

**PAINESVILLE TOWNSHIP ZONING COMMISSION  
MEETING MINUTES  
August 12, 2019  
Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077**

**Present:** Darrell Webster, John Haught, Bailey MacKnight and Ted Galuschik  
**Absent:** Amy Cossick  
**Zoning Inspector:** Rich Constantine  
**Legal Counsel:** Matt Lallo

Chairman, Ted Galuschik, called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

**PUBLIC COMMENT:** No one present.

**REGULAR MEETING**

Chairman asked if the board had any additional edits to the July 8, 2019 meeting minutes or the July 15, 2019 meeting minutes. Chairman submitted a few minor corrections that have been completed.

John Haught moved to approve the July 8th meeting minutes as amended. Darrell Webster seconded.

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

Motion carried.

John Haught made the motion to approve the July 15th minutes as amended. Bailey MacKnight seconded.

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

Motion carried.

**PUBLIC HEARING:** None

**OLD BUSINESS:**

*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. Chairman observed that the applicant is not present and that the Commission had given the applicant until the regularly scheduled September meeting to provide the requested drawings and elevations. Zoning Inspector stated that the applicant is still out of the country, in Jordan, tending to family. Case was continued to September.

*Continued from June 8, 2019 Meeting: Discussion on Case 19-ZC-05*

Agricultural Proposed Text Amendment: Section 31

Harley DeLeon, Zoning Assistant, informed the Commission that further changes need to be made to the Section, specifically editing 31.03 (D) to include lots less than 1 acre. The Section currently states a Conditional Use Permit is required for animal husbandry on lots that are 1-5 acres but it should state that a Conditional Use Permit is required for animal husbandry on all lots less than 5 acres.

Matt Lallo requested that a provision be inserted that states a Conditional Use Permit is required on all lots less than 5 acres except as otherwise provided in Section 31 all other animals should require a CUP. Matt Lallo stated that Section 31.03(A)(B)(C) is contradicting 31.03(D) because poultry and fowl husbandry is synonymous with animal husbandry. Further discussion was held. It was agreed that verbiage addressing this should be added.

Harley DeLeon stated that it was unclear what the Commission's desire was in regards to changing the maximum number of poultry/fowl permitted on the property but that she adjusted the amount to reflect the State law that requires chicks be sold and purchased in amounts no less than 6. Harley stated that she did not want to present her ideas within the text and requested feedback about the number of chickens the board would like to permit.

The Zoning Inspector pointed out that the minimum amount of chicks is still currently listed as 3 on lots less than half acre. Harley DeLeon stated that yes, she was unsure what number to put there on those lots.

John Haught stated that the board did not discuss this much but at the previous meeting they had discussed looking at how Perry Township regulates chickens.

Harley stated that Perry limits the number of poultry/fowl by square foot in a pen. There is no specific number of chickens they allow a chicken per 4 or 5sqft in a coop.

Chairman stated 6 chickens on ½ acre seems like a lot. Darrell Webster stated that his grandfathered owned 30-50 chickens on a small lot but something you don't want is them kept in cages.

Harely stated that there is verbiage requiring coop and run space for each chicken.

Bailey MacKnight stated that if they meet coup requirements, set-backs etc, the owner would eventually run out of room to have chickens. Bailey asked if the number of chickens could be removed entirely.

Harley stated that additionally, Section 31 also states that an agricultural use can't take up more than 25% of the backyard. Bailey stated the requirements would limit the number of chicks they can have on it's own. Chairman agreed that regulating the amount of chickens by the square footage of the coop and the setbacks might be the better method.

Harely stated that she thinks the Trustee's will want a maximum number.

Chairman expressed concern regarding the allowed 35ft height for structures related to agriculture.

Matt Lallo stated that this is for other animals. This is for animal husbandry; cows, horses, etc.

Harely stated that we don't have a maximum height on structures for poultry/fowl.

Zoning Inspector stated this is for agriculture use involving fowl/poultry for access building (or coup) no taller than 8 ft. Darrel Webster suggested a need for 8 ft for people and add a roust. John Haught stated that the maximum would be ok at 8ft. Harley commented that residents convert shed into coops. Zoning Inspector suggested a maximum to 10 feet height. Further discussion was had. Commission agrees that 10ft is an acceptable height limit. The Zoning Inspector stated the height is in two places: Section 31.01(C)(E) now (D) - strike the 35 feet and make it 10 feet.

Chairman stated that he agrees that the Trustees would prefer a max number of chickens. Chairman stated that lots 1-5 acres could have a lot more than 6 chickens, further discussion was had. Bailey stated that if we permit 6 chickens on lots that are .5 acre to 1 acre we allow a person with less space to have the same amount of chickens, the chickens on an acre lot should be double what is allowed on a half acre. Further discussion was had. Chairman stated that the

township could regulate the amount of chickens per lot based on the size requirements. Bailey asked if it would be regulated by the size requirements on just half acre lots or on all the lots. The chairman responded on all of the lots. Matt Lallo commented that the current requirement is that on lots less than a half acre a conditional use permit is required, if the goal is to keep that requirement, the lots of less than a half acre will have to be addressed separately in the section. Chairman requested that the zoning staff look at the regulations on coop size, set backs, and space used then provide the Commission with the maximum number of chickens a person could have if the regulations did not provide a specific number of chickens permitted. Harley stated that that number can vary depending on the lot configuration. Further discussion was had. It was agreed that office staff would calculate the maximum number of chickens that could be had on a lot in a scenario where the hypothetical lot has the largest back-yard it could based on the current standards.

Darrell Webster commented that in a building they need 3 sq ft per chicken and the run is 8-10 square ft per chicken. There was further discussion. Harley commented that currently the section requires 3sqft per chicken in the coop and 8sqft per chicken in the run and suggested increasing those numbers. Perry township requires 4 sq ft per chicken for coop size and the recommended run size is 8-10square feet per chicken. It was agreed that the requirements be increased to 4sqft per chicken in the coop and 10sqft per chicken in the run.

The Zoning Inspector commented that language will be necessary either somewhere in Section 31 stating that the side and rear yard clearances within Section 31 supercede yard clearance requirements elsewhere within the resolution or address within the R district sections that agricultural uses and structures are subject to clearance requirements in Section 31. Harley Deleon asked if that is necessary since the section specifies buildings used for agricultural purposes must meet these setback requirements. Darrell Webster stated that only agricultural setback will use this. Chairman stated that the staff will revise changes for **Case 19-ZC-05**

Harley DeLeon stated that she will work on the following 4 items:

- 1) Figure out what the maximum number of chicks could be on a 1 acre lot using best case scenario per the setbacks.
- 2) For lots less than ½ acre a CUP is required for poultry/fowl husbandry.
- 3) For lots 1 -5 acres a CUP is required for animal husbandry
- 4) On lots ½ - 5 acre are required to meet the setback guidelines, have 4sq ft per chicken and 10sq ft run space per chicken with a 25% backyard and the structure with a maximum of 10ft height.

Matt discussed the structure requirement for section 31.01(A)(7). Add language notwithstanding setbacks in the R1, R-2, R-3, R-4 and FPUD Sections regarding accessory structures.

#### **NEW BUSINESS:**

- **Case 19-ZC-06** Amendment Application suggested by the Township Trustees that has to do with minimum building separation and side and rear yard clearances in the R-1, R-2 and R-3 districts.

The Zoning Inspector stated that the Trustees were not in agreement to eliminate minimum building separation.

The Zoning Inspector commented that most of the changes are minor. 14.02(C)(5) a minimum separation of 10 feet from an accessory structure and the dwelling: it used to be 20 feet.

14.02(C)(8) Accessory buildings on corner lots should be the extent possible, conform to setbacks from the side street right of way equal to the actual setback of the main structure but in case may the accessory building be closer than 20 feet to the side street right of way.

The Zoning Inspector stated those changes are the same for R2 and R3 Districts; which are Sections 15 and 16.

Section 14.04(F)(3) side yard: for every accessory building or accessory structure in an R-1 District, there shall be a minimum side yard clearance of 5 feet. Section 14.04(G)(3) reduces the minimum rear clearance to 5 feet from 10 feet.

Section 14.02(C)(4) proposing leaving R-1 at 875 square feet.

Section 15.02(C)(4) the total ground coverage of all accessory buildings on any one parcel shall be not more than 750 square feet or 50 percent of the living area. The Zoning Inspector commented what would the advantage of someone having a bigger lot if they have a small house.

R3 District, Section 16.02(C)(4) shall not be more than 475sqft for or 50 percent of the living area on the ground level of the dwelling unit.

Chairman commented that the commission had a similar case last year and recommended that the Trustees approve the proposed changed and the case came back to the board. Chairman stated that these revisions are the product of a meeting himself and Darrell Webster attended on July 8th with the Trustees. The zoning inspector commented that this as well as the changes in the following case, 19-ZC-07, are proposed changes based on discussions had during that meeting. The chairman asked is the Commission would like to table this case for further consideration or set the case for public hearing. The Zoning Inspector suggested setting Case 19-ZC-06 and Case 19-ZC-07 for public hearing at the same time. Further discussion was had.

Chairman tabled **Case 19-ZC-06** till further discussion.

- **Case 19-ZC-07** Amendment Application suggested by the Township Trustee that is a re-work of the former lot width case which tried to address the concerns the Trustees had regarding the former case as proposed. Please look for the addition of the new Section 6.20 after the changes for Section 17.

Chairman stated this case was about setback lines. The commission sent the case to the Trustee's with the recommendation of approval. The Trustee's held a public meeting which was spirited and Trustees would like the commission to review it. The changes being presented are a result of the discussion held at the July 8th meeting with the Trustees. Chairman stated there were no concerns with the minimums set from what he understood but with setback lines. The Zoning Inspector clarified that one of the goals with the initial revision was to define how lots on cul-de-sacs were measured and to prevent "flag" lots. Section 14.03(D)(3) proposed to add 40.91 feet as measured by the chord length of the arc formed by the curvature of the roadway.

Zoning Inspector stated that a resident attended the Trustee's public meeting and expressed concern that the resolution would measure the chord length of the arc and believes the measurement should be of the tangent parallel to the chord. The Zoning Inspector feels that the measurement should really be between the two but a choice had to be made one way or the other. The resident also provided a drawing illustrating a deficiency in the resolution as it relates to parallelogram and other odd shaped lots.

With a 75 foot wide lot at the roadway the greater the angle from vertical the closer the parcel lines become. There is now a table that requires an increase of the lot width at the right of way for every degree the lot is angled. (Refer to Figure 14-1). Further Discussion was had.

Chairman shifted discussion to the next suggested change within the case. Section 16.02 (C)(4) changed the 875 square feet maximum for accessory buildings to 576 square feet maximum. The Zoning Inspector stated that 576 should be amended to 475sqft.

The Zoning Inspector discussed the new figures illustrating different lot shapes and how those shapes are to be measured. The Zoning Inspector suggested that these illustrations go into Section 6, General Requirements, due to these standards affecting all of the districts, this allows the measurement of lots within Painesville Township to be consistent.

Chairman stated that this case is addressing three different items.

The minimum lot widths in R1, R2 and R3, how lot widths are determined for lots on a cul-de-sac, it adds standards to the General Requirements Section for the measurement of lot width, and changes the maximum square footage for accessory structure size in R3.

Chairman removes Case 19-ZC-06 off the table.

Zoning Inspector commented that he does not think the board has had enough time to discuss Case 19-ZC-07. Further discussion was had. It was decided that the case can be set for public hearing tonight as there is still time to further review the case between tonight's meeting to September's meeting.

Chairman requested a motion for Case 19-ZC-06 & Case 19-ZC-07 to table or public hearing in tandem.

John Haught made a motion to set a public hearing for Case 19-ZC-06 on Monday, September 9, 2019. It was seconded by Darrell Webster.

Roll Call: MacKnight; Aye, Haught:Aye, Webster; Aye; Chairman; Aye  
Motion carries.

Darrell Webster made a motion to set a public hearing for Case 19-ZC-07 on Monday, September 9, 2019. It was seconded by Bailey Macknight.

Roll Call: MacKnight; Aye, Haught:Aye, Webster; Aye; Chairman; Aye  
Motion carries.

**Case 19-ZC-08** Amendment Application suggested to repeal Section 27 Mobile Home/ Trailers.

The Zoning Inspector stated that this Section had been in the Resolution for years but that the Township did not have any authority regulating mobile home parks. The authority shifted but is now with the Department of Commerce.

The Zoning Inspector stated that the township has only one legal conforming mobile home park that is currently zoned TC.

The Zoning Inspector stated he doesn't think the Township will redistrict anymore land for mobile homes. Since the township doesn't have control there is no reason to have it in our resolution.

Chairman asked set a public hearing to abolish Section 27. Harley Deleon asked whether there would be a conflict with requirements to be accomodating? Matt Lallo stated that Painesville Township has mobile home parks and there is nothing requiring that a community provide zoning to allow mobile home parks. The property

currently zoned TC would need to be re-zoned. Matt Lallo stated that the re-zoning of that parcel should be added to this case or a separate case should be created to re-zone that property before abolishing Section 27. Chairman asked that the case be tabled until it is amended to include the re-zoning. Matt Lallo stated that because the rezoning is a map change it should be it's own case, he also stated that the text and map change should go into effect concurrently. The Zoning Inspector stated that the property owner can submit the application for re-zoning and the Township will waive the fee. Bailey Macknight suggested to remove the contents of Section 27 and write in that the district must comply with the requirements of the Department of Commerce as opposed to rezoning the property. Matt Lallo stated that is another way this can be dealt with and that way if they aren't in compliance with those regulations we could cite them using our Zoning Resolution. Chairman tabled Case 19-ZC-08 until more information is presented by staff.

**DISPENSATION OF CLOSED PUBLIC HEARINGS:** None

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

**ZONING INSPECTORS REPORT:** Zoning Inspector passed out a handout of Rules and Procedure for Zoning Commission and Board of Zoning Appeals

Zoning Inspector stated that he will be out of town as August 19 through September 3rd.

Chairman commented that our October meeting is always on Columbus Day Oct. 14th and would like to move the meeting to October 7th. There were no objections from the board.

Secretary, Lorrie Schuck, will not be here for September 9th meeting. She is attending 6th grade camp with her son.

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

**ADJOURNMENT at 8:24 PM**

**Next meeting will be Monday, September 9, 2019.**

Respectfully submitted,



**Ted Galuschik, Chairman**



**Lorrie Schuck, Zoning Secretary**