Application for property located at 54 Bristol Ave. (PPN 11-A-024-A-00-037-0). The request is to allow construction of a 30' by 40' attached garage addition proposed to maintain a set back from the road right of way of thirty three (33) feet in violation of Section 14.03(A)(1) which requires that no structure shall be located any closer than fifty (50) feet to the road right of way.

Chairman saw no error in the Zoning Inspector requiring a variance.

Matt Schaffer, a contiguous neighbor, spoke for the request.

Mark Painter, the applicant, spoke for the request. Mr. Painter explained that due to funds, the construction of a driveway is not feasible.

A discussion was held regarding the measurement of the road right of way from the property being discussed.

Chairman asked the applicant when the property had been acquired.
Mr. Painter responded two (2) years prior.

There was no one to speak against the request.

Dave Lindrose asked if the driveway would be widened.
The applicant responded that gravel would be added to the proposed garage.

Chairman asked if the applicant would be the one to build the proposed garage.
Mr. Painter replied yes.

Chairman entertained a motion.

Ken Sullivan made a motion to approve **Case 2022-0021-BZA**. Dave Lindrose seconded.

Roll Call: Enzerra; Aye, VanBuren; Aye, Sullivan; Aye, Lindrose; Aye, Chairman; Aye.
Motion carried.

Chairman explained to the applicant the process of journalizing the case.
Mr. Painter would like **Case 2022-0021-BZA** journalized.

Randy VanBuren made a motion to journalize **Case 2022-0021-BZA**. Dave Enzerra seconded.

Roll Call: Sullivan; Aye, Enzerra; Aye, Lindrose; Aye, VanBuren; Aye, Chairman; Aye.
Motion carried.

- **Case 2022-0022-BZA:**

Applicant Kurtz Bros. INC. submitted a Conditional Use Application for property located at 775 Hardy Rd. (PPN 12-A-051-0-00-012-0). The proposed project consists of the excavation of 150 to 200 thousand yards of clay from a 7 acre site. The total depth of excavation will be 35 feet and the project is scheduled to run until the year 2032. The proposed elevation after reclamation of the site will be near if not the same as the site's current elevation.

Zoning Inspector Harley DeLeon let the Board know that the applicants for Case 2022-0022-BZA were not able to attend the Public Hearing, and would like the case to be continued for the September Meeting.

A discussion with Legal Advisor Jeremy Iosue was held if the case needed to be read into record.
A discussion was held with Legal Advisor Jeremy Iosue pertaining to a new Legal Notice needing to be sent if not read into record.
Zoning Secretary Rachel Muro, read the case for the record.

Chairman saw no error in the Zoning Inspector requiring a conditional use.

Chairman entertained a motion.

Dave Lindrose made a motion to continue **Case 2022-0022-BZA** for the September Meeting. Dave Enzerra seconded.

Roll Call: VanBuren; Aye, Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Chairman; Aye.
Motion carried.

A discussion was held regarding Case 2022-0022-BZA being added under "Old Business" for the September Meeting.

- **Case 2022-0023-BZA :**

Applicant Jennifer M Johnston submitted an Variance Application for property located at 126 Doan Ave. (PPN 11-A-015-H-00-009-0). The request is to allow installation of approximately 126 lineal feet proposed to maintain a setback from the road right of way eighteen (18) inches in violation of Section 6.14(E) which requires that no portion of any fence shall be any closer to the road right of way line than five (5) feet.

Chairman saw no error in the Zoning Inspector requiring a variance.

Jennifer Johnston spoke for the request. The applicant explained that she would like to build a fence for the safety of her family.

Chairman asked if the property was inside the sidewalk on Everett Rd.
Applicant responded yes.

Chairman asked if a gate was in the front of the property.
Applicant responded no.

Legal Advisor Jeremy Iosue swore in a person to testify at the Public Hearing.
Chris Champion spoke for the request. Mr. Champion would like to build the fence as close to the sidewalk to optimize use of the property for his family.

Chairman asked if the tree lawn on Everett Rd. was maintained by the applicant.
Applicant responded yes, and would continue to maintain the tree lawn.

Zoning Inspector Harley DeLeon let the Board know that the lot in question was smaller and would be more restricted.

There was no one present to speak against the request.

Dave Enzerra asked regarding the measurement from the sidewalk on Everett Rd.
The applicant explained that a tree was currently as far as they could go on their lot close to the sidewalk on Everett Rd.

Dave Lindrose asked regarding where the proposed fence would start and end.
The Applicant explained that the fence would start on one back corner of their garage, wrap around the back of their property, and end on the back corner of the other side of their home.

Chairman entertained a motion.
Dave Lindrose made a motion to approve **Case 2022-0023-BZA**. Ken Sullivan seconded.

Roll Call: Lindrose; Aye, VanBuren; Aye, Sullivan; Aye, Enzerra; Aye, Chairman; Aye.
Motion carried.

Dave Enzerra made a motion to journalize **Case 2022-0023-BZA**. Dave Lindrose seconded.

Roll Call: Sullivan; Aye, Enzerra; Aye, VanBuren; Aye, Lindrose; Aye, Chairman; Aye.
Motion carried.

- **Case 2022-0024-BZA :**

Applicant Morris 1545 Mentor Avenue LLC submitted a Variance Application for property located at 1545 Mentor Ave. (PPN 11-A-011-0-00-014-0). The request is to allow a 1,741 square foot commercial expansion with a proposed rear yard setback of 7.5' at the nearest point in violation of Section 22, Table 22.04 which requires that no portion of the main building shall be closer than 25' to the rear lot line.

Chairman saw no error in the Zoning Inspector requiring a variance.

Brian Morris spoke for the request. Mr. Morris gave a brief history of his business in Painesville Township, leading to his current location being discussed. Mr. Morris explained that the building had been a bank prior to him owning it, and would like to enclose the drive-thru using the current roof, adding walls. He would like to repurpose this space for office space to expand his business. Mr. Morris explained the drawings enclosed with the application. Mr. Morris let the Board know that he has a verbal agreement with Crystal Property, owner of the road behind Mr. Morris's business, that he can make this change to the building.

Chairman asked if parking would be changed.
The Applicant replied no.

There was no one to speak against the request.

Dave Enzerra asked if the applicant foresaw any parking issues in the back of the building, by closing off the drive-thru.

The applicant replied no. The applicant replied that the direction to park may need to be changed.

Dave Lindrose asked if the existing columns would stay.
The applicant replied yes, and incorporated inside the room(s).

Chairman entertained a motion.

Randy VanBuren made a motion to approve **Case 2022-0024-BZA**. Ken Sullivan seconded.

Roll Call: Lindrose; Aye, Sullivan; Aye, VanBuren; Aye, Enzerra; Aye, Chairman; Aye.
Motion carried.

Ken Sullivan made a motion to journalize **Case 2022-0024-BZA**. Dave Enzerra seconded.

Roll Call: Lindrose; Aye, Enzerra; Aye, Sullivan; Aye, VanBuren; Aye, Chairman; Aye.
Motion carried.

Closing of Public Hearing:

Dave Enzerra made a motion to close the Public Hearing at 6:57 P.M. Ken Sullivan seconded.

Roll Call: VanBuren; Aye, Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Chairman; Aye.
Motion carried.

Regular Meeting:

Chairman asked the Board if there were any comments or edits to the **July 12, 2022 Meeting Minutes**. Hearing none.

The **July 12, 2022 Meeting Minutes** were approved as submitted.

A discussion was held regarding **Case 2022-0017-BZA** from the July 12, 2022 Meeting. This does not affect the approval of the July 12, 2022 Meeting Minutes.

A discussion was held regarding voting to close the Public Hearing.

Zoning Secretary Rachel Muro needed clarification that a vote will now be added at future meetings to close the Public Hearing.

A discussion was held with Legal Advisor Jeremy Iosue regarding the approved variance for Case 2022-0017-BZA following the proposed land.

Zoning Inspector Harley DeLeon let the Board know that anyone who benefits from a variance, be present at a meeting.

A discussion was held regarding a time frame to be added as a condition to a variance for instances of proposed homes possibly being built. A follow up from Legal would be needed.

Old Business:

- **Case 2022-0004-BZA :**

Applicants Angelo and Mary Izzi submitted an Agricultural Conditional Use Application for property located at 91 Garfield Dr. (PPN 11-A-015-E-00-008-0). The request is to remove the requirement for a corral and to permit animal husbandry of a total of two miniature ponies.

Case 2022-0004-BZA will be continued and kept under Old Business until the September meeting.

New Business:

A discussion was held regarding rescheduling the September 13, 2022 Meeting, as most of the Board Members would not be able to attend.

The Board agreed to reschedule the September Meeting for Tuesday, September 27, 2022.

A discussion was held regarding advertising that the Meeting has been rescheduled.

A discussion was held regarding the continued case, **2022-0022-BZA**.

Chairman adjourned the meeting at 7:18P.M.

Next official meeting date is Tuesday, September 27, 2022.

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Secretary