

**PAINESVILLE TOWNSHIP  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
March 12, 2019**

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

Acting Chairman Ken Sullivan called the meeting to order at 6:31 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 no persons who refused to be sworn in although two persons did not take the oath.

**PUBLIC HEARINGS**

**Case 19-BZA-03 (continued from February 12, 2019 meeting)**

Chairman opened the public hearing and asked Zoning Inspector Rich Constantine, substituting for Zoning Secretary Lorrie Schuck, to read the application. Chairman asked if anyone present wished to speak in favor of the application. Joshua Honaker, President of the US Veterans Motorcycle Club Lake County Chapter rose, identified himself and asked what information the Board required of him. The Board informed him that in cases of Conditional Use permits the Board needs to have direct communication with the applicant to gain a full understanding of how the applicant intends to use the property. That understanding may lead to the placement of appropriate conditions on a permit and eliminate irrelevant or unnecessarily burdensome conditions from being placed upon a permit.

The applicant went on to explain that the club uses the premises for monthly meetings which typically occur on the second Friday of the month but occasionally occur on the fourth Friday. The club currently has 12-15 active members and also uses the premises to temporarily store items being donated or set aside until needed by veterans who need assistance. They have already begun using the premises and were unaware that they needed a permit to do so. They have also conducted an outdoor event on the premises called the "Blessing of the Bikes." There were approximately 200 participants and 50 bikes on the premises at that time. The club had notified the other tenants in the commercial plaza about the event and there were no complaints or problems. Occasionally, there is activity in their unit late at night, particularly if they become aware of a veteran in crisis who needs assistance or intervention in a more or less emergency or urgent fashion.

The Chairman asked if there was anyone present to speak against the application. No person rose to speak. The Chairman asked if the Board was prepared to craft a motion. Randy Van Buren moved to approve a Conditional Use Permit with the following conditions;

1. Standard operating hours are 7AM to 11PM daily with the exception of emergency or urgent situations,
2. Applicant may plan up to five outdoor events per year involving the erection of tents and conducting events in the shared parking lot,
3. Applicant shall notify other tenants in the commercial plaza of events in advance,

4. A single, 3x5 ft banner may be affixed to sturdy steel posts inserted into the ground on a temporary basis in the grass area outside the road right-of-way from 4 hours prior to the beginning of an event until 4 hours after the same event ends,

5. The initial term of the permit shall be 5 years.

Dave Lindrose seconded.

Roll Call: Lewis, Aye; Van Buren, Aye; Lindrose, Aye; Sullivan, Aye.

Motion carried.

The Board recognized that the applicant had already begun using the property. Randy Van Buren moved to immediately journalize the decision. Dave Lindrose seconded.

Roll Call: Lewis, Aye; Van Buren, Aye; Lindrose, Aye; Sullivan, Aye.

Motion Carried.

### **Cases 19-BZA-05, 19-BZA-06 and 19-BZA-07**

The Chairman noted that the three remaining cases were based upon applications submitted by Fanning Howey Architects on behalf of the Riverside Local School District and all were variance requests related to the construction of the new Madison Avenue Elementary School. The Chairman then asked the Zoning Inspector to read all three cases. Following the reading, the Chairman then asked if there was any person present to speak in favor of the applications. Michael Myers rose and identified himself as an employee of the applicant, Fanning Howey and explained that he is the designated spokesperson for this project. The Chairman asked if Mr. Myers would care to present his requests on all three cases before yielding the floor. Mr. Myers agreed to do that and proceeded to hand out Exhibit 1 which was a representation of the site layout indicating the location of the entry/exit signs and the detail of the sign face sizes and language content. Mr. Myers explained that the historical traffic flow interference caused by the layout features of the former school on the site inspired the concept of creating two separate entry/exit drives along with two separate parking lots. The implementation of the concept would involve the separation of visitor/parent traffic and parking from school bus/staff traffic and parking. To achieve the desired improvement in traffic flow both on Madison Avenue and the school site, it is necessary that the signage is readable from a distance of 37 feet and clearly states who should be using which driveway. The restrictions which exist in the Painesville Township would limit the distance at which the signs could be read and would prevent the clear identification by drivers as to which driveway they should be using.

Mr. Myers then handed out copies of Exhibit 2 which was a representation of the site layout which focused on the mechanical yard at the SE corner of the building as well as the dumpster area at the NE corner of the building. He stated that some of the equipment in the mechanical yard is necessarily approximately seven feet in height and the 6 foot fence which is required would not provide adequate screening. He stated that with regard to the dumpster area, different trash haulers use containers built by different manufacturers and not all same-capacity containers have identical dimensions. Mr. Myers stated that they did not want to limit the choice of trash hauler due to the height of their containers. If they were to have only a six foot fence instead of the eight foot fence they are proposing, it might limit the choice of trash haulers.

Mr. Myers then handed out copies of Exhibit 3 which was a representation of the site layout which focused upon the location and size of the proposed monument sign. He stated that the reader board

(electronic message board) portion of the sign was only 27.5 square feet and the name of the school which will be mounted to the masonry base is an additional 7.5 square feet. He made the claim that in order to be seen by passing motorists the reader board really needed to be this size and that the name of the school needed to be there. He went on to explain that the proposed setback of 1 foot from the road right-of-way was necessitated by the surface water flow on the site. He indicated that the general surface flow was from the rear toward the front at Madison Avenue, therefore the location of the detention basin at the front of the property between the two entry/exit driveways made the most sense. In order to keep the monument sign out of the detention basin it needed to be installed closer to the road. At that point the Chairman asked if anyone had questions. Mike Iovine rose and identified himself. He asked whether the reader board would be facing north-south or east-west, citing his concern that he lived across the street and would not want the light shining in the direction of his house. Mr. Myers responded by saying that the sign faces would be east-west and that the programming for the reader board was capable of programming in dimming capability. He also reminded the Board that the School District made a written commitment to operate the reader board according to the provisions contained in the Zoning Resolution. Carol Cooper then stood and identified herself. She expressed concern over water standing in the detention basin and becoming a place for mosquitos to breed. Mr. Myers explained that the basin is designed to capture and retain water during a rain event and slowly release some water during a rain event and then allowing the water to absorb into the ground over a 48 hour period following the rain event. He said that there is not an expectation that the basin will always be wet. Fred Cooper then stood and asked if anything will be done about the traffic jams which have historically been happening when school is in session and if there are still going to be traffic jams, how emergency vehicles are going to be able to get through. Mr. Myers did state that a traffic impact study was done and there was no conclusion that either a turn lane or a traffic light was necessary. Matt Lallo offered to discuss the results of several meetings he attended on that subject with Mr. Cooper after the meeting. The Chairman stated that he did not believe the one foot proposed setback was necessary and suggested that a portion of the detention basin be filled and the sign moved back into that filled area. Mr. Myers stated that they really wanted to avoid having to make the basin any deeper and that by reducing the overall area of the basin, they would have to make it deeper to function the way it was designed. The Board members continued to express concern over only one foot of distance between the edge of the sign and the sidewalk. Following additional comments and discussion, Mr. Myers stated that he really wanted to get this business settled tonight and that he is amending his request to propose an 8 foot setback from the road right-of-way rather than the one foot originally proposed. The Chairman then asked if there were any further questions or commentary. There being none, the Chairman called for a motion.

Randy Van Buren moved to approve the variance as requested in Case 19-BZA-05. Dave Lindrose seconded.

Roll Call: Lewis, Aye; Van Buren, Aye; Lindrose, Aye; Sullivan, Aye.

Motion Carried.

Dave Lindrose moved to approve the variance as requested in Case 19-BZA-06. Randy Van Buren seconded.

Roll Call: Lewis, Aye; Van Buren, Aye; Lindrose, Aye; Sullivan, Aye.

Motion Carried.

Dave Lindrose moved to approve the variance as amended by the applicant in Case 19-BZA-07. Randy Van Buren seconded.


Roll Call: Lewis, Aye; Van Buren, Aye; Lindrose, Aye; Sullivan, Aye.  
Motion Carried.

**Regular meeting:**

The Chairman called for attention to the minutes of the February 12, 2019 hearings and meeting. The Zoning Inspector asked the members to review the printed copies distributed to the members this evening of the minutes originally drafted by the Zoning Secretary with minor corrections provided by the Zoning Inspector. The Chairman asked if any members had any corrections to offer. Hearing none, the Chairman declared the minutes to be approved.

The Chairman called for any Old Business items. Hearing none, he called for any New Business items. The Zoning Inspector reported the obituary for Margie Haught, wife of Zoning Commission member John Haught. There being no further New Business, the Chairman adjourned the meeting 7:53PM. Next meeting will be Tuesday, April 9, 2019.

Respectfully submitted,

  
Tom Hill, Chairman

  
Rich Constantine, Zoning Inspector