

PAINESVILLE TOWNSHIP BOARD OF ZONING APPEALS
MEETING MINUTES
Tuesday, July 9, 2024
Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077

PUBLIC HEARING

Chairman Tom Hill called the meeting to order at 6:30 P.M. The Pledge of Allegiance was recited.

Roll Call: Tom Hill, Ken Sullivan, Dave Enzerra, Dale Lewis, Dave Lindrose

Absent: Randy VanBuren

Staff Present: Zoning Inspector Sean Ischay, Legal Counsel Mandy Gwartz, Zoning Secretary Rachel Muro

The Legal Advisor swore in persons who were present to speak, and intended to testify during the Public Hearing.

A Legal Notice was published in The Gazette on June 21, 2024, and sent to all contiguous parties.

- **PURPOSE OF HEARING: 2024-0008-BZA**

Applicant Zeltner Brie B submitted a Variance Application for property located at 21 Overlook Rd. (PPN 11-A-020-C-00-030-0) The request is to allow construction of a 24' by 10' front porch which would maintain a setback of 39' and 8" from the road right-of-way in violation of Section 14.03(A)(1) which requires that no structure shall be located any closer to the road right-of-way than 50'.

Testimony from Interested Parties: Applicant was not in attendance.

Testimony from Audience: The Board and Zoning Inspector discussed if the Applicant had been notified of the Meeting Date and time. It was unknown if Applicant had been notified.

Correspondence Received: None

Recommendation of Zoning Inspector:

Motion to Approve: Ken Sullivan made a motion to continue Case 2024-0008-BZA for the next scheduled Board of Zoning Appeals Meeting.

Dave Lindrose seconded.

Roll Call:	Lindrose- Aye	Chairman- Aye
	Sullivan- Aye	
	Enzerra- Aye	
	Lewis- Aye	

Motion carried. **Case 2024-0008-BZA continued**

- **PURPOSE OF HEARING: 2024-0009-BZA: Modification of Conditional Use Permit 17-BZA-25**

Applicant 127 OH LLC DBA Cannabis, submitted an application for a Conditional Use Permit renewal and modification for property located at 382 Blackbrook Rd. (PPN 11-B-064-A-00-023-0). The request is to renew conditional use permit 17-BZA-25 for a Medical cannabis dispensary and to add recreational sales.

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Testimony from Interested Parties: It was brought to the Board and Staff's attention that the Applicant named needed to be corrected to read "127 OH LLC DBA Bloom Cannabis" when the case was read into the record. Secretary Rachel Muro had sent out Legal Notices to contiguous properties due to new modifications of the Conditional Use.

Stephen Funk gave a brief history of the original Conditional Use, the business, and the recent Ohio law passing to legalize Adult Use Cannabis Products.

Andrew Wagner explained the size and layout of the facility. Any future plans were also discussed for the business, such as the possibility of a delivery service instead of a Drive Thru as the building did not have the space for a Drive Thru.

Mr. Wagner also discussed the process of buying products for the customers. Mr. Wagner discussed the three different types of licenses a dispensary can have; 1.) Medical, 2.) Dual Use 3.) Adult Use Only. The applicant was applying for a Dual Use dispensary in the Township.

The Plans for Parking were also discussed for customers and employees and the Hours of Operation.

Mr. Wagner explained how the medical side of the dispensary worked for customers.

Mr. Wagner explained having security and re-evaluating after six (6) months where security will be needed.

Mr. Wagner explained the payment process for sales and how cash is handled.

Zoning Inspector Sean Ischay let the Board know that there has not been any complaints reported nor any violations.

Mr. Wagner explained what local law enforcement would respond and how that was handled.

A discussion with Legal Advisor Mandy Gwartz regarding if violations were to occur, how the Board can handle the Conditional Use, what steps can be taken.

The Hours of Operation were discussed again for clarification. They will be as follows; 8 A.M. to 10 P.M. seven days a week.

The different types of cannabis products were discussed.

A discussion was had regarding if any of the Trustees have visited the facility. Due to rules being for Medical Use only, no one could walk in without being processed. After September 7, 2024, when Adult Use opens, then visits by the Board or Trustees can be made.

Mr. Wagner discussed signage for the Facility.

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Testimony from Audience: The Board asked of the following questions and discussions were had; if anyone from any state could come and purchase, if the Applicant had experience with recreational sale, what type of problems the Dispensary has had, how orders were logged in the Dispensary's system, what age ranges of customers have been served, the taxes involving sales of recreational cannabis, sales possibly including a local sales tax within the Township, the volume of sales, the annual sales revenue, how the applicant planned for the amount of customers in the waiting room, the pager system if there were a backup of customers.

Correspondence Received: The Board was able to review the past renewal and original Conditional Use Application for this case.

Recommendation of Zoning Inspector:

Motion to Approve: DaveENZERRA made a motion approve Case 2024-0009-BZA with the following conditions:

1. Hours of Operation: 8 A.M. to 10 P.M., seven days a week.
2. Follow all State, Local laws, and rules for sale of medicinal and recreational cannabis.
3. Follow the Memorandum as attached to permit application packet.
4. Two (2) year term

Dave Lindrose seconded.

Roll Call: Lindrose- Aye Chairman- Aye
Sullivan- Aye
ENZERRA- Aye
Lewis- Aye

Motion carried. **Case 2024-0009-BZA approved**

Motion to Journalize: Dave Lindrose made a motion to journalize Case 2024-0009-BZA.

Ken Sullivan seconded.

Roll Call: Sullivan- Aye Chairman- Aye
Lindrose- Aye
Lewis- Aye
ENZERRA- Aye

Motion carried. **Case 2024-0009-BZA journalized**

Closing of Public Meeting: DaveENZERRA made a motion to close the Public Hearing at 7:43 P.M.

Ken Sullivan seconded.

Roll Call: Lindrose- Aye Chairman- Aye
ENZERRA- Aye
Sullivan- Aye
Lewis- Aye

Motion Carried. **Public Meeting closed**

Regular Meeting:

- The May 14, 2024 and June 11, 2024 Meeting Minutes were approved and passed unanimously.
- **2024-0010-BZA: Renewal of Conditional Use Permit 19-BZA-23**
Applicant Hach Paul W & Marlene E, submitted an application for a Conditional Use Permit renewal for property located at 2000 Fairport Nursery Rd. (PPN 12-A-059-0-00-012-0). The request is to

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renew conditional use permit 19-BZA-23 for service and repair of railroad locomotives. Staff have received no complaints regarding the use.

Testimony from Interested Parties: Applicant did not need to be in attendance for a Conditional Use Renewal.

Motion to Approve: Dave Lindrose made a motion approve Case 2024-0010-BZA with the following conditions:

1. Five (5) year term

Dave Enzerra seconded.

Roll Call: Lindrose- Aye Chairman- Aye
Sullivan- Aye
Enzerra- Aye
Lewis- Aye

Motion carried. **Case 2024-0010-BZA approved**

- Chairman Tom Hill will not be in attendance for the August 13, 2024 Meeting.

ADJOURNMENT: Dave Enzerra made a motion to adjourn; Ken Sullivan seconded.

Roll Call: Enzerra- Aye Chairman-Aye
Lewis- Aye
Lindrose- Aye
Sullivan- Aye

Motion Carried. **Meeting Adjourned**

Meeting adjourned at 7:50 P.M.

ADJOURNMENT

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Zoning Secretary