

PAINESVILLE TOWNSHIP BOARD OF ZONING APPEALS
MEETING MINUTES
Tuesday, June 10, 2025
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: Dave Enzerra, Ken Sullivan, Alternate- Dale Lewis, Tom Hill

Absent: Dave Lindrose, Randy VanBuren

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

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

A Legal Notice was published in The News Herald on May 28, 2025, and sent to all contiguous parties.

- **PURPOSE OF HEARING: 2025-0008-BZA:** Applicant Rusty Anchor of Madison LLC submitted a Conditional Use Application for property located at 1808 N Ridge Road. (PPN 11-B-031-A-00-007-0) The request is for accessory uses of outdoor dining and outdoor entertainment in association with permitted use as a restaurant/bar in the B-3 Zoning District as required by Sections 22.02(E), 12.02(L), 12.02(W), 12.05(L) and 12.05(W).

Testimony from Interested Parties: Sherri Holm spoke for the request. The applicant discussed the following: examples were given of updates that have been done to the restaurant and property in question, plans for use of the restaurant and property, and events that are happening or planned for in the future. This is the applicant's first business venture. The applicant explained that they were using the Conditional Use conditions from the previous owner of the restaurant.

Testimony from Audience: The Board discussed the following: hours of operation for the restaurant, the maximum occupancy asked for and allowed and if the Fire Marshal would need to be included in the conversation, the amount of parking spaces, if the restaurant will be open for lunch, where the entrances are located for the outdoor dining, if/when bands are booked, outdoor lighting, clarification of outdoor hours of operation and lastly clarification of indoor operation hours.

Director of Zoning, Sean Ischay discussed the following: he let the Board know that no complaints have been filed towards the restaurant and the restaurant will have to follow the noise ordinance for bands to play.

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Motion to Approve: Ken Sullivan made a motion to approve Case 2025-0008-BZA with the following conditions:

1. To allow outdoor dining.
2. Hours of Operation: Sunday through Thursday, 11 A.M. to 12 A.M., and Friday through Saturday, 11 A.M. to 2:30 A.M.
3. Maximum capacity to be 106 people.
4. Outdoor entertainment to end by 11 P.M.
5. Five (5) year term.

DaveENZerra seconded.

Roll Call:	Ken Sullivan- Aye	Tom Hill- Aye
	Alternate, Dale Lewis- Aye	DaveENZerra- Aye

Motion carried. **Case 2025-0008-BZA approved**

Motion to Journalize: DaveENZerra made a motion to journalize Case 2025-0008-BZA.
Alternate, Dale Lewis seconded.

Roll Call:	Ken Sullivan- Aye	Alternate, Dale Lewis- Aye
	DaveENZerra- Aye	Tom Hill- Aye

Motion carried. **Case 2025-0008-BZA journalized**

- **PURPOSE OF HEARING: 2025-0009-BZA:** The Board discussed Case 2025-0010-BZA before discussing Case 2025-0009-BZA.

Applicant American Property Ownership LLC submitted a Conditional Use Application for property located at 1300 Mentor Avenue. (PPN 11-A-016-C-01-007-0) The request is for outdoor storage of palletized merchandise behind building, outdoor displays on East and West side of building, and propane storage cage. Required by Sections 12.02(K).

Testimony from Interested Parties: Chris Bedrick spoke for the request.

Testimony from Audience: The Board discussed the following; clarification if consideration is needed of location of propane storage, and what the propane containers are stored in.

Motion to Approve: DaveENZerra made a motion to approve Case 2025-0009-BZA with the following conditions:

1. Placement of Propane Cage must meet Painesville Township Fire Code.
2. Five (5) year term.

Ken Sullivan seconded.

Roll Call:	Ken Sullivan- Aye	DaveENZerra- Aye
	Alternate, Dale Lewis- Aye	Tom Hill- Aye

Motion carried. **Case 2025-0009-BZA approved**

Motion to Journalize: Ken Sullivan made a motion to journalize Case 2025-0009-BZA.
Dave Enzerra seconded.

Roll Call:	Tom Hill-Aye	Dave Enzerra- Aye
	Ken Sullivan- Aye	Alternate, Dale Lewis- Aye

Motion carried. **Case 2025-0009-BZA journalized**

- **PURPOSE OF HEARING: 2025-0010-BZA:** Applicant American Property Ownership LLC submitted a Variance Application for property located at 1300 Mentor Avenue. (PPN 11-A-016-C-01-007-0) The request includes the following:
 - A. To allow 0 feet of setbacks from lot side lines clearance from driveways/parking where 10 feet is required [Section 29.10(A)].
 - B. To allow outdoor storage/display that does not meet front setback requirements [Section 22.05(A)].
 - C. To allow a 5-foot front landscaping strip where 10 feet is required [Section 35.06(F)].
 - D. To waive the requirement for a landscaping bed between the building and paved areas [Section 35.04(A)].
 - E. To permit a 100% electronic message board, exceeding the 50% changeable copy limit [Section 28.08].
 - F. To place a fence 5 foot from edge of sidewalk where no fences shall be erected, installed, constructed or maintained closer than twenty (20) feet to the edge of the travelled portion of the road but in no case shall be closer than five (5) feet to the edge of the road right-of-way; [Section 6.14(C)(2)].

Testimony from Interested Parties: Chris Bedrick spoke for the request. The applicant gave an update regarding renovations to the property in question. The applicant gave an update regarding his current business property next door. The applicant addressed each Variance individually.

Testimony from Audience: The Board discussed the following per variance.

Variance Item A: setbacks from lot side lines clearance, and the location of outdoor storage.

Variance Item B: a possible fence being installed to contain displays, fencing around the back of the proposed property, and location of customer entrance and exit. **Variance Item E:** clarification regarding current message board/sign being relocated to property in question, including the base of the sign, if the applicant can work with Zoning Staff regarding the number of lines allowed on electronic message board, future conforming for a sign to the Zoning Resolution, clarification regarding that the applicant has not requested a variance for the electronic message board, clarification discussion with Legal regarding what measurement is being considered, from ground or from base, and where the proposed sign can be placed. **Variance Item F:** discussion regarding Lake Tran Bus Stop in front of proposed property, comparison of fence on current property versus where the proposed fence would be located on property in question, clarification regarding the measurement of 3ft 6in, what type of displays will be within the fenced area, what is the Township's stance regarding displays between the front of buildings and road-right-of-way, clarification regarding measurement of proposed fence from the front of the building, if the fence can be moved closer to the building, clarification regarding landscaping being added between sidewalk and fence.

Variance Item F "To place a fence 3'6" from edge of sidewalk where no fences shall be erected, installed, constructed or maintained closer than twenty (20) feet to the edge of the travelled portion of the road but in no case shall be closer than five (5) feet to the edge of the road right-of-way; [Section 6.14(C)(2)]" was amended to read as follows "To place a fence 5 foot from edge of sidewalk where no fences shall be erected, installed, constructed or maintained closer than twenty (20) feet to the edge of the travelled portion of the road but in no case shall be closer than five (5) feet to the edge of the road right-of-way; [Section 6.14(C)(2)]".

The Board discussed prior to the motions as follows: **Variance Item A:** clarification regarding where the 0-side clearance starts from. **Variance Item B:** clarification regarding if side and front is being considered for setback, or just in front of building, putting items away at night from displays, clarification on the number of outdoor displays. **Variance Item C:** clarification regarding amendment of Case 2025-0010-BZA item C "To allow a 3'6" front landscaping strip where 10 feet is required [Section 35.06(F)]" which will be amended to read "To allow a 5 ft front landscaping strip where 10 feet is required [Section 35.06(F)]". **Variance Item D:** clarification regarding Case 2025-0010-BZA item "To waive the requirement for a landscaping bed between the building and paved areas.". **Variance Item E:** clarification what will be posted on electronic message board.

Motion to Approve: A Motion was made individually for each of the following items:

- A. Ken Sullivan made a motion to approve 2025-0010-BZA (A) to allow 0 side clearance.
Dave Enzerra seconded

Roll Call:	Ken Sullivan- Aye	Alternate, Dale Lewis- Aye
	Tom Hill- Aye	Dave Enzerra- Aye

Motion carried. **Case 2025-0010-BZA (A) approved**

- B. Dave Enzerra made a motion to approve 2025-0010-BZA (B) to allow outdoor storage display items that do not meet front setback requirements.
Ken Sullivan seconded.

Roll Call:	Ken Sullivan- Aye	Alternate, Dale Lewis- Aye
	Tom Hill- Aye	Dave Enzerra- Aye

Motion carried. **Case 2025-0010-BZA (B) approved**

- C. Ken Sullivan made a motion to approve 2025-0010-BZA (C) to allow a 5 ft front landscaping strip where 10 feet is required under Section 35.06(F).
Dave Enzerra seconded.

Roll Call:	Ken Sullivan- Aye	Alternate, Dale Lewis- Aye
	Tom Hill- Aye	Dave Enzerra- Aye

Motion carried. **Case 2025-0010-BZA (C) approved**

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- D. Ken Sullivan made a motion to approve 2025-0010-BZA (D) to waive the requirement for a landscaping bed between the building and paved areas under Section 35.04(A).
DaveENZerra seconded.

Roll Call:	Ken Sullivan- Aye	Alternate, Dale Lewis- Aye
	Tom Hill- Aye	DaveENZerra- Aye

Motion carried. **Case 2025-0010-BZA (D) approved**

- E. Ken Sullivan made a motion to approve 2025-0010-BZA (E) to permit a 100% electronic message board, exceeding the 50% changeable copy limit under Section 28.08.
DaveENZerra seconded.

Roll Call:	Ken Sullivan- Aye	Alternate, Dale Lewis- Aye
	Tom Hill- Aye	DaveENZerra- Aye

Motion carried. **Case 2025-0010-BZA (E) approved**

- F. Ken Sullivan made a motion to approve 2025-0010-BZA (F) to place a fence 5 ft from edge of the travel portion of the road where 20 feet is required and no closer than 5 ft from the right-of-way under Section 6.14(C)(2)
DaveENZerra seconded.

Roll Call:	Ken Sullivan- Aye	Alternate, Dale Lewis- Aye
	Tom Hill- Aye	DaveENZerra- Aye

Motion carried. **Case 2025-0010-BZA (F) approved**

Motion to Journalize: Ken Sullivan made a motion to journalize all the Variances under Case 2025-0010-BZA, items A through F. DaveENZerra seconded.

Roll Call:	DaveENZerra- Aye	Tom Hill-Aye
	Alternate, Dale Lewis- Aye	Ken Sullivan- Aye

Motion carried. **Case 2025-0010-BZA journalize**

CLOSING OF PUBLIC HEARING:

Motion to Close: DaveENZerra made a motion to close the Public Hearing at 8:13 P.M.
Ken Sullivan seconded.

Roll Call:	Alternate, Dale Lewis- Aye	Ken Sullivan- Aye
	Tom Hill- Aye	DaveENZerra

Motion carried. **Public Hearing closed at 8:13 P.M.**

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REGULAR MEETING:

- **Motion to approve Meeting Minutes:** May 13, 2025, Minutes
Ken Sullivan made a motion to approve the May 13, 2025, Minutes.
Dave Enzerra seconded.

Roll Call:	Ken Sullivan- Aye	Dave Enzerra- Aye
	Alternate, Dale Lewis- Aye	Tom Hill- Aye

Motion carried. **May 13, 2025, Minutes approved.**

- **Old Business:** None
- **New Business:** Director of Zoning, Sean Ischay, discussed the upcoming Planning and Zoning Workshop for June 13, 2025.

ADJOURNMENT:

Dave Enzerra made a motion to adjourn the Meeting at 8:15 P.M.
Ken Sullivan seconded.

Roll Call:	Dave Enzerra- Aye	Ken Sullivan- Aye
	Alternate, Dale Lewis- Aye	Tom Hill- Aye

Motion Carried. **Meeting Adjourned at 8:15 P.M.**

Next Meeting will be held Tuesday, July 8, 2025.

ADJOURNMENT


Tom Hill, Chairman


Rachel Muro, Zoning Secretary