

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

Thursday, July 20, 2023

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

Present: Randy VanBuren, Dale Lewis, DaveENZerra, Dave Lindrose, Tom Hill
Absent: Ken Sullivan
Zoning Inspector: Sean Ischay
Legal Counsel: Mandy Gwartz

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 Mandy Gwartz swore in persons who were present to speak, and intended to testify during the Public Hearing.

Public Hearing: Chairman moved Case 2023-0006-BZA as the last case to discuss.

- **Case 2023-0010-BZA:**

Applicant Crystal Property Group LLC submitted a Variance Application for property located at 1653 Mentor Ave. (PPN 11-A-011-0-00-023-0). The request is to allow installation of 32.52 sq ft wall sign on the south facing wall of the building. In violation of Section 28.05(B)(1) which states that wall signs shall be permitted on front walls only which are defined as the wall(s) facing and most parallel with a street line.

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

Maan Yousef, owner of All Signs and Designs, speaking for the Applicant. Request is for Starbucks LED sign for the entrance and parking lot.

No one else to speak for the request.

No one to speak against the request.

Chairman let the Board know that language was being written so a request like this case, will not be needed in the future.

The Board did not have any questions.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2023-0010-BZA**.

Randy VanBuren seconded.

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

- **Case 2023-0011-BZA:**

Applicant Ulle Timothy J & Cheryl A submitted a Variance Application for property located at 58 Hickory Hill Rd. (PPN 11-A-017-0-00-044-0). The request is to allow construction of an 8' by 12' addition to a pre-existing attached garage which would maintain a minimum side yard setback of seven (7) feet in violation of 14.03(A)(1) which states that the minimum side yard setback shall be no less than ten (10) feet.

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

Matthew Ulle spoke for the Applicant for the request. The applicant would like to add an additional garage bay to store a motor vehicle.

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

Dave Enzerra asked if the neighbor to the South had been notified of the addition.
Neighbors had not said anything about the request.

Chairman entertained a motion.
Dave Enzerra made a motion to approve **Case 2023-0011-BZA**.
Dave Lindrose seconded.

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

Chairman entertained a motion to journalize.
Dave Lindrose made a motion to journalize **Case 2023-0011-BZA**. Randy VanBuren seconded.

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

- **Case 2023-0012-BZA:**

Applicant Chapman Benjamin N submitted a Variance Application for property located at 820 Carson Ave. (PPN 11-B-066-F-00-006-0). The request is to allow construction of a 456 sq ft addition onto a pre-existing detached garage maintaining a setback of approximately nine (9) feet from the road right of way and a total accessory structure square footage of 1032 sq ft in violation of Section 14.02(C)(4) which requires that the total ground coverage of all accessory structures on the property shall not exceed 875 sq ft and in violation of Section 14.02(C)(8) which requires that accessory structures on a corner lot shall maintain a minimum setback of twenty (20) feet from the road right of way on the side street which it abuts.

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

Benjamin Chapman spoke for the request. Applicant wanted an addition for storage of tools and such.

Chairman needed clarification where the addition would go on the property with the help of photos provided with the application.

Applicant needed clarification of Road Right of Way as mentioned for the Application.
Zoning Inspector Sean Ischay clarified with help of an overhead view of the property. A discussion was held of the size of the addition.

Dave Enzerra asked regarding a tree on the property.
The applicant replied there was no tree.

A discussion was held regarding the setback of fencing on the property.

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 2023-0012-BZA**.
Dave Enzerra seconded.

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

- **Case 2023-0013-BZA:**

Applicant Crystal Property Group LLC submitted a Variance Application for property located at 1635 Mentor Ave. (PPN 11-A-011-0-00-023-0). The request is to allow installation of a free standing sign which proposes to maintain a height of ten (10) feet and a minimum setback from the road right of way of five (5) feet and five (5) inches in violation of Section 28.05(B)(4) which requires that monument signs shall maintain a minimum setback of 15' from the road right of way and Section 39.03(C)(2) which requires that no free standing sign within the Main Corridor Commercial Design Overlay District shall exceed a height of six (6) feet.

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

Applicant was not in attendance to speak for the request.
There was no one present to speak against the request.

A discussion was held that this was a different application to Case 2023-0010-BZA that was discussed and approved earlier in the Meeting.

A discussion was held pertaining to more information needed with the Applicant that had been brought up by Staff.

Chairman entertained a motion.
Randy VanBuren made a motion to continue **Case 2023-0013-BZA** for the August 8, 2023 Meeting.
Dave Lindrose seconded.

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

- **Case 2023-0014-BZA:**

Applicant 1522 Mentor LLC submitted a Variance Application for property located at 1518 Mentor Ave. (PPN 11-A-016-E-00-058-0). The request is to allow installation of 62 sq ft wall sign on the west facing wall of the building. In violation of Section 28.05(B)(1) which states that wall signs shall be permitted on front walls only which are defined as the wall(s) facing and most parallel with a street line.

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

Dennis Michael spoke for the Applicant, for the request. The applicant would like to add a wall sign for more visibility for the businesses located in this shopping center.

Chairman needed clarification that the front of the shopping center is mostly all window. Mr. Michael replied yes, and that the one side is for the Charley's drive thru.

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.

Randy VanBuren made a motion to approve **Case 2023-0014-BZA**.

Dave Enzerra seconded.

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

- **Case 2023-0006-BZA:**

Applicant Michael Couch submitted a Conditional Use Application for property located at 2168 Mentor Ave. (PPN 11-A-014-0-00-004-0). The request is to operate a drive thru in conjunction with a restaurant.

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

Michael Couch spoke for the request. The request is for a drive thru. Double lane stacking to allow eighteen (18) to nineteen (19) cars in que. A curb cut was moved as far from Waterford as possible.

Chairman needed clarification regarding the restaurant entrance being on the Eastern Side of the property going around North and coming back South to exit.

Mr. Couch replied yes, the enter and exit will be at the same curve cut.

Chairman needed clarification regarding approval of the Landscape Plan by the Painesville Township Zoning Commission.

Mr. Couch replied yes with two (2) minor modifications.

Chairman asked regarding hours of operation.

Mr. Couch did not have that information.

Zoning Inspector Sean Ischay let the Board know that some restaurant's hours of operation are 10:30 A.M. to either 10 P.M. or 11 P.M.

Dave Enzerra needed clarification on how many cars could be stacked in que for the drive thru. Mr. Couch replied eighteen (18) to nineteen (19) cars with a double drive thru. Mr. Couch showed the Board using plans given in the application packet.

Randy VanBuren needed clarification on what type of arborvitaes were going to be planted on the backside of the restaurant. If they were Green Giant.

A discussion was held pertaining to the Landscape Key provided in the application packet showing the arborvitaes planned were Green Giants.

Chairman asked if there was anyone to speak against the request.

Ron Rodick, Waterford resident, shared concerns for traffic issues that may arise.

Bob Chandler, 6671 Shannon Lane, Mentor; shared concern for traffic issues.

A discussion was held regarding that Painesville Township does not have control to place traffic lights. ODOT would have control to place traffic lights on Mentor Avenue.

Terry Lewis, Board President of the Waterford Association, asked that a fence be placed on the back of the proposed restaurant between it and Waterford for more privacy for Waterford Residents.

Donna Duke, Waterford Resident, sworn in by Legal Advisor Mandy Gwartz; shared concern regarding noise.

Sean Blake, Councilman for City of Mentor Ward One, asked for a buffer to be added for Waterford Residents.

A discussion was held regarding where a fence can be placed as a buffer for Waterford, using street view provided by Zoning Inspector Sean Ischay.

Dennis Weaver, sworn in by Legal Advisor Mandy Gwartz, Waterford Resident, asked if a single drive thru can be considered instead of a dual drive thru.

Chairman needed clarification from Mr. Couch that the dual drive thru has been approved previously by the Zoning Commission.

Mr. Couch replied yes.

Clarification was needed as to why the Board of Zoning was looking over a drive thru if it had been approved previously.

Mr. Couch explained that according to the Zoning Resolution, in order to have a drive thru window, the Board of Zoning Appeals would need to approve the Conditional Use for a drive thru window.

A discussion held with Zoning Inspector Sean Ischay, a dual lane would help with stacking of cars, and traffic.

Chairman read a letter from Zoning Inspector Harley DeLeon who could not attend the meeting. Harley DeLeon gave a staff report regarding a fence being requested as a buffer between Waterford and the proposed restaurant.

A discussion was held with Zoning Inspector Sean Ischay regarding a fence.

A discussion was held with Terry Lewis, Board President of the Waterford Association, pertaining to where Waterford would like a fence placed as a buffer.

A discussion was held with Zoning Inspector Sean Ischay regarding landscaping that will be planted, and what conditions for the Site Plan that the Zoning Commission had asked for at their Monday, July 10, 2023 Meeting.

A discussion was held regarding the direction of cars lights in the drive thru.

A discussion was held regarding the possibility of adding a fence to the back corner of the property as a condition.

Dale Lewis suggested that Waterford could put a fence on Waterford's property. Dale Lewis needed clarification from Waterford that there is a commercial building between the residences and the proposed restaurant.

Residents replied yes.

Ron Rodick, Waterford Resident, asked if complaints arise, can complaints be later addressed after the Restaurant is up and running.

A discussion was held explaining what a Conditional Use Permit is and how it works.

A discussion was held about how the Board will work with the surrounding community to help mitigate any concerns or problems that should arise with a Conditional Use.

Kelly Stein, Waterford Resident, sworn in by Legal Advisor Mandy Gwartz, shared her thought that the Residents of Waterford did not know what this meeting would contain regarding the proposed Restaurant, or who they could take their questions or concerns to.

Chairman needed clarification with Mr. Couch, Applicant, where the conditions placed on the Conditional Use would go.

Mr. Couch replied the conditions would go with him and he'd then confer with his client.

Dale Lewis, shared that asking for a traffic light would possibly need to be applied for through Painesville Township, as the proposed Restaurant is in Painesville Township, and Waterford is in Mentor.

Sean Blake, Councilman for City of Mentor Ward One, commented a fence in the corner at the drive thru turn to catch car lights may be a compromise.

A discussion was held with Zoning Inspector Sean Ischay regarding Zoning Inspector Harley DeLeon's staff report, and asking for a fence in the back corner of the proposed property. A variance may need to be required for the fence. The applicant may object to being asked to file for the variance.

A discussion was held where a fence could go. A discussion with the applicant if more landscaping can be added to provide more of a buffer. What the Waterford Residents would be ok with against their landscaping.

Randy VanBuren suggested if possible, adding a condition to the Conditional Use that any complaints by residents be a Hearing by the Board.

A discussion was held if Popeyes may or may not agree with that.

A discussion was held with Mr. Couch, a temporary solution that can be removed after landscaping has fully grown in.

A discussion was held of adding landscaping that can be tall enough in the patch between the dual drive thru and parking to help with capturing car lights. There was concerns of visibility of sight between cars ordering in the dual lane.

Kathleen Dondorfor, Waterford Resident, sworn in by Legal Advisor Mandy Gwartz, suggested continuing Case 2023-0006-BZA until a compromise decision is reached.

Ron Rodick, Waterford Resident, commented that a fence would be a good compromise between the Residents of Waterford and the proposed Restaurant.

Chairman asked Mr. Couch, Applicant, if he had any objections to a fence being asked for as a condition. Mr. Couch replied no objection, he would need to know where it needed to be built.

A discussion was held what conditions needed to be added to the motion.

A discussion was held how long and how tall a fence would need to be, to be added as a condition. Legal Advisor Mandy Gwartz let the Board know that the side closest to the roadway with Waterford, a fence cannot be any taller than 36 inches or else a variance would be needed.

Clarification was needed about what the Board could approve and add as a condition at the current Meeting. A discussion was held.

A discussion was held how close a fence could be to Waterford's property. If Waterford could add height to their existing fence. Legal Advisor Mandy Gwartz added that some cities ban double fences. She would need to look into resolutions for that.

Chairman clarified to the Residents what was being discussed for a possible fence on the roadway side of Waterford.

Randy VanBuren needed clarification that a fifteen (15) foot, six (6) foot high fence was being added, and if location was needed for the conditions.

A discussion was held with the Applicant where the proposed fence could go.

A discussion was held with Legal Advisor Mandy Gwartz of needing to notify a neighboring property of a possible fence being placed and continuing the case for the next Meeting until notices are given.

A discussion was held not needing to notify a neighboring property owner of past cases, not altering conditions placed by the Zoning Commission, and staying within the Zoning Resolution.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2023-0006-BZA** with the condition(s) as follows:

1. Six (6) foot height Vinyl Fence, Fifteen (15) foot long within the Zoning Resolution on the Northside of Property going to the Western Boundary.
2. Hours for Drive Thru, normal operating hours, Monday through Sunday.
3. Five (5) year term.

Dave Enzerra seconded.

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

A discussion was held to clarify why a past meeting was canceled due to Popeyes adjusting their plans to meet the Zoning Resolution ect. How neighbors are notified or not needing to be notified. The Residents were thanked for their patience.

A Waterford Resident asked who they goto for a traffic light. Chairman suggested ODOT possibly.

Chairman entertained a motion to journalize.

Dave Lindrose made a motion to journalize **Case 2023-0006-BZA**. Dave Enzerra seconded.

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

Closing of Public Meeting:

Randy VanBuren made a motion to close the Public Hearing. Dave Lindrose seconded.

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

Regular Meeting:

Chairman asked if there were any comments or edits to the **June 13, 2023 Meeting Minutes**. Hearing none.

The **June 13, 2023 Meeting Minutes** were approved as submitted.

Old Business: None

New Business: None

Chairman adjourned the meeting at 8:14 P.M.

Next official meeting date is Thursday, August 8, 2023.

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Secretary



DATE: 07-20-2023

BZA

Name	Email Address
Richard Salo	SALORD@SBCGLOBAL.NET
Bob Chandler	AGCHANDLER43@GMAIL.COM
Jim Miller	jlmiller915@gmail.com
Ron Rodick	RONALDRODICK@YAHOO.COM
Bill Stacy	BILL.STACY@ATT.NET
Glenna Stacy	Glenna.stacy@att.net
Ray Summers	RAYSU@ATT.NET
Pam Peresta	SUNDAYGOLD@ATT.NET
Pat Trend	pekt9390@yahoo.com
D. Trend	
Kelly Stein	irishkelly0812@gmail.com
Kristin Snyder	eageless@ oh.rr.com oh.rr.com
Kathy Dondorfo	9585 LISMAN LANE
Mike Snyder	9595 Sumner Lane
Reet Sarshuk	964 P Dublin
Michael Couch	mcouch@arknetics.com
Sean Blake Mentor City Council	sjblake@CITYOFMENTOR.COM
Lacee Mecozzi	lmecozzi@sbcglobal.net
Jac Mecozzi	jmecozzi@sbcglobal.net
Matt Ull	tulle58@hotmail.com
Carol Merner	9599 Dublin Lane
Dennis Michel	dennis@MuhlenbergState.com

