

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETING MINUTES
Tuesday, November 14, 2023
Painesville Township Office 55 Nye Rd. Painesville Twp., OH, 44077**

Present: Dave Enzerra, Dale Lewis, Dave Lindrose, Tom Hill
Absent: Randy VanBuren, Ken Sullivan
Zoning Inspector: Harley DeLeon
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 with each case, persons who were present to speak, and intended to testify during the Public Hearing.

Public Hearing:

- **Case 2023-0019-BZA:**

Applicant Horrigan Gayle submitted a Variance Application for property located at 871 Arden Ave. (PPN 11-B-041-G-03-046-0). The request is to allow construction of an 18' by 8' cover for the front deck which proposes a minimum setback from the road right-of-way of 24' and 9" in violation of Section 15.03 which requires that the minimum distance between the main dwelling and road right of way shall be 50'.

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

There was no one present to speak for the request.

Staff let the Board know that a reminder had been sent to the contractor of the application.

Chairman entertained a motion.

Dave Enzerra made a motion to continue **Case 2023-0019-BZA** for the December 12, 2023 Meeting.

Dave Lindrose seconded.

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

Motion carried.

- **Case 2023-0020-BZA:**

Applicant Fred Schwendler submitted a Conditional Use Application for property located at 65 Normandy Dr. (PPN 11-A-011-0-00-022-0) The request is for operation of an indoor climate controlled storage facility which has been declared a similar use to those uses listed in the B-3 zoning district by Trustee Resolution.

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

There was no one present to speak for the request.

A discussion was held regarding the timeline for the project regarding the Township wanting a retention basin.

A discussion was held regarding whether to continue the case for the December Meeting or discuss the case at the current Meeting.

Chairman entertained a motion.

Dave Lindrose made a motion to continue **Case 2023-0020-BZA** for the December 12, 2023 Meeting. Dave Enzerra seconded.

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

- **Case 2023-0021-BZA:**

Applicant Joseph Hrusovsky submitted a Variance Application for property located at 810 Meigs Ave. (PPN 11-B-066-E-00-001-0). The request is to allow installation of approximately 180 lineal feet of 6' tall wooden privacy fence in the front yard of the property in violation of Section 6.14(E) which requires that no fence in the front yard shall exceed a maximum height of 36 inches.

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

Joseph Hrusovsky spoke for the request.

The applicant asked if deer fence would be a better alternative for visibility.

Chairman asked how tall the fence would need to be.

The applicant replied six (6) feet. The fence is needed for a dog.

Chairman asked if the fence is chain link.

The applicant replied that it's a very thin braided chain link fence.

Dave Lindrose needed clarification if the deer fence is like chicken wire.

The applicant replied the fence is very close to chicken wire.

Zoning Staff reminded the Board and applicant that certain fence types were not allowed.

Dave Enzerra asked how the applicant determined the size of the fenced area.

The applicant replied that staff had provided what was allowed for his lot.

Dave Lindrose needed clarification regarding what the Variance pertained to, the height of the fence.

The applicant replied yes.

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

There was no one present to speak against the request.

A discussion with staff was held regarding what type of wire fence was permitted by the Zoning Resolution. A discussion was held with Legal, what was prohibited by the Zoning Resolution.

Chairman would like staff approval regarding what type of fence is permitted for the applicant.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2023-0021-BZA** with the condition(s) as follows:

1. A six foot tall chain link fence that is approved by the Zoning Inspector.

Dave Enzerra seconded.

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

Motion carried.

Chairman entertained a motion.

Dave Lindrose made a motion to journalize **Case 2023-0021-BZA**. Dave Enzerra seconded.

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

Motion carried.

- **Case 2023-0022-BZA:**

Applicant Mentor Two LLC submitted a Variance Application for property located at 0 Lanark Cv. (PPN 11-A-012-A-01-013-0). The request is to allow the creation of two condominium parcels before the structures are built in violation of the Painesville Township Zoning Resolution which requires that no parcel shall be created without appropriate frontage in a public or private roadway.

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

Mark Strauss spoke for the request. The request is to create two separate parcels to create two separate tax IDs, so that the applicant can acquire two loans to build both proposed condominiums simultaneously.

Chairman needed clarification that both proposed condominiums will have separate addresses. The Applicant replied yes.

A discussion was held with the Applicant pertaining to the reason both parcels were under one tax ID.

Dave Enzerra needed clarification regarding the building permit. A discussion ensued.

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 Enzerra made a motion to approve **Case 2023-0022-BZA**. Dave Lindrose seconded.

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

Motion carried.

Dave Enzerra made a motion to journalize **Case 2023-0022-BZA**. Dave Lindrose seconded.

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

Closing of Public Meeting:

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

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

Regular Meeting:

Chairman asked if there were any comments or edits to the **September 12, 2023 Meeting Minutes**.
Hearing none.

The **September 12, 2023 Meeting Minutes** were approved as submitted.

Old Business: None

New Business:

A discussion was held pertaining to what procedures the Board would like to act upon if the applicant is not in attendance for a Public Hearing.

A discussion was held regarding the use and development of the Old Scores Bowling Alley Property.

A discussion was held regarding the old Sunoco Gas Station Property.

A discussion was held regarding recreational Marijuana Resolution changes.

Meeting Adjournment:

Chairman entertained a motion.

Dave Enzerra made a motion to adjourn the meeting at 7:08 P.M. Dave Lindrose seconded.

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

Motion carried.

Next official meeting date is Tuesday, December 12, 2023.

Respectfully submitted,


Tom Hill, Chairman


Rachel Muro, Secretary

