

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETING MINUTES
April 9, 2019**

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

Chairman Tom Hill called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited. The Roll was called for attendance purposes and it was noted that a quorum was present. The Chairman requested that Legal Advisor Matt Lallo swear in the persons who were present to speak and intended to testify during the public hearings. There were several persons who refused to be sworn in.

PUBLIC HEARINGS

Case 19-BZA-08

Applicants Michelle & James Van Schie submitted an Application for a Variance for property located at 112 Stratford Rd (PPN 11A012A020050). The Variance request is to allow removal of an existing 20x22 ft accessory building and the construction of a new 36x30 ft (1080 sq ft) detached garage in violation of Section 14.02(C)(4) which requires that the total ground coverage of all accessory structures on any one lot shall not be more than 875 sq ft or fifty (50) percent of the ground level living area of the dwelling on the subject property. Fifty percent of the ground level living area of the dwelling currently on the property is 986 sq ft.

The word "structure" should be buildings per the Zoning Inspector.

Chairman saw no error of the Zoning Inspector.

James Van Schie, applicant, stated that he has retired and would like a bigger space to work on his cars. Chairman asked if he plans on putting in a driveway. Mr. VanSchie replied that he will put in a driveway and landscaping. Chairman inquired on the type of work he will be doing. Mr. VanSchie replied that it's minimal maintenance for his show cars. Mainly, cleaning and polishing them. The Chairman asked if there was anyone present to speak against the application.

Glen Phelps stood and explained his concern that the Variance number didn't make sense. He went on to explain that Mr. Van Schie house could not be 986 sq ft. Chairman asked the Zoning Inspector if he could explain or if there was a miscalculation. The Zoning Inspector stated he included the 400 -500 sq ft of basement that probably shouldn't have been included. Mr. Van Schie stated the minimum may only be the 875 sqft. The resolution states that it's the greater of the two: 875 sqft or 50% of the ground floor living area. Chairman stated that the board will continue with the lower number of 875 sqft. Legal Counsel stated since the 875 sqft is in the application the board does not need to amend the application. Chairman stated that the maximum accessory coverage is 875 square feet. Mr. Phelps asked the board if they consider the percentage of the variance. He was also concerned that the documentation was incorrect. Legal Counsel, Matt Lallo explained that the requirement of 875 sqft was included in the legal notice therefore the document was not incorrect. The board will consider the 875 sqft as his maximum for accessory buildings. Mr. Phelps expressed concerned for noise from working on cars. Chairman

asked the applicant if he plans on using tools that could be loud. Mr. VanSchie stated that it's to maintain and clean his show cars. Mr. Phelps commented that his other neighbor has been parking cars behind their garage and running drills which are loud and noisy. Mr. Phelps asked the board not to consider the two letters that were included in the applicant's application due to the fact that they also have a garage. Chairman asked Mr. Phelps if he has a shed in his backyard. Mr. Phelps replied yes. Chairman asked him about the blue tarp on his shed and maybe his neighbors don't want to see it. Mr. Phelps replied that he would remove the blue tarp and stated that this is a 23.24% variance not the 9.43% variance shown in the documentation.

The Chairman asked if there were any questions from the board. Dale Lewis commented that if the applicant had a bigger house this would be mute. The maximum square footage allowed is figured on the size of the home. The Zoning Inspector replied yes and if Mr. VanSchie house was larger, he would not need a variance. The Chairman then asked if there were any further questions or commentary. There being none, the Chairman called for a motion.

Dave Lindrose moved to approve **Case 19-BZA-08** as requested. Randy VanBuren seconded.

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

Motion carried.

Case 19-BZA-09

Applicant Ruff Inc dba Ruff's RV Center submitted an Application for a Variance for property located at 140 Blackbrook Rd (PPN 11B0640000750). The Variance request is to allow 300x80 ft RV parking/storage area to be paved with asphalt grindings (aggregate) in violation of Section 29.06(A) which requires that all off-street parking areas be constructed to provide a paved surface of asphalt concrete, Portland cement concrete or pervious pavement as defined in Section 5 of the Resolution. The Chairman asked if anyone would like to speak in favor of this request. Rick Stohlman, applicant, stated that this is more a of a storage area for their RV's. The Chairman commented that in Section 29.06 pertains to surfaces and this lot is a homogeneous surface. Mr. Stohlman replied that yes, it is all the same material. The Chairman commented that Section 29.07 pertains to drainage and east of that lot there is a large drain there. The Chairman commented that it certainly looks better than what was there. The Chairman asked if there was anyone present to speak against the application. There being none, the Chairman called for a motion.

Randy VanBuren moved to approve **Case 19-BZA-09** as submitted. Dave Lindrose seconded.

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

Motion carried.

Dave Lindrose moved to journalize **Case 19-BZA-09**. Randy VanBuren seconded.

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

Motion carried.

Case 19-BZA-10

Applicant Small Footprint Properties LLC submitted an Application for a Variance for property located at 998 Hardy Rd. The Variance request is to allow parcel 11B041C000050, which currently contains 16,000 sqft of land area and was created in its present form by combining former parcel 11B041D000010 onto the former 11B041C000050 parcel, to be re-split into the two separate 50x160 foot parcels as they existed prior to the May 10, 2018 combination and to build a 966 sq ft dwelling on each resultant parcel in violation of the following:

- 1) Section 15.03(A)(1) which requires a minimum lot area of 12,750 sq ft (8000 sq ft is proposed)
- 2) Sections 15.03(D)(1) & (2) which require minimum lot width of 75 ft, (50 ft is proposed)
- 3) Section 15.03(H)(1) which requires a minimum of 1200 sq ft of living area for a dwelling (966 sq ft is proposed).

The Chairman saw no error of the Zoning Inspector requiring a variance.

Chairman asked the Zoning Inspector to explain the history of this property. The Zoning Inspector explained that the previous owner combined the two parcels into one in May 2018. The applicant bought the parcel August 2018. The Zoning Inspector is not sure why the previous owner combined both parcels. Applicant, Diana Turk with Small Footprint Properties explained she purchased the property in May 2018. The surveyor showed her the two lots and she'd like to re-split them to their original lot sizes. Given the lot size she would require a variance for the minimum lot area, minimum lot width and minimum living area. Chairman clarified with the applicant that she bought them to build homes on each lot. Ms. Turk replied yes. She plans on building modular homes on each lot. The Chairman commented that this area does have small lots there, but the direction of the Township is to have larger lots. The north area, where this property is, has larger lots. Chairman asked if anyone is against this application. Several people in attendance stood up. Legal Counsel swears in persons who didn't take the oath prior to the meeting.

Brian Gray at 1000 Hardy Rd. expressed concerned that these lots are small, and it would be very crowded. The Chairman commented that a lot of the lots in that area are the same, 50ft wide and 100 ft deep. Mr. Gray stated that he opposes this because at the end of this street the lots are larger.

Gerald Schrag at the corner of Lake and Hardy Rd. expressed concerned that while small lots have been there for 50 years the trend is to move to bigger lots. Kirt Zemisak at 1014 Hardy Rd expressed concern that this will decrease the value of his home and neighboring homes on this street. He stated that he doesn't want a cottage he wants a house next to him. His pole barn is 900 sqft which is close to the size home the applicant proposed to build.

Brian Gray commented that he is concerned this will take away the appeal of their neighborhood. There is only one small home on that side. Esthetic value to this area would decrease with squeezing two homes in there and decrease the value. Kirt Zemisak expressed concern that he was awarded for the Painesville Township best yard this year and has improved his property and has been asked to sell his house. He would like to see the area improve and not regress.

Diana with Small Foot responded that she would like the area to improve. In 2007 there was a cottage that was demolished. The proposed house she plans to build will be 23ft wide. That size house would not crowd neighbors and a two-car garage would be built behind the house.

Ms. Turk commented that the previous owner thought that she had to combine them in order to sell them. The Zoning Inspector is not aware why the owner split the parcel. The Zoning Inspector commented that if anyone were to demolish a house and leave an accessory building on it, it would be a violation.

Accessory buildings can't be alone on a lot. The owner could have combined the lot for marketing. Kirt Zemsiak stated that he moved there in 1970 and there was a cottage on the property. The owner passed the property to their house maid whom then left the area. The cottage was torn down and no one maintained the property. Chairman asked Small Footprint Properties their company goals and to explain to the board what they do? Diana Turk explained that a lot of people want smaller homes that are energy efficient. She stated that Small Footprint is about creating smaller homes that fit a lifestyle. Chairman commented a variance needs to have a hardship involved. The Chairman explained that this hardship was self-inflicted. The applicant bought the lot as is with hopes of re-splitting them. The

Chairman commented that this area is unique with smaller lots, but this section does have larger lots. Chairman asked the board if they have any questions.

Dave Lindrose asked if the homes will be the same? Diana Turk replied they will be similar. Dale Lewis asked if they would be spec homes? Diana Turk replied that the 1st one would be a spec home. Chairman stated that anytime the board makes a motion it is in the positive, then the members of the board vote. Legal Counsel stated that 3 out of 4 members would have to vote yes for this to pass. Dale Lewis commented that the requirements and the variance seems dramatic. The Zoning Inspector stated that on any lot the home would require 12,750 sqft lot area, 75 ft front setback and a 1,200 sqft dwelling. Chairman stated that this area is land locked. Dale Lewis commented that this section has larger lots.

Randy VanBuren moved to approve **Case 19-BZA-10** as submitted. Dave Lindrose seconded.

Roll Call: Lindrose; Nay, VanBuren; Nay, Lewis; Nay, Chairman; Nay.

Motion denied.

Chairman stated that the board has decided to keep that property as one parcel.

Case 19-BZA-11

Applicant Lake County Historical Society submitted an Application for a Variance for property located at 415 Riverside Dr (PPN 11A0190000140). The Variance request is to allow construction to proceed for a 757 sq ft addition to the existing exhibition barn for restroom accommodations without undergoing the Site Plan Review process required by Section 11.11(A).

The Chairman saw no error of the Zoning Inspector. The Zoning Inspector stated that a Site Plan Review requires extensive drawings, traffic reports, signage, elevation and elaborate explanations, along with lighting and landscaping as how the property will function.

The scope of this project does not require the vast financial and time consequences of a Site Plan Review. The applicant can adequately explain the need for fast action. Chairman inquired if the Zoning Commission should change the resolution, so these requests aren't brought this Board.

Mike Fant, Architect for Historical Society, explained the proposed addition to the barn is to have access to a restroom. The Historical Society often has children there for field trips and they have lunch in the barn. Adding a facility only makes sense. There are no variances needed and no need to go thru a full Site Plan Review. Mike Fant stated that the water and sewer lines are ready and the utilities have been approved.

Amy Kapostasy, Management Director of Historical Society, expressed the need to expedite this request due to a grant that must be spent by October 1, 2019.

Dave Lindrose moved to approve **Case 19-BZA-11** as submitted. Randy VanBuren seconded.

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

Motion carried.

Randy VanBuren moved to journalize **Case 19-BZA-11**. Dave Lindrose seconded.

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

Motion carried.

Old Business: None

New Business: None

Matt Lallo explained that the applicant was requesting a variance from the Site Plan Review. The board has the option whether they feel the applicant should need a Site Plan Review. The Zoning Inspector commented that the utilities are approved by Lake County.

Regular meeting:

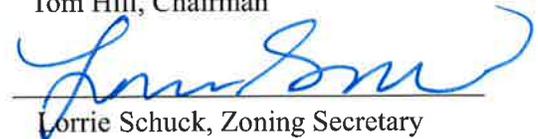
The Chairman called for attention to the minutes of the March 12, 2019 hearings and meetings and if anyone had any comments or corrections. Hearing none, the Chairman declared the minutes to be approved.

There being no further New Business, the Chairman adjourned the meeting 7:34PM. Next meeting will be Tuesday, May 14, 2019.

Respectfully submitted,



Tom Hill, Chairman



Lorrie Schuck, Zoning Secretary

