

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETING MINUTES
Tuesday, March 12, 2024
Painesville Township Office 55 Nye Rd. Painesville Twp., OH, 44077**

Present: Tom Hill, Dave Lindrose, Dale Lewis
Absent: Dave Enzerra, Ken Sullivan, Randy VanBuren
Zoning Inspector: Harley DeLeon
Legal Counsel: Mandy Gwirtz

Chairman Dave Enzerra 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 Mandy Gwirtz swore in with each case, persons who were present to speak, and intended to testify during the Public Hearing.

Public Hearing:

The Board started with Case 2024-0004-BZA, as the Applicant for Case 2024-0001-BZA arrived later to the Meeting.

- **Case 2024-0004-BZA:**

Applicant DAV Rentals LLC submitted a Variance Application for property located at 500 Park Rd. (PPN 11-B-033-C-00-006-0) The request is to permit the current utilization of property zoned R-1 to be used as a landscape company headquarters in violation of Section 14.01 which requires that the uses permitted in the R-1 zoning district shall be limited to single family detached dwellings or public service facility operated by or on the behalf of the Board of Trustees of Painesville Township.

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

Brandon Dynes, attorney for DAV Rentals LLC, spoke for the request. He gave a brief history of the property in question. Mr. Dynes gave a brief history of the headquarters for the property. He gave a brief update regarding what businesses the applicant had. Mr. Dynes explained cases that were attached to the application packet for examples for the Board to review. Mr. Dynes discussed the Duncan Factors regarding the application.

Robert Davlin, applicant, was sworn in.

A discussion was held regarding any sales made of agricultural products from the property. Products grown from the property.

A discussion was held regarding letters included with the application from neighboring residences to the property.

A discussion was held regarding building a live in residence on the property.

A discussion was held regarding an older letter between the Applicant and a previous Zoning Inspector that detailed what the property could be used as.

A discussion with Staff was held regarding what was being asked for in the Application. Staff let the Board know that a Violation Case was currently being held against the Applicant, and what that entailed.

A discussion was held regarding how the property has changed since the applicant has been in front of the Board from a previous variance granted.

Staff gave a brief history of the applicant purchasing the property, and responses between Staff and the Applicant regarding the use of the property. This included complaints from contiguous properties. Staff inspections were conducted on the property with discussions with the applicant. Photos of the inspections were included with the Application Packet.

Robert Davlin explained what improvements he has made to the property as a Nursery, and eliminating any of his other businesses. Equipment currently on the property will be used to maintain the property.

There was no one else present to speak for the request.

A letter was read outloud from a contiguous neighbor.

There was no one present to speak against the request.

Brandon Dynes, attorney for the Applicant, asked if conditions could be set for the Applicant to improve the property, for the Variance to be approved.

A discussion was held with Legal regarding the issues currently with the property and setting conditions.

A discussion was held with the Applicant, Robert Davlin, what would be needed or not needed for a Variance or Agricultural Use.

A discussion was held regarding the current state of the property in question.

A discussion was held about what the Variance Application was for.

A discussion was held that the request was to store products, materials, and equipment that is currently on the property that can also be used for landscape purposes that are for Agricultural Use.

Clarification was needed regarding what the Applicant was needing with the Variance Application. A discussion was held.

A discussion was held regarding the phasing out of a landscape business and the Applicant only having a Nursery. Mulching may or may not continue, and equipment for mulching will be stored on the property.

A discussion was held with Legal regarding amending the Variance.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2024-0004-BZA** with the description of storage of Nursery Agricultural landscape equipment, vehicles, materials and discarded landscape materials.

Dale Lewis seconded.

Roll Call: Lindrose; Nay, Lewis; Nay, Chairman; Nay.
Motion denied.

- **Case 2024-0001-BZA:**

Applicant Mohammad Qatrawi submitted a Conditional Use Application for property located at 1435 Mentor Ave. (PPN 11-A-011-0-00-004-0) The request is for a drive thru and outdoor storage of propane, ice, and U Haul rental vehicles.

Mohammad Qatrawi, applicant, let the Board know that the Drive Thru would be eliminated from the Application.

Chairman saw no error in the Zoning Inspector requiring a Conditional Use.

A discussion was held regarding the number of UHaul Trucks the gas station would have.

Staff shared a discussion regarding UHaul Trucks that was held with previous owners of the gas station. The discussion was also held with the applicant.

A discussion was held setting a condition for paving for parking space for UHaul Trucks.

A discussion was held where the storage for propane and ice were located on the property.

Clarification was needed for the Board that the applicant was a new owner of the property, a new Conditional Use would be needed.

A discussion was held regarding properly parking the UHaul Trucks, proper amount of customer parking, and eventually paving for the UHaul Trucks. Possibly setting a date to pave as a condition.

There was no one else present to speak for the request.

There was no one present to speak against the request.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2024-0001-BZA** with the condition(s) as follows:

1. No Drive Thru
2. Outdoor storage of propane, ice, and UHaul Vehicles
3. UHaul Vehicles parked on pavement with no more than four (4) UHaul Vehicles
4. Five (5) year term

Dale Lewis seconded.

Roll Call: Lindrose; Aye, Lewis; Aye, Chairman; Aye.
Motion carried

Closing of Public Meeting:

Dale Lewis made a motion to close the Public Hearing. Dave Lindrose seconded.

Roll Call: Lindrose; Aye, Lewis; Aye, Chairman; Aye.

Motion carried.

Regular Meeting:

The **February 12, 2024 Meeting Minutes** were approved as submitted.

Old Business: None

New Business:

A discussion was held to move the April 9, 2024 Meeting to Tuesday, April 16, 2024. The Meeting will be moved and rescheduled for Tuesday, April 16, 2024 at 6:30 P.M.

Meeting Adjournment:

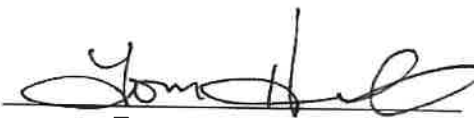
Dale Lewis made a motion to adjourn the meeting at 7:54 P.M. Dave Lindrose seconded.

Roll Call: Lewis; Aye, Lindrose; Aye, Chairman; Aye.

Motion carried.

Next official meeting date is Tuesday, April 16, 2024.

Respectfully submitted,


Tom Hill, Chairman


Rachel Muro, Secretary