

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

Tuesday, July 13, 2021

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

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

Vice-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 Jason Hartzell swore in persons who were present to speak, separately with each case; and intended to testify during the public hearing.

Public Hearing:

- **Case 2021-0001-BZA:**

Applicant David & Roni Schimmels filed a Variance Application for property located at 366 Appletree Dr. (PPN 11-A-018-C-00-082-0). The request is to allow the installation of 75 lineal feet of ten (10) feet tall privacy fencing in violation of Section 6.13(B)(3) which requires that fencing shall not exceed six (6) feet in height in the R-1 zoning district.

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

Roni Schimmels, applicant, spoke for the request.

Roni Schimmels stated that she would like to improve her property, and would like a taller fence for privacy. Mrs. Schimmels continued that a 10 ft (ten) fence is what is being applied for, but that an 8 ft (eight) deck work too.

Sean Wittie of 1199 Heatherstone Dr. spoke in favor of the request.

David Schimmels, applicant, spoke for the request. Mr. Schimmels reiterated that he would like privacy and to improve his property.

Marty Astrup of 360 Appletree Dr. spoke in favor of the request.

Vice-Chairman asked if there was anyone to speak against the request. Hearing none, Vice-Chairman asked if the Board had any comments or questions.

Dale Lewis asked the applicant if the fence would be professionally installed or installed by the applicants themselves.

David Schimmels replied either depending on price.

Dale Lewis asked if a survey of the property had been done.

David Schimmels replied yes, and that the survey was included with the application.

Ken Sullivan asked what material the applicant would use for the fence.

David Schimmels replied that he would use wood.

Ken Sullivan asked if one side of the property would be fenced or the whole property.

The Schimmels replied that all four sides would be fenced. Three sides would be 6 (six) feet, and the fourth side would be the 10 (ten) foot fence. The applicants let the Board know that if 10 (ten) feet was too much, an 8 (eight) foot fence could help too; if the Board would approve an 8 (eight) foot fence.

A discussion was held pertaining to revising the application if the Applicants so chose to. The Applicants agreed.

Vice-Chairman stated that emails from contiguous neighbors for and against the request had been received and read. Vice-Chairman also let the Board know that pictures of the property were included with the application.

Vice-Chairman let the Board know that he would read the 7 (seven) Duncan Factors that the board is required to review for an area variance with some explanation on which condition(s) are being affected by the application. Vice-Chairman would then ask the Applicant questions pertaining to the pictures attached to the application. Then allow the Board to discuss the application.

The 7 (seven) conditions are as follows:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services from ex. water, sewer, or garbage.
5. Whether the property owner purchased the property with knowledge of the zoning restrictions.
6. Whether the property's owner's predicament feasibility can be obviated through some method other than a variance.
7. Whether the spirit and intent behind the zoning requirement would be observed in substantial justice done by granting the variance.

Vice-Chairman asked the Applicant to show the Board where the fence would be placed from the pictures provided.

A discussion was held pertaining to 8 (eight) feet being needed for privacy.

Ken Sullivan asked if Zoning Inspector Harley DeLeon had visited the property, and a neighboring property.

A discussion was then held regarding a neighboring property to the applicants.

A discussion was held regarding any other privacy measures the applicants have discussed.

Vice-Chairman stated that the Board could vote on a ten (10) foot fence, or the Applicants could amend their application for an 8 (eight) foot fence for the Board to vote on. Or the Applicants could install a six (6) foot fence not needing a Variance.

The Applicants replied they would like to see what the Board approved.

Dave Lindrose needed clarification on the amended application for an eight (8) foot fence.

The Applicants would install an eight (8) foot fence with six (6) by six (6) posts that are eight (8) feet out of the ground. The fence would be located on the south side of the home. The posts would be eight (8) feet apart.

A discussion was held regarding being able to establish stipulations on Variances.

Zoning Inspector Harley DeLeon explained that the applicants could restate their amended application for record.

The Board had the applicants restate their amended application.

David Schimmels, applicant, stated that he is asking for a variance for an eight (8) foot fence proposing installation with six (6) by six (6) posts with a recommended depth based on the Lake County Building Department. Above grade height of eight (8) feet on the six (6) by six (6) posts. The posts would be located every eight (8) feet. The fence will be located on the South property line on the rear of the property only.

A discussion was held pertaining to amending the request to include an additional lineal feet, and possibly needing to hold another Public Hearing for that request as it was an increase to what was put in the current Legal Notice.

Zoning Inspector Harley DeLeon had to restate the amended variance for Zoning Secretary Rachel Muro, for record.

Harley DeLeon stated that the Variance request is for an eight (8) foot tall wooden privacy fence, a total of 75 lineal feet. The construction would consist of six (6) by six (6) posts with a post hole depth as required by the Lake County Building Department. The post height above grade would be eight (8) feet tall and would be placed eight (8) feet apart. The fence will be located starting at the south side of the home from the rear corner towards the rear property line with a length of 75 lineal feet.

Vice-Chairman asked if the Board had any comments or questions. Hearing none. Vice-Chairman asked the Board to make a motion.

Randy VanBuren made a motion to approve the Variance Number **2021-0001-BZA** with the conditions as stipulated. Dave Lindrose seconded.

Roll Call: Sullivan; Aye, Lewis; Aye, VanBuren; Aye, Lindrose; Aye, Vice-Chairman; Aye.
Motion carried.

Dave Lindrose made a motion to journalize **Case 2021-0001-BZA**. Ken Sullivan seconded.

Roll Call: Lindrose; Aye, Sullivan; Aye, VanBuren; Aye, Lewis; Aye, Vice-Chairman; Aye.
Motion carried.

Regular Meeting:

Vice-Chairman asked if the Board had any edits to the June 8, 2021 Meeting Minutes. Hearing none. Vice-Chairman asked the Board to make a motion to approve the **June 8, 2021 Meeting Minutes**. Ken Sullivan made the motion to approve the **June 8, 2021 Meeting Minutes** as submitted. Randy VanBuren seconded.

Roll Call: Lindrose; Aye, VanBuren; Aye, Sullivan; Aye, Lewis; Aye, Vice-Chairman; Aye.
Motion carried.

Old Business: None

New Business:

- Residents had come to the meeting to ask about an Agricultural Conditional Use Permit. Zoning Inspector Harley DeLeon helped the residents and explained the application process.

Chairman entertained a motion to adjourn the meeting at 7:15 P.M.
Randy VanBuren made a motion to adjourn the meeting. Ken Sullivan seconded.

Roll Call: Sullivan; Aye, VanBuren; Aye, Lewis; Aye, Lindrose; Aye, Vice-Chairman; Aye.
Motion carried.

Next official meeting date is Tuesday, August 10, 2021.

Respectfully submitted,



Dave Enzerra, Vice-Chairman



Rachel Muro, Secretary