

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

October 13, 2020

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

Present: Dave Enzerra, Ken Sullivan, Randy VanBuren,
Absent: Tom Hill, Dave Lindrose
Zoning Inspector: Rich Constantine, Harley DeLeon
Legal Counsel: Jeremy Iosue

Vice-Chairman, Dave Enzerra called the meeting to order at 6:30 P.M. The Pledge of Allegiance was not recited due to the virtual hearing. The public hearing was held by video conference due to respectful response to the coronavirus mandates in the State of Ohio. A roll call revealed that a quorum was present. Legal Advisor Jeremy Iosue swore in the persons who were present to speak, separately with each case; and intended to testify during the public hearings.

Public Hearing:

• **Case 20-BZA-27:**

Applicant Boyd's Auto Service submitted a Conditional Use Application for property located at 500 Lakeshore BV (11-B-006-J-00-031-0) for automobile service. The proposed use includes scheduled maintenance, wheel alignments, brake repair, comprehensive engine and transmission repair.

Vice-Chairman saw no error in the Zoning Inspector requiring a Conditional Use Permit. Chairman asked Legal Counsel Jeremy Iosue swear in any persons speaking for or against the request.

Timothy Boyd spoke in favor. No one spoke against the request.

Timothy Boyd stated that he was looking to expand his business. Mr. Boyd continued that his business does all types of mechanical auto repair, and that he wanted a new space to move to.

Vice-Chairman asked the applicant about the business hours listed on the application. 8 A.M. to 6 P.M. Monday through Friday.

Mr. Boyd replied that those were correct.

Vice-Chairman asked the Board if anyone had any questions for the applicant.

Ken Sullivan asked the applicant if he had an idea of how many vehicles he would have on the premise at any given time.

Mr. Boyd replied that there are usually eight to ten (8 to 10) vehicles. Mr. Boyd continued that there are no more than three to four (3 to 4) usually parked overnight.

Ken Sullivan explained to the applicant that usually with Conditional Use Permits, the Board will limit the number of vehicles on a premise.

Vice-Chairman asked the applicant, according to the application, if the vehicles were parked for any length of time, the applicant would park them in the rear of the building.

Mr. Boyd replied that was correct.

Vice-Chairman asked the applicant if that also meant overnight.

Mr. Boyd replied that was correct. Mr. Boyd continued that the only time vehicles would be parked up front, would be when customers are dropping off or picking up their vehicles. Mr. Boyd continued that the vehicles will be parked inside the shop or at the rear of the building.

Ken Sullivan asked Zoning Inspector Rich Constantine if he had any concerns that should be addressed in the Conditional Use.

Zoning Inspector Rich Constantine replied that the application for Conditional Use fits what is being asked. Vice-Chairman asked the applicant if he would eventually add weekend hours to the hours of operation for his business.

Mr. Boyd replied that eventually he may want to. If weekend hours were to happen, it would be on a Saturday 9 A.M. to 1 P.M.

Vice-Chairman explained to the applicant that conditions were added when approving Conditional Use applications. The Board could add weekend hours on top of the weekday hours of operation, when the applicant eventually would like weekend hours.

Mr. Boyd agreed to add the weekend hours to the conditions.

Vice-Chairman asked the Board if there were any other questions or comments. Hearing none.

Vice-Chairman explained to the applicant that with Conditional Use Permits, there is a time period of one to five (1-5) years before the applicant would have to reapply for another permit.

Mr. Boyd responded that he would like the period to be five (5) years.

Vice-Chairman asked the Board to make a motion.

Ken Sullivan made the motion to approve case **20-BZA-27** with the conditions as follows:

1. Five (5) year permit
2. The business is allowed to operate Monday through Friday 8 A.M. to 6 P.M. and Saturdays, 9 A.M. to 1 P.M.
3. No more than ten (10) vehicles could be stored on premise, and any overnight vehicles will be stored behind the building.

Randy VanBuren seconded the motion.

Roll Call: Sullivan; Aye, VanBuren; Aye, Enzerra; Aye.

Motioned Carried.

Vice-Chairman asked the applicant, when the applicant would like to begin his Conditional Use Permit.

Mr. Boyd stated that at the end of the month.

Vice-Chairman explained to the applicant what journalizing the decision was, and if it were to pass, the applicant could begin immediately.

Ken Sullivan made the motion to journalize case **20-BZA-27**. Randy VanBuren seconded.

Roll Call: VanBuren; Aye, Enzerra; Aye, Sullivan; Aye.

Motion carried.

Regular Meeting:

Vice-Chairman asked if the Board reviewed **September 8, 2020** meeting minutes and **Special Meeting September 14, 2020**. Vice-Chairman asked if anyone had any changes to be made. Hearing none.

Vice-Chairman asked Legal Counsel Jeremy Iosue if he could have both meeting minutes approved at the same time.

Legal Counsel Jeremy Iosue replied that was fine.

Ken Sullivan asked Legal Counsel Jeremy Iosue if he could vote to approve the **Special Meeting September 14, 2020** Minutes if he was not in attendance for that meeting.

Jeremy Iosue replied that Ken Sullivan could not vote on the **September 14, 2020** Meeting Minutes.

Jeremy Iosue continued that the Board should vote on each meeting minutes, separately.

It was found that Randy VanBuren had missed the **September 8, 2020 meeting**. Since there were only three Board members in attendance at the current meeting, two who had been absent, one from each September meeting; the Board could not vote to approve both **September 8, 2020**, and **September 14, 2020** Meeting Minutes.

A discussion was held regarding which cases were awaiting approval at which meeting.

Legal Counsel Jeremy Iosue stated that both September Meeting Minutes will need to be held till the November 10, 2020 meeting, to be voted on.

Old Business: None

New Business:

Zoning Inspector Harley DeLeon stated she had a Variance Request in the process for the November 10, 2020 meeting, for an oversized accessory structure on Hickory Hill.


Chairman adjourned the meeting at 6:52 P.M.

Next meeting date is November 10, 2020.

Respectfully submitted,



Dave Enzerra, Vice-Chairman



Rachel Muro, Secretary