

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

**September 8, 2020**

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

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

Chairman, Tom Hill called the meeting to order at 6:36 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 asked the Chairman if he could swear 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-16:**

Applicant Kathleen A Psenak filed a Variance Application for property located at 520 Carson Ave (PPN 11-B-066-G-00-006-0). The request is to allow installation of 6 foot height wood fencing between the dwelling and the Lake Shore Blvd. right-of-way in violation of Section 6.13(E) which limits fence height to 3 feet between a dwelling and street right-of-way line.

Chairman saw no error in the Zoning Inspector requiring a variance. Chairman asked Legal Counsel Jeremy Iosue to swear in any persons speaking for or against the case.

Kathleen Psenak spoke in favor. The proposed fence is to be able to fence in the applicant's property.

Chairman asked if anyone else would like to speak in favor of or against the request. Hearing none.

Chairman asked if the Board had any questions.

Dave Enzerra asked the applicant if the proposed fence would end at their shed on the corner of their property as it goes parallel to Lake Shore Blvd.

Mrs. Psenak replied that that was correct.

Chairman asked if any other Board members had questions. There were none.

Chairman asked the Board to make a motion.

Ken Sullivan made the motion to approve **Case 20-BZA-16** as requested in the application. Dave Enzerra seconded.

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

Motion carried.

Dave Enzerra made the motion to journalize **Case 20-BZA-16**. Ken Sullivan seconded.

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

Motion carried.

• **Case 20-BZA-20:**

Applicant Kevin Foley filed a Variance Application for property located at Fairfield Rd. (PPN 11-A-012-A-08-015-0). The request is to allow this parcel to be treated as a conforming R-1 parcel in Painesville Township due to its incorporation into Sublot "A" of the lot splits/combinations proposed by the survey provided by Jones Surveying LLC dated 06/11/2020 as per contract 20-076. Sublot A is proposed to contain 0.505 acres of land within Concord Township, whose zoning regulations with regard to minimum

lot area, minimum lot width, minimum front, side and rear yard clearances, and minimum dwelling living space are equal to or exceed those requirements in the Painesville Township Zoning Resolution, and 0.200 acres of land within Painesville Township.

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

Legal Counsel Jeremy Iosue swore in any persons speaking for or against the request.

Applicant Kevin Foley, Margaret Nells, and Peggy Breedlove spoke in favor of the request.

No one spoke against the request.

Zoning Inspector Rich Constantine was also sworn in to speak on the request.

Applicant Kevin Foley is purchasing land from Margaret Nells that will be split into more lots. Essentially leaving part of a future lot in Painesville Township and the other part in Concord Township. Mr. Foley wanted the small part of land on the Painesville Township's side to be absorbed into Concord Township's zoning.

Margaret Nells and her daughter Peg Breedlove, who is selling the proposed land to the Applicant to be split; agreed and spoke in favor of the request.

Chairman asked the applicant if the applicant's intention was to build on the property.

Mr. Foley wanted to make sure it was on record and brought to the Board's attention about the lot.

Zoning Inspector Rich Constantine spoke in favor of the request.

Chairman asked what the address would be for the property. If it would be a Concord Township address or Painesville Township address.

Inspector Rich Constantine replied that it would be Concord Township.

A discussion was had regarding who would answer emergency calls and what not for this property.

Concord Township would be in charge.

Chairman asked if there was anyone to speak against the request. Hearing none.

Chairman asked if the Board had any questions.

Dave Enzerra had an observation in favor of the request.

Chairman asked the Board to make a motion.

Ken Sullivan made the motion to approve **Case 20-BZA-20** as requested in the Variance Application. Dave Enzerra seconded.

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

Motion carried.

Dave Enzerra made the motion to journalize **Case 20-BZA-20**. Ken Sullivan seconded.

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

Motion carried.

- **Case 20-BZA-21:**

Applicant Scott & Lisa Rice filed a Variance Application for property located at 1118 Dalton Dr. (PPN 11-A-025-B-00-005-0). The request is to allow installation of 100 lineal feet of 6' tall vinyl fencing extending beyond the actual set back of the dwelling toward the side street and with a setback of 15' from the edge of the road in violation of Section 6.13(C)(2) which requires fences to have a setback of 20' from the edge of the road and in violation of Section 6.13(E) which requires that fences located between the dedicated road and the actual setback of the home may not exceed 36" in height.

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

Legal Counsel Jeremy Iosue swore in any persons speaking for or against the request.

Applicant Lisa Rice spoke in favor of the request.

No one spoke against the request.

Applicant Lisa Rice is wanting to replace her current aged wood fence, with a newer vinyl fence.

Chairman asked if there were anyone else to speak in favor of or against the request. Hearing none.

Chairman asked if there were any questions from the Board. Hearing none.

Chairman asked the Board to make a motion.

Dave Enzerra made the motion to grant the variance as requested in **20-BZA-21**. Ken Sullivan seconded.

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

Motion carried.

Ken Sullivan made the motion to journalize **Case 20-BZA-21**. Dave Enzerra seconded.

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

Motion carried.

- **Case 20-BZA-22:**

Applicant American Home & Energy Product filed a Variance Application for property located at 1272 Mentor Ave. (PPN 11-A-016-C-01-007-0). The request is to allow the installation on parcel numbers 11-A-016-C-01-007-0 and 11-A-016-C-01-008-0 of 700 lineal feet of chain link fencing with a barbed wire cap which has a total height above grade of 8 feet in violation of Section 6.13(B)(3) which limits total fence height in the B-3 district to 6 feet

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

Legal Counsel Jeremy Iosue swore in any persons speaking for or against the request.

Chris Bedrick spoke in favor of the request.

No one spoke against the request.

Assistant Zoning Inspector Harley DeLeon read an emailed statement from the applicant.

The applicant wanted the Board to know that the actual fence is 6 foot tall, and barbed wire will add another 2 feet. There have been several thefts on the applicant's property over the years. The proposed fence is to protect materials and vehicles.

Chris Bedrick is wanting to clear some of the property up to store material for his business. Mr. Bedrick continued that he wanted to install the fence to better protect his business and those materials.

Chairman asked if there were anyone else to speak in favor of or against the request. Hearing none.

Chairman asked if the Board had any questions. Hearing none.

Chairman checked that according to the drawing included with the application, that the fence added up to 700 feet.

Chris Bedrick and Zoning Inspector Rich Constantine agreed that was correct.

Chairman asked the Board to make a motion.

Ken Sullivan made the motion to approve **Case 20-BZA-22** as requested in the Variance Application. Dave Enzerra seconded.

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

Motion carried.

Chairman asked if the applicant would like to get started right away. If the case needed to be journalized.

Chris Bedrick replied that no, it would be after 30 days.

Chairman let the applicant know that the Variance Application had been approved, and to wait for a little bit of time to get any paperwork needed from the Zoning Office.

- **Case 20-BZA-23:**

Applicant David W & Teresa M Bray filed a Variance Application for property located at 74 Bristol Ave. (PPN 11-A-024-A-00-039-0). The request is to allow construction of a new 32ft by 28ft pole building which when added to the existing 10ft by 10ft shed on the property presents ground coverage for accessory buildings on the parcel of 996sqft in violation of Section 14.02(C)(4) which limits total ground coverage of accessory buildings to 875sqft.

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

Legal Counsel Jeremy Iosue swore in any persons speaking for or against the request.

Applicant David and Teresa Bray spoke in favor of the request.

No one spoke against the request.

Applicant David Bray explained that he wanted to build a storage garage behind his home. Mr. Bray continued that a shed was already in place that he's outgrown, and will be tearing down to replace it with the proposed shed that is bigger.

Chairman asked Zoning Inspector Rich Constantine if he had any concerns about the request.

Rich Constantine replied no.

Chairman asked the Board to make a motion.

Ken Sullivan made the motion to approve **Case 20-BZA-23** as requested. Dave Enzerra seconded.

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

Motion carried.

Dave Enzerra made the motion to journalize **Case 20-BZA-23**. Ken Sullivan seconded.

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

Motion carried.

- **Case 20-BZA-24:**

Applicant Cione Belknap of Agile Sign filed a Variance Application for property located at 1625 Mentor Ave. (PPN 11-A-011-0-00-007-0). The request is to allow installation of a wall sign covering 147sqft of area in violation of Section 28.05(B)(1) which requires that wall signs shall not exceed a maximum area of 100sqft.

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

Legal Counsel Jeremy Iosue swore in any persons speaking for or against the request.

Applicant Cione Belknap spoke in favor of the request

No one spoke against the request.

Applicant Cione Belknap read a narrative that was included with the Variance Application. The narrative stated that the application was for a bigger, non illuminated wall sign to be well centered. If they were to follow the zoning code, the applicant believed that it would be hard on the community to see the proposed sign for the business. The applicant continued that with the sign being non illuminated, it would not be a nuisance to local residents as it's in more of a commercial area.

Chairman asked if there was anyone else to speak in favor of the request. Hearing none.

Chairman asked if the Board had any questions. Hearing none.

Zoning Inspector Rich Constantine had a question for the applicant. He asked if the variance request was for a permanent wall sign or temporary wall sign.

Cione Belknap replied that the variance request was for a permanent wall sign.

Chairman agreed that the facade for the business can handle the proposed bigger sign.

Chairman asked if there was anyone to speak against the request. Hearing none.

Chairman asked if the Board had any questions. Hearing none.

Chairman asked the Board to make a motion.

Ken Sullivan made the motion to approve **Case 20-BZA-24** as requested. Dave Enzerra seconded.

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

Motion carried.

Dave Enzerra made the motion to journalize **Case 20-BZA-24**. Ken Sullivan seconded.

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

Motion carried.

### **Regular Meeting:**

Chairman asked if the Board reviewed August 11, 2020 meeting minutes. Chairman asked if anyone had any changes to be made. Hearing none. Chairman asked the Board to make a motion to approve the **August 11, 2020 Meeting Minutes** as submitted.

Ken Sullivan made the motion to accept **August 11, 2020 Meeting Minutes** as submitted. Dave Enzerra seconded.

Roll Call: Sullivan; Aye, Enzerra; Aye, Chairman; Aye.  
Motion carried.

**Old Business:** None

**New Business:**

Chairman asked Rich Constantine if he knew what was happening to the property that housed Zion Tree Company who had a Conditional Use Permit.

A discussion was had on what may be known of the business and property.

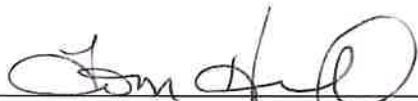
Sean Snell from I.T. let the Board know that the project has been approved and in motion for the hybrid live streaming to come back for in person meetings if the Board chooses to come back in person. It has been projected for the end of September for installation as long as the parts used to stream are delivered on time.

Chairman adjourned the meeting at 7:25 P.M.

A special meeting will be held on September 14, 2020 at 5:00 P.M.

Next official meeting date is October 13, 2020.

Respectfully submitted,



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Tom Hill, Chairman



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Rachel Muro, Secretary