

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETING MINUTES
January 8, 2019**

Present Dave Lindrose, Ken Sullivan, Dave Enzerra, Randy Van Buren and Ken Fitzsimmons.
Absent: Tom Hill
Zoning Inspector: Rich Constantine
Legal Counsel: Matt Lallo

Dave Enzerra was the Chairman for Tom Hill. Dave Enzerra opened the meeting at 6:30 p.m. The Pledge of Allegiance was recited. It is noted that the we have a quorum. The Chairman opened the public hearing. Legal counselor, Matt Lallo, swore in the persons who were present to speak and intended to testify during the public hearing.

PUBLIC HEARINGS

Case 19-BZA-02

Applicant, ROV Properties INC, located at 1721 Mentor Ave has filed a Variance request to allow installation of 10-foot height fencing to enclose a portion of the rear yard in the B-3 zoning district in violation of Section 6.13(B)(3) which imposes a maximum fencing height above natural grade of 6 feet in the B-3 zoning district.

Chairman found no error from Zoning Inspector.

Applicant, Mike Rovanseck, stated that he his co-owner of this property with his brother, and they have been working on improvements on the property. He stated they would like to fence in the property for Bob's Garage, a tenant of theirs, for them to use for his personal vehicle. Mike stated that the owner of Bob's Garage currently rents from ROV properties and the fence would be green epoxy coated which blends in well. Mike stated all neighboring properties are okay with the fence. Chairman asked where the fence will go on the drawing. Mike showed him where the fence will go and stated that it will help eliminate traffic from Bob's Garage. Bob's Garage owner will start using his personal driveway.

Chairman asked if the board had any questions or comments. Rich Constantine commented that this works with the new corridor requirements which is shared parking and working together.

Chairman stated he'd like someone to make a motion.

Ken Sullivan made a motion to approve **Case 19-BZA-02**

Dave Lindrose seconded it.

Roll Call: Sullivan; Aye, Lindrose; Aye, VanBuren; Aye, Fitzsimmons; Aye, Chairman; Aye.

Motion carries.

Ken Sullivan made a motion to journalize **Case 19-BZA-02**.

Dave Lindrose seconded it.

Roll Call: Sullivan; Aye, Lindrose; Aye, VanBuren; Aye, Fitzsimmons; Aye, Chairman; Aye.

Motion carries.

Case 18-BZA-29 (continued from Dec. 11, 2018 meeting)

Applicant, Darius Racys, located at 696 Outrigger Cove has filed a Variance request to allow installation of approximately 60 lineal feet of 6' tall vinyl fencing extending forward towards Searay Cove, a dedicated roadway, from the actual setback of the dwelling in violation of Section 6.13(E) which limits the height of fencing extending forward from the actual setback of the dwelling to a dedicated roadway to a 36-inch maximum.

Chairman found no error from Zoning Inspector. Chairman stated that the applicant did submit a document (exhibit A) to help answer some questions that the board had at the previous meeting. The applicant did not show up. Chairman asked if anyone would like to speak in favor of this request or against. Mike Chepelsky, the applicant neighbor, who lives next to them in the gray house stated he didn't want to give up their visibility to see their kids get on the bus. He stated that he and the applicant, Darius, discussed this situation. Mike stated that after watching the traffic flow they noticed that the applicant will not be able to see children while backing out of their driveway.

Rich commented that the fence configuration that they are proposing is identical to the one installed across the street. Ken Sullivan stated that he agreed that backing out of the driveway could be a safety concern. Chairman commented if the applicant knew they were supposed to be in attendance for the continuation. Rich stated he does not know, he hasn't spoke to the applicant. Rich stated that when they dropped off the document, he was on a call and unable to talk to them. Randy asked about the bus stop and if it's on the opposite side of the street. Mike said yes, it is. Ken Sullivan stated that the semi-privacy fence at 6 ft high still causes a safety concern. Rich commented that the zoning office issues more fence permits than anything. Rich commented that he should have a fence for his dog, but doesn't. He has to handle his dog to protect his neighbors. Rich commented that when our activities interfere with public safety that's when Zoning helps draw those lines. The applicant did inquire with the Zoning Department prior to purchasing his house to see if he could install a fence. Since then the zoning rules have changed and the proposed fence would have been permitted without a variance. Rich stated that the applicant submitted his permit application in August 2018 and the fence requirement was changed in May of 2018.

This particular applicant was caught in timing of township rules and zoning changes. Rich stated that this zoning change was enforced in that the Zoning Commission felt that fences near sidewalks could be a safety issue. Rich commented that it's substantial information for the board to review.

Chairman stated that he can't ask the applicant anything they would consider doing to mitigate the risk due to their absence. Chairman asked the board if they'd like to continue or make a motion?

Randy VanBuren stated that he'd like to continue the hearing. Ken Sullivan stated he is open for a continuance.

Randy Van Buren made motion to continue **Case 18-BZA-29** with the condition that the applicant is notified and acknowledges that their presence is needed for the hearing in February.

Ken Sullivan seconded it.

Roll Call: Sullivan; Aye, Lindrose; Aye, VanBuren; Aye, Fitzsimmons; Aye, Chairman; Aye.

Regular meeting:

Lorrie Schuck stated that the December Meeting Minutes were emailed today and they can review them next month.

Old Business: None

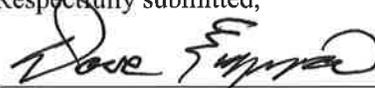
New Business

It was noted that at the next meeting we will elect officers. Dave Lindrose asked Rich about the 6ft fence. Rich commented that a year ago it would have been permitted but that still doesn't eliminate the safety risk. Chairman asked if we have any recourse to offer? Rich stated no. Ken Sullivan commented about the fence across the street and how bad it looked. Rich stated that the fence should be 20 feet from the road.

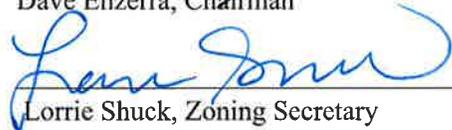
Zoning Secretary, Lorrie Schuck, stated she will not be here for the meeting in March.

Chairman adjourned the meeting 7:15 PM. Next meeting will be Tuesday, February 12, 2019.

Respectfully submitted,



Dave Enzerra, Chairman



Lorrie Schuck, Zoning Secretary



DATE: BZA Jan. 8, 2019

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