

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETINGMINUTES
June 11, 2019**

Present: Tom Hill, Dave Lindrose, Randy VanBuren, Dave Enzerra and Ken Sullivan
Absent: None
Zoning Inspector: Rich Constantine
Legal Counsel: Matt Lallo

The Chairman, Tom Hill, called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited. The board was present in its entirety. 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. All but 4 people took the oath.

PUBLIC HEARINGS

Case 19-BZA-18 (*Continued from May 2019 meeting*)

Applicant Jonathan Dotson submitted a Conditional Use Application for property located at 1314 Mentor Ave (PPN 11A016C010050). The request is for a Conditional Use Permit as required by Section 22.02(E), 12.02(K) and 12.05(K) for the accessory use of outdoor storage and/or display in association with a permitted use. Pre-manufactured storage sheds are proposed to be stored and displayed 24/7.

Chairman stated that the applicant was not present at the May meeting and at this meeting. The applicant called the Zoning Inspector on May 20th and stated that he did not like our regulations and asked not to be contacted again. Dave Enzerra motioned to grant the Conditional Use Permit as submitted.

Dave Lindrose seconded.

Roll Call: Sullivan; Nay, Lindrose; Nay, Enzerra; Nay, Van Buren; Nay, Chairman; Nay.

Motion denied.

Case 19-BZA-19

Applicant David & Leslie King submitted an Application for a Variance for property located at 631 Madison Ave (PPN 11A021A000110). The Variance request is to allow 31 lineal feet of six foot tall fencing to be installed approximately 13 feet beyond the actual set back of the main structure in violation of Section 6.13(E) which requires that no fence in excess of 36 inches in height may extend beyond the actual setback of the main structure.

The Chairman asked the Zoning Secretary to read the case. Following the reading, the Chairman then asked if there was any person present to speak in favor of the applications.

Leslie King, the applicant, stated that she would like to change her request. She stated that they have removed the bushes that were along the sidewalk and likes the open feeling, however people are now cutting through their yard. Mrs. King requested to install a 3ft rod-iron fence 15feet from the curb to eliminate people cutting through their yard. Chairman commented that the variance would only be for the distance; the applicant would not need a variance for the 3 foot fence.

Harley DeLeon, Assistant Zoning Inspector, stated that the variance was only for the height of fencing; not the distance. Legal Advisor stated that both issues fall within Section 6.13, which was noted on the Legal Notice making it applicable.

Chairman stated that the rod-iron is more pleasing to the eye. Mrs. King stated she would change her request that all fence to rod iron at 3 feet in height if the board would consider the distance from the curb to 15 feet. She commented that there is a tree she'd like to fence in her yard to eliminate the hassle of dealing with the roots or removing the tree.

Chairman stated that the distance to edge of pavement is the only variance then. Chairman asked if anyone was present to in favor or against? Hearing none he asked if the board had any additional questions. Dave Enzerra asked how far will the fence extend from Madison Ave? Mrs. King replied their driveway is off Woodworth and she intends to take the wrought-iron around the house due to being a corner lot. The fence would continue to be 3 feet in height and 20 feet from the curb along Madison Ave. The fence would be 15 feet from Woodworth.

Dave Enzerra stated the line of sight issue won't be an issue since the fence is wrought-iron.

Randy Van Buren motioned to approve Case 19-BZA-19 as modified. Dave Lindrose seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion carried.

Dave Lindrose moved to immediately journalize the decision. Ken Sullivan seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion Carried.

Case 19-BZA-20

Applicant Suzanne Weber submitted an Application for a Variance for property located at 273 Barrington Ridge (PPN 11A012A050130). The Variance request is to allow the building/structure permitted for Agricultural Use on the subject property to be placed with a minimum rear lot line clearance of 10 feet and a minimum side lot line clearance of 10 feet with no additional plantings or screening than what currently exists in violation of sub-Sections 31.03(B)(1)(b) and (c) which require a minimum rear lot line clearance of 50 feet and minimum side lot line clearance of 25 feet respectively, each with a minimum 10 feet of year round vertical screening. Chairman asked the Zoning Secretary to read the case and stated that this variance request is a result from a Conditional Use application from last month. The Chairman saw no error of the Zoning Inspector.

Suzanne Weber, applicant, stated she has signatures of her neighbors that support this. Chairman asked if anyone was present to speak in favor or against? Hearing none the Chairman asked the board for a motion. Dave Enzerra commented that he appreciated the thoroughness of her speaking to neighbors prior to submitting the variance.

Ken Sullivan motioned to approve Case 19-BZA20 as submitted. Dave Lindrose seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion Carried.

Randy Van Buren moved to immediately journalize the decision. Dave Enzerra seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion carried.

Case 19-BZA-21

Applicant Fairway Pines Development LLC submitted an Application for a Variance for property located at 1777A Blase Nemeth (PPN 11B0360000140). The Variance request is to allow the installation of a Gateway sign on a brick column support structure in a manner which results in the top of the sign face being 63 inches above grade in violation of sub-Section 28.04(E)(2)(c) which limits the maximum height of a Gateway Sign to 36 inches above grade.

Chairman asked the Zoning Secretary to read the case and stated he found no error of the Zoning Inspector. Chairman asked if anyone was here to speak in favor of this request.

Dave Wager, Director of Palmieri Builders, stated that this a standard sign size they install. If the sign height was only 36 inches it would be too small and the landscape would cover most of it. Chairman asked if anyone was present to speak in favor or against? Hearing none he asked the board for a motion.

Dave Lindrose motioned to approve Case 19-BZA-21 as submitted. Randy Van Buren seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion Carried.

Ken Sullivan moved to immediately journalize the decision. Dave Lindrose seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Case 19-BZA-22

Applicant Fairway Pines Development LLC submitted an Application for a Variance for property located at 1777A Blase Nemeth (PPN 11B0360000140). The Variance request is to allow the installation of approximately 2760 lineal feet of 3-rail white pvc fencing at a height of 54 inches above grade to define the Meadows at Fairway Pines subdivision entry point on Blase Nemeth Road in violation of Section 6.13(E) which imposes a maximum height of 36 inches above grade for fencing installed between the road right of way and the minimum required setback line.

Chairman asked the Zoning Secretary to read the case. Following the reading, he stated he found no error of the Zoning Inspector. Dave Wager, Director of Dalmieri Builders, stated that the 3 rail fence draws the eye to entrance and it hides the water pipes. Chairman asked if anyone was present to speak in favor or against? Hearing none he asked the board for a motion.

Ken Sullivan motioned to approve Case 19-BZA-22 as submitted. Dave Enzerra seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion Carried.

Dave Enzerra moved to immediately journalize the decision. Randy Van buren seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion carried

Case 19-BZA-23

Applicant HZRX Locomotive Leasing LLC submitted a Conditional Use Application for property located at Fairport Nursery Rd (PPN 12A0590000010). The Conditional Use request is to allow the applicant to operate a facility for the service and repair of railroad locomotives pursuant to Trustee Resolution 2019-62 which declared the proposed use to be a use similar to those uses permitted in the I-2 Heavy Industry zoning district and requires that the applicant obtain a Conditional Use Permit as prescribed by Sections 26.01(H), 12.02(S) and 12.05(S).

Chairman asked the Zoning Secretary to read the case. Following the reading, he stated he found no error of the Zoning Inspector, and asked if anyone was present to speak in favor of this request? Jon Jaros, HZRX Locomotive Leasing LLC, stated they are expanding and looking for a place to furnish cars on Paul Hach's property. Mr. Jaros stated Grand River locomotive is one of theirs. They refurbish locomotives and send them back out in the market. Chairman asked if anyone else would like to speak in favor or against this request? Mr. Hach stated that he's in favor of this request. Chairman asked how many cars would be stored at a time. Mr. Jaros replied that the capacity would allow 50. Chairman explained that a Conditional Use Permit allows the board to set a maximum number of locomotives and hours of operation. Mr. Jaros stated that they could work Sunday - Saturday 8am - 8pm. Chairman asked how noisy can the operations be? Mr. Jaors replied it's similar to an automotive repair shop. Randy Van Buren asked if they would require longer hours than 8pm? That once the Conditional Use Permit is granted they will only be authorized to work the stated hours. Mr. Jaros stated he would request the hours of operation from

6am-10pm Sunday-Saturday. Dave Lindrose asked many locomotives can fit in the building. Mr. Jaros replied two.

Zoning Inspector asked if storing the maximum capacity of 50 locomotives would impact Paul's business? Paul Hach stated that it wouldn't be affected. 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.

Dave Lindrose moved to approve a Conditional Use Permit with the following conditions;

1. Standard operating hours are 6AM to 10PM daily.
2. Applicant may store up to 50 locomotives.
3. The initial term of the permit shall be 5 years.

Ken Sullivan seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion Carried.

Dave Lindrose moved to immediately journalize the decision. Dave Enzerra seconded.

Roll Call: Sullivan; Aye, Lindrose; Aye, Enzerra; Aye, Van Buren; Aye, Chairman; Aye.

Motion carried

Regular meeting:

The Chairman called for attention to the minutes of the May 14, 2019 hearings and meetings and if anyone had any comments or corrections. Hearing none, the Chairman declared the minutes to be approved. Chairman will not be at the July meeting. Dave Enzerra will be the acting Chairman and Dale Lewis should be requested for attendance.

There being no further New Business, the Chairman adjourned the meeting 7:15PM. Next meeting will be Tuesday, July 8, 2019.

Respectfully submitted,



Tom Hill, Chairman



Lorrie Schuck, Secretary