

**PAINESVILLE TOWNSHIP ZONING COMMISSION  
MEETING MINUTES**

**July 8, 2019**

**Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077**

**Present:** Darrell Webster, John Haight, Bailey MacKnight, Amy Cossick and Ted Galuschik  
**Absent:** None  
**Zoning Inspector:** Rich Constantine  
**Legal Counsel:** Matt Lallo

Chairman, Ted Galuschik, called the meeting to order at 6:40 p.m. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

**PUBLIC COMMENT:**

Mr. Daniels at 1001 Meigs Ave asked the board regarding the house on Meigs Ave that is going to become a halfway house. Matt Lallo, attorney, stated that it will not be a recovery house it will be a sober living house. The Ohio Revised Code (ORC) states it's a sober living house. Medical care will not be administered at this house. Matt Lallo stated it's a home for a person that has gone through treatment. This is a federal act where addiction problems are a protected class. The township cannot discriminate against them in a recovery house. Lake Geauga has house opened it and they do have guidelines for who is selected to live there. Matt Lallo stated that he is researching to see if there is a limit of people who can live in the home at one time, but they have a right to be there.

Doug Warren at 921 Meigs Ave asked if will there be supervision at this house? Matt Lallo stated that he doesn't believe an employee is required to live at that facility because that would then become a treatment facility; not a recovery home. Mr. Warren inquired if they will wear ankle bracelets? Matt Lallo stated that criminal cases are subject to treatment facilities for a 6-9 month program. Then they transition out and may go to recovery home. Criminal addicts are going into treatment and transition out. They would then move to a sober house which is not affiliated with ankle bracelets of jail. Mr. Warren stated he is concerned if they are sober for 30 days and relapses how that could affect their neighborhood with the potential of bringing drugs into the neighborhood. Mr. Warren stated that the location is not preferable. Mr. Daniels asked if these individuals will be allowed to come and go as they like? Will they each have 6 cars in the driveway. Matt Lallo stated that he does not know and suggested that they contact Lake Geauga County and/or the Trustees.

Matt Lallo stated that from a legal standpoint the township can't prohibit them from living there. Mr. Daniels expressed concern that this could decrease his home value. Dan Daniels at 1001 Meigs Court is concerned with the amount of cars that could be parked along the street. H stated that this could cost the township money. He stated that this could be a legal battle when something happens to one of the kids in the neighborhood. Matt Lallo stated that the township can't discriminate against them. The township can't get sued for following the law and especially if they are within reasonable accommodations within our code. Matt Lallo stated that in regards to the vehicles, they must be operable and parked on pavement. Matt Lallo stated that if residents have an issue of safety they should contact the police. Mr. Daniels asked Matt Lallo who he should contact? Matt Lallo stated that he could call a Civil Rights Attorney to verify if the Painesville Township is following the law. Lake Geauga Recovery Center should be able to answer some of your questions.

## **REGULAR MEETING**

Chairman asked if the board had any additional edits to the June 10, 2019 meeting minutes besides the few minor edits that have been completed. No corrections or comments were offered by the Commission members. Darrell Webster moved to approve the minutes as corrected. Amy Cossick seconded.

Roll Call: Webster; Aye, Haught; Aye, Cossick; Aye, MacKnight: Aye, Chairman; Aye.

**PUBLIC HEARING:** None

## **OLD BUSINESS:**

*Continued from May 2019 Meeting: Case 19-01-SPR* Site Plan Review for MS Consultants (Aldi Inc) at property 2045 Mentor Ave (PPN 11A04O000110) for an expansion of 4165 sq ft building involving removal of a portion of the existing parking area. The proposed building is to be expanded by approximately 2899 sq ft on the west side and 1266 sq ft on the east side.

Adam Pychewicz, architecture with Aldi, stated that they will need to request 5 variances. The first variance is the maximum pervious parking. They are losing 8 parking spots and they can't reduce more. The second variance is the absence of landscaping, which is now added in the Site Plan Review.

The third variance was a proposed reduction of parking stall size and 24 feet width drive isle and maintain parking on side of expansion. The forth variance is the reduction of right side parking distance, which is an existing condition.

The Site Plan has been modified to show the upgraded exterior elevations and matched the standards for the Township of the Western Reserve requirements.

A screen wall has been added for the cart. Both sides of the building will now have brick walls that were not previously been proposed. Those are the changes they made since the last discussion.

Zoning Inspector commented that if the commission is going to consider giving permission to this project the conditions need to be made and the Board of Zoning Appeals need to approve the variances. The Zoning Inspector handed the board a copy of the proposed elevation. He stated that he was impressed with MS Consultants to work in a Western Reserve style. The Zoning Inspector stated 9 feet by 20 feet is required. Aldi is proposing 10 by 20 and 10 by 18 for different parking spots. Mr. Pychewicz commented that about 24 spots need a variance out of 100 spots. Darrell Webster stated he is not worried about that. Chairman commented that a variance doesn't exist in regards to the impervious lot. The set back line will not be worsened. A 10 foot setback is required and 9 ft is proposed. Darrell Webster inquired if it was allowed previously why do they a variance now? The Zoning Inspector stated it wasn't caught originally. John Haught asked if the angle parking would allow more or less space? Adam Pychewicz replied less and it will reduce about 8-10 spots if they are angled. Chairman stated that he understands what Darrel was stating that the Township overlooked a variance from the beginning. Chairman stated that the gray & white columns look good and is impressed with the design. Chairman stated the Site Plan Review issues have been addressed and subject of approval of the BZA for the variances. If one of those variances are not approved then they would have to come back to the Zoning Commission. The Chairman asked if anyone had any questions. Hearing no other comments the Chairman would entertain a motion.

Darrel Webster made the motion to approve the SPR with the following conditions:

- 1) Obtain variances on parking stall size
- 2) Obtain variance for impervious surface

3) Obtain variance for side line parking clearance

Bailey MacKnight seconded.

Roll Call: Webster; Aye, Haught; Aye, Cossick; Aye, MacKnight: Aye, Chairman; Aye.

Motion approved.

Zoning Inspector stated that the SPR will expire in 12 months and asked the Board to consider changing the conditions. Matt Lallo stated that this approval doesn't start until they obtain their variance.

*Continued from April 2019 Meeting:* Architectural Review for Sunoco Station at 1435 Mentor Ave depicting the proposed roof style and exterior appearance that the Commission is expecting to see prior to the June 11, 2019 meeting date.

The applicant, Mo, would like to continue the SPR till September. Chairman would entertain a motion to continue the SPR until September 9, 2019.

Chairman stated that the applicant is not here and to continue to hold.

Discussion on Case 19-ZC-05

Agricultural Section 31

Zoning Inspector handed out Perry Township's Agricultural resolution.

The board discussed the differences and similarities among Perry's resolution and the proposed resolution.

Section 31.03 On lots of ~~one (1) acre or less~~ less than one-half (0.500) acre [calculation of acreage may be rounded to the third decimal place only]:

Section 31.01(A)(4) Animal and/or poultry husbandry shall be wholly contained within a ~~completely fenced area or pen, structure or building consisting of four solid, impermeable walls and a roof, which building has a fixed, permanent location on the ground. No animal and/or poultry husbandry shall be permitted in open pen(s), coop(s), lean-to(s) or other structures.~~

Darrell stated that a 6 ft fence will keep chickens but foxes, dogs etc can dig their way in.

Chairman commented about residents could be upset that this could be a concern for neighbors that could increase the risk of predators. Darrell doesn't think it will be an issue. Darrell chickens can't ground launch. Chairman the height is not on the fence. Adding "at a 6ft height solidly anchored in the ground and fencing material must have no open gaps from the bottom of the fence to the ground." Bailey commented that a resident could use a flimsy fence that will look bad. Chairman stated that we can't regulate the material. We can restrict the size of the holes. ZI we do prohibit chicken wire, welded wire in our fence code. If we want to allow those for ONLY poultry fencing. Chairman add an exception to this Section only to allow chicken wire. ZI make a reference if the board chooses lift the prohibition to Section 6.13. For the purpose, pen fencing material and the prohibition in Sec 6.13 does not apply to this Section.

ZI stated that they need to discuss a structured area from inclement weather.

John Pville city went through this too.

Section 31.01(B) :On lots ~~greater than one (1) acre, but not greater than five (5) acres~~ one-half (0.500) acre or greater, but not greater than one (1.000) acre [calculation of acreage may be rounded to the third decimal place only] poultry and/or fowl husbandry shall require a zoning certificate and shall be regulated as follows:

Section 31.03(B)(1) ~~Poultry and/or fowl husbandry and/or~~ buildings and structures incident to the use of land for ~~poultry and/or fowl husbandry agricultural purposes:~~

Section 31.03(B)(1)(b) shall be set back from the rear lot line at least ~~fifty (50)~~ twenty (20) feet and screened from adjoining property by a minimum of ten (10) feet along the rear lot line of year round vertical screening.

Section 31.03(B)(1)(c) shall be set back from the side lot lines at least twenty ~~five (25)~~ (20) feet and screened from adjoining property by a minimum of ten (10) feet along each side lot line of year round vertical screening;

Section 31.03(B)(1)(e) shall be wholly contained within a completely fenced area or pen

Section 31.03(B)(2) The maximum number of poultry/fowl kept on any one property shall be no more than two (2).

Chairman stated this is for ½ acre to 1 acre you can have up to two without a CUP. Darrell stated that Perry's pen must be 4 square feet per chicken/fowl. Darrell discussed his grandfather's chicken coop.

Section 31.03(B)(3) Any desired variation of the requirements above shall require the issuance of a Conditional Use Permit from the Board of Zoning Appeals pursuant to Section XII of this Resolution

~~2-~~ On lots greater than one (1,000) acre, but not greater than five (5) acres [calculation of acreage may be rounded to the third decimal place only], when at least thirty-five percent (35%) of the lots in the subdivision described in this Subsection 31.03(B) are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Ohio Revised Code Section 4503.06, ~~dairying and/or animal husbandry and/or~~ poultry and/or fowl husbandry shall be regulated as follows:

1. ~~Poultry and/or fowl husbandry and/or~~ buildings and structures incident to the use of land for ~~poultry and/or fowl husbandry~~ agricultural purposes:

Chairman suggested that we need to fencing material and should we regulate the size of the structure outside the fence area. Let Harley review this and come up with new language and table this till next meeting.

~~a: shall require a Conditional Use Permit prior to commencement of such use from the Board of Zoning Appeals pursuant to Section XII of this Resolution;~~

~~a. b:~~ shall be prohibited in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot;

~~b. e:~~ shall be set back from the rear lot line at least ~~fifty (50)~~ twenty (20) feet and screened from adjoining property by a minimum of ten (10) feet along the rear lot line of year round vertical screening;

~~c. d:~~ shall be set back from the side lot lines at least twenty ~~five (25)~~ (20) feet and screened from adjoining property by a minimum of ten (10) feet along each side lot line of year round vertical screening;

~~d. e:~~ shall not be erected, constructed or maintained in excess of thirty five (35) feet in height;

~~e. f:~~ shall not be erected, constructed or maintained in excess of twenty five percent (25%) of the square footage of the main building on the lot;

~~f. g:~~ shall be wholly contained within a completely fenced area or pen. ~~structure or building consisting of four solid, impermeable walls and a roof, which building has a fixed, permanent location on the ground. No dairying and/or animal husbandry and/or poultry husbandry shall be permitted in open pen(s), coop(s), lean-to(s) or other such structures.~~

2. The maximum number of poultry and/or fowl on any one property shall not exceed a density of three (3) per one (1) acre of real property.

D. On lots greater than one (1.000) acre, but not greater than five (5.000) acres [calculation of acreage may be rounded to the third decimal place only], when at least thirty-five percent (35%) of the lots in the subdivision described in this Subsection 31.03 are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Ohio Revised Code Section 4503.06, dairying and/or animal husbandry shall be regulated as follows:

1. Dairying and/or animal husbandry and/or buildings and structures incident to the use of land for dairying and/or animal husbandry:

a. shall require a Conditional Use Permit prior to commencement of such use from the Board of Zoning Appeals pursuant to Section XII of this Resolution;

b. shall be prohibited in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot;

c. shall be set back from the rear lot line at least ~~fifty-two~~ (50) (20) feet and screened from adjoining property by a minimum of ten (10) feet along the rear lot line of year round vertical screening;

d. shall be set back from the side lot lines at least ~~twenty-five~~ (25) (20) feet and screened from adjoining property by a minimum of ten (10) feet along each side lot line of year round vertical screening;

e. shall not be erected, constructed or maintained in excess of thirty five (35) feet in height;

f. shall not be erected, constructed or maintained in excess of twenty five percent (25%) of the square footage of the main building on the lot;

g. shall be wholly contained within a completely fenced area or pen.

~~2. After thirty-five percent (35%) of the lots described in this Subsection 31.03 have been developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Ohio Revised Code Section 4503.06, dairying and/or animal husbandry and/or poultry husbandry shall be considered non-conforming use of land and buildings or structures pursuant to Ohio Revised Code Section 519.19 and this Resolution:~~

After discussion the board decided to table Case 19-ZC-05 to allow time for members to review Perry's resolution in comparison to the proposed resolution.

**NEW BUSINESS:** Special Meeting with Lubrizol July 15th at 5:30 - 6:30.

Zoning Secretary and Legal Counsel will not be able to attend the special meeting. Zoning Inspector stated that this is the 1st time that they will not have the county comments prior to the site plan review. This building will be very low impact and an expedited plan.

Chairman stated that the meeting with the Trustee's was regarding the measuring of the cul-de-sacs and lot lines. There will be a new case discussing the minimum separation from the main building and accessory structure along with rear lot setbacks on accessory buildings.

**DISPENSATION OF CLOSED PUBLIC HEARINGS:** None

**ITEMS BEING HELD FOR PUBLIC HEARING:** None

**ZONING INSPECTORS REPORT:** None

Darrell Webster moved to adjourn the meeting. John Haught seconded.

**ADJOURNMENT at 8:08 PM**

**Next meeting will be Monday, August 12, 2019.**

**Respectfully submitted,**



**Ted Galuschik, Chairman**



**Lorrie Schuck, Zoning Secretary**