

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

Tuesday, April 16, 2024

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

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

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 Mandy Gwirtz swore in with each case, persons who were present to speak, and intended to testify during the Public Hearing.

Public Hearing:

- **Case 2024-0005-BZA:**

Applicant Triban Investment LLC submitted a Variance Application for property located at Parcel Number 11-B-036-0-00-012-0 on Bacon Rd. The request is to allow 20 proposed townhomes to be located within 150' of a gas well or tank in violation of Section 6.02 (P) which requires that no new dwelling shall exist within 150 feet of any gas or oil well, or tanks, or other gas or oil facilities.

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

Hanna Cohan spoke for the request. The applicant gave a brief history of the property in question. The applicant gave an explanation of what plans were for the property. To build Town Homes. The applicant gave a brief description of each Duncan Factor that affects the property.

Clarification was needed regarding the location of the wells. The applicant was able to show the Board the location of the tanks and battery.

A discussion was held regarding a plan to move the tank battery.

A discussion was held regarding if there were connections to other wells.

A discussion was held regarding if other possible locations to move the Battery were looked into.

A discussion was held regarding maintenance of the wells and suc.

A discussion was held regarding regulations for residential neighborhoods and ODNR. Zoning Staff let the Board and applicant know that ODNR had been invited to give their input for the Zoning Resolution language regarding oil wells and residential properties.

Zoning Staff let the Board know that a discussion had been held with the Assistant Fire Chief of Painesville Township regarding the oil tanks in questions not presenting a risk as they are brine tanks.

The Board needed clarification on how access to the well will be treated. A discussion was held.

The Board needed clarification on the townhomes closest to the oil wells.

Rick Lundstrum spoke for the request, gave an update regarding working with the owner of the wells to move the wells to develop the property and allow access. Mr. Lundstrum clarified that new tanks will be installed, landscaping will also be done to help disguise the wells.

Zoning Staff let the Board know that a discussion had been held with the well owner, and that they are aware and in agreement with the updates that will be done to the wells.

A discussion was held regarding other possible locations for the well batteries.

A discussion was held regarding possibly moving four of the proposed townhome units.

Mary Jan, Northway Dr., spoke of a past broken pipeline.

Lynn Kary, 1855 Kirkstone Terr., would like maintenance kept up, and gave credit to property owners.

Applicant clarified that new tanks, lines, ect will be installed. A discussion was held regarding who will take care of the maintenance.

Rick Pohto, Resident, held a discussion on who to contact to discuss information regarding the current wells and the past maintenance information, if wells only had a span of so many years before needing to be replaced. And what was the time frame of the project being proposed to install new tanks and such.

Randy VanBuren asked if the applicant had researched the cost to relocate the tanks and batteries further. A discussion was held.

A discussion was held regarding possibly moving the set back.

Zoning Staff held a discussion with the Board regarding increasing the set back.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2024-0005-BZA**. Randy VanBuren seconded.

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

Dave Enzerra made a motion to journalize **Case 2024-0005-BZA**. Randy VanBuren seconded.

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

- **Case 2024-0006-BZA:**

Applicant Prather Antwon A & Roberta J submitted a Variance Application for property located at 1480 Riverside Dr. (PPN 11-A-023-B-00-016-0) The request is to allow construction of a 768 sq ft accessory structure with a proposed minimum front setback of 37 feet from the road right-of-way on a property with two existing accessory structures totaling approximately 600 square feet in violation of Section 14.02(C)(4) which requires that the total square footage of all accessory structures on the parcel not exceed 875 sq ft and in violation of 14.02(E)(1) which requires that no structure shall be closer than 50' to the road right of way.

Clarification and correction was needed that this was in violation of Section 14.03(E)(1).

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

Antwon Prather spoke for the request.

Clarification was needed regarding the set back needed for the proposed accessory. A discussion was held.

The request is for a structure to store cars to restore.

Clarification was needed where the proposed structure would be built. A discussion was held.

Clarification was needed where other structures were located on the property.

A discussion was held with the contractor, Steve Parsons, regarding the construction of the proposed structure.

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

There was no one present to speak against the request.

Clarification was needed if another structure currently on the property would be attached to the proposed structure. A discussion was held.

The Contractor showed on a map, where the proposed structure will be located on the property.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2024-0006-BZA**. Dave Enzerra seconded.

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

Motion carried

Randy VanBuren made a motion to journalize **Case 2024-0006-BZA**. Dave Lindrose seconded.

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

Motion carried.

Closing of Public Meeting:

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

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

Motion carried.

Regular Meeting:

The **March 12, 2024 Meeting Minutes** were approved as submitted.

Old Business: None

New Business: Zoning Staff gave a brief explanation of an upcoming case for the May Meeting.

Meeting Adjournment:

Dave Enzerra made a motion to adjourn the meeting at 7:26 P.M. Randy VanBuren seconded.

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

Next official meeting date is Tuesday, May 14, 2024.

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Secretary