

**PAINESVILLE TOWNSHIP ZONING COMMISSION**  
**MEETING MINUTES**  
**September 9, 2019**  
**Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077**

**Present:** John Haught, Amy Cossick, Bailey MacKnight and Ted Galuschik  
**Absent:** Lorrie Schuck and Darrell Webster  
**Zoning Inspector:** Rich Constantine, and Harley DeLeon, Assistant Zoning Inspector  
**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.

**REGULAR MEETING PUBLIC COMMENT:** No members of the general public offered any commentary.

Chairman asked if the board had any additional edits to the August 12, 2019 meeting minutes.

John Haught made a motion to approve the minutes. Bailey MacKnight seconded.

Matt Lallo stated that according to Robert's Rules, it doesn't matter whether you were present at the meeting and you do not need to vote on them. If there are no corrections or edits, then the minutes are approved.

**PUBLIC HEARING:**

- **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. Zoning Inspector, Rich Constantine, read a letter from the Lake County Planning Commission which stated that they recommended the following changes:
  - Change 14.03(D), 15.03(D), and 16.03(D) to "Please refer to Section 6.20, Lot/Parcel shapes and measurements, for measurement illustrations".
  - 15.02(C)(4): Leave R-2 accessory structure floor area at 875 square feet.
  - 16.02(C)(4): Leave R-3 accessory structure floor area at 875 square feet.
  - Change "No Apartment building" to "No Multi-Family Dwelling" in Section 17.05(A).

Chairman asked if anyone in the audience opposed **Case 19-ZC-06**.

David Novak, at 375 Barrington Ridge, stated that he is the owner of Barrington Consulting Group. Which is a civil engineering and land planning group. Mr. Novak, he stated that he has an extensive background in these matters. Mr. Novak stated that Section 16.03(F)(2) a minimum of 200 sq ft on the ground and questioned if that is the intent. For every accessory building is the intent to limit the accessory building to 200 sqft on the ground. Mr. Novak stated he has a similar issue on item Section 16.03(G)(3). Mr. Novak stated you could put an accessory building on a deck therefore it would not be on the ground. Matt Lallo stated that the accessory building covering 200 sq ft is the ground area. Chairman stated that it's still covering the ground area whether it's a foot above the ground or directly on it. Mr. Novak stated that he could take him to court over it and win.

Harley stated that they can change it to the 200 sq ft and remove the word “ground”. Matt Lallo stated that if someone is building up, the 200 sq ft would still apply.

Chairman stated to modify Section 16.03F(2)” covering more than 200 square foot area, there shall...” and Section 16.03G(3) “covering more than 200 square foot area”

Matt Lallo stated that 200 square feet is the aggregate it wouldn’t matter if it built up or how wide.

Matt Lallo suggested changing the text to “covering an area of 200 square feet”.

Zoning Inspector stated that the key is the impervious nature of a roof which creates impervious coverage of the ground. He stated it wouldn’t matter if it was 2 stories or 10 stories. If the structure has a 200 square foot roof, then its covering 200 square feet of ground.

Chairman stated that even if you built your structure 2 feet from the ground the building is still covering that area. The Zoning Inspector stated that if there is a possibility the board would close this public hearing; they need to make sure they have the exact language the board desires. If the board would like to review the amended text, they would need to continue the public hearing. Zoning Inspector asked for the exact wording to be read. Harley DeLeon stated the only change is “200 square feet “and remove the ground area. Mr. Novak asked if the board was accepting or denying the recommendations from the Lake County Planning Commission. Chairman replied that they will address those recommendations in a few minutes. Chairman stated the Lake County Planning Commission recommended that we leave the accessory structure floor area at 875 square feet in the R2and R3 zoning districts. Harley DeLeon stated that in R-2 or R-3 districts, if someone wanted to build a detached garage it could be 20x20, all three districts would be able to build a 2-car detached garage and meet those requirements.

Matt Lallo commented that it might be helpful to list out which recommendations go with ease case 19-ZC-06 and 19-ZC-07. The Zoning Inspector stated that #2 applies to case 19-ZC-06 and #1, #3 and #4 apply to case 19-ZC-07.

Section 15.02 applies to case 19-ZC-06 regarding the Lake County Planning Commission.

Chairman asked the board members for their feedback regarding the 875 square feet verse 750 square feet. John Haught asked the Zoning Inspector how he calculated the new accessory building square footages. Zoning Inspector stated that in R-1 the minimum required lot area is 15,000 sqft, the minimum required ground floor living area of the dwelling is 875 sqft. When you subtract 875 (minimum dwelling area) from 15,000 (minimum lot area) that leaves 14,125 of unoccupied ground area. We allow 875 square feet of ground area for accessory buildings in the R-1 district, which equates to 6.19% of the 14, 125 sq ft of unoccupied space. We can translate that formula to the R-2 district by subtracting the minimum required ground floor living area of 675sq ft from the minimum required lot area of 12, 750 sq ft and multip[lying the resultant 12, 075 sq ft by 6.19%, arriving at 747 sq ft which we round up to 750 sq ft. The same procedure can be used in the R-3 district and is included in case 19-ZC-07. Chairman asked if the board agrees with the recommendation or not. Bailey MacKnight commented to reject the Lake County Planning Commission and move forward with the proposed, reduced accessory floor structure area. John Haught commented that R-2 is 875, Chairman replied no, the proposed is to

reduce the square footage of accessory building to 750 sq ft. Amy Cossick suggested to close the public hearing and move forward. John Haught agreed. Chairman stated he needed a motion to close the public hearing.

Bailey MacKnight made the motion to close case **19-ZC-06**.

Amy Cossick seconded.

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

Motion carries.

Chairman opened case **19-ZC-07**.

- **Case 19-ZC-07** Amendment Application suggested by the Township Trustees that is a re-work of the former lot width case which tries 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 noted that a letter from Mr. Dave Novak has been submitted with this case. Chairman asked if anyone in the audience has any objections.

David Novak, at 375 Barrington Ridge, stated that when this case went to the Trustees four - six months ago it wasn't well reflected in the meeting minutes that he was instrumental in getting the case rejected. He stated he has just as many problems with this document as he did originally. He received the case on Wednesday and can go over this document for the next several hours. Mr. Novak stated that one objection he has is regarding lots on cul de sacs. The text states the minimum setback line and the lot line should be at 75 ft wide at the setback line.

Mr. Novak commented that on a cul de sac lot you are measuring the setback line at the chord Mr. Novak stated that is incorrect, he advised the board one should never measure at the chord. Mr. Novak stated a house would not be at the setback line it would be set at the arc. Mr. Novak commented that if you followed the code then the house would be built over 79 feet wide.

Mr. Novak stated that he has a fundamental problem with this. If you are looking at the width of a lot on cul de sac, or curved road, the text shows that the minimum must be 75 ft wide. Mr. Novak stated he has worked in 30-40 communities that would not calculate the lot width along the chord.

He commented that he would recommend a lot of changes to this section. Mr. Novak offered his help to the Trustees, but it was not solicited. Mr. Novak stated that called Dave Radachy and found out it that this case was on the agenda for the meeting tonight. Mr. Novak stated that he also contacted the Chairman, Ted Galuschik, and he confirmed it was on the agenda for the meeting tonight. Mr. Novak stated that he can take 2-4 hours of the boards time to explain all the problems our resolution. He commented that there are serious problems within the code. Chairman asked Mr. Novak what his main issue is and stated that the Zoning Commission is working on how to figure out where exactly the setback line and where to measure it. Mr. Novak agreed that what is proposed is fundamentally wrong. Mr. Novak stated to find the setback line you measure alongside the outside of the arc. Matt Lallo stated that the minimum is 75 feet. Matt Lallo asked if the Lake County Planning Commission would have an issue with this? Mr. Novak stated he preferred not to answer. Mr. Novak stated that he had conversations with Dave Radachy and he made some comments that he'd rather not repeat. Mr. Novak stated he does this all over NEO and has never seen where they measure the distance for a lot width along a

chord. Chairman how can the township know for sure that setback line is correct. Mr. Novak stated the minimum set back line must be 50 feet at the lot width. Mr. Novak explained that a house on the arc it can't be on the chord or it wouldn't be 50 feet back. Mr. Novak stated that it must be set on the setback line. Chairman asked where is the setback line? Mr. Novak stated to follow the code. The house should be set at the 50-foot setback line. Matt Lallo stated at 75 wide and 50 ft setback are the minimums. Mr. Novak stated that the code lacks discussion on curved roads not in a cul de sac. Mr. Novak stated that you measure at the setback line not the chord. Harley DeLeon commented that measuring at the chord will make larger lots which will benefit residents. Mr. Novak commented that the township needs to make regular shaped lots that are consistent. Mr. Novak stated that lots on a cul de sac is 79 ft wide instead 75 ft minimum. The minimum doesn't work and should be 79 feet not 75 feet. Mr. Novak stated that it's all a matter of economics when a developer comes in, the lots on cul de sac may create less lots, so the developer may create irregular shaped lots. Mr. Novak commented that the text states a cul de sac is the diameter of 120 feet but it's not well defined. Mr. Novak commented that a lot must be a continuous width, the inside curve instead of external side of the curve.

Mr. Novak stated that what really should be said, is even in a cul de sac or curve, for top quality lots, the side lines should be radial. Then you have these lots that curve as you go back. Depending on the diameter of the curve it could be less than 75 feet. The radius is 200 feet by Lake County Planning Commission code. Mr. Novak stated anything less than that, you would want to measure on the external side of the chord on a curved lot. Mr. Novak stated that you want the lines to come back radial. Mr. Novak stated that a minimum lot width at 75 feet then you lots cannot be smaller than 75 feet. If they are, then cutting corners off in one figure doesn't work. Harley DeLeon stated depending on the building setback line on that lot you can cut off back the corner if it stays 75 ft from frontage.

Mr. Novak commented on Section 6.20(C), illustration, within the text the lot can't be less than 75 feet.

Mr. Novak stated that the board wants the lots to be 75 ft wide. Curved street side lines should be radial and lots on a straight lot of lines need to be perpendicular; he stated that would give you nice rectangular lots. Transitioning in and out of a curve is when you get weird lots. The setback line at 50 feet either the distance parallel to road or perpendicular to the side; you cannot have anything less than 75 feet. Mr. Novak stated you would have a minimum 75 ft wide lot.

Harley DeLeon commented that one desire of township in comprehension plan are larger lots. The goal is to produce larger lots. Harley DeLeon stated this is referring to R-1, R-2 and R-3 lots. For developers like Kallay Farms, who want smaller lots, the township has the FPUD process. Harley DeLeon stated that the goal for township is to have larger lots. This could force developers to make the lots bigger. Mr. Novak stated, regardless the lot is 5 acres, you need uniformed lots and you need to create a standard of how to calculate those lots. Developers then can create good quality lots. Mr. Novak stated that the setback line at 75 ft the lot lines converge, and it limits the builder due to the side lines. Harley DeLeon stated that it's on the developers not to create an odd lot. Harley DeLeon stated it's the township's responsibility to protect residents and try to adhere to what the community desires. Harley DeLeon commented that if a developer purchases a lot and wants to build on it but creates odd shapes lots, then it's on the builder to also find a buyer for the odd shape lot they created. It's not the responsibility of the township to be lenient because a developer/builder may create odd lots.

Mr. Novak stated the text states the setback line is at the 75 wide and 60 ft setback.

Mr. Novak stated if you require certain things like making the line radial through the cul de sacs it will eliminate odd lots. Mr. Novak commented that a developer could sell a lot to a builder who then will complain to Zoning Department because someone allowed the lot to be created. The developer may go to BZA for a variance, but it would be easier to start with a good quality lot design.

Chairman stated that Sections 14.1, 15.1 and 16.1 all show radial lines.

The Chairman stated that the lot lines referring from text state that at the setback line the chord is at 75 ft along the arc at 76.54. Chairman stated to get the chord length of 75 ft the arc is 76.54 ft. Mr. Novak stated they should be measured at the top of the curve.

Chairman asked how many lots are we really reducing for a developer? Mr. Novak replied that he did not know but probably not even one lot. Chairman replied, "exactly".

Chairman asked Mr. Novak what is the endgame? Mr. Novak replied that the township should have good quality lots for the residents. Chairman stated that the boards intent. Mr. Novak commented that the boards' intent does not say that those lines need to be radial. Chairman stated that if the board adds the verbiage, "lines need to be radial or perpendicular", would that be enough? Chairman asked Mr. Novak if his biggest issue is the cul de sac and curve lot? Mr. Novak stated, "from developers' standpoint, every line on a straight street should be perpendicular and every line on curve lots should be radial". Mr. Novak stated that lots end up with pie shaped lots which have extra land. Developers look at the extra as waste. Harley DeLeon stated that she'd be happy with the extra land. Mr. Novak agreed with Harley and stated that the text needs to add restriction in the code. Chairman asked what restrictions he would recommend? Mr. Novak stated that he would recommend that all lots need to be radial on curves and perpendicular to the road right of way. Mr. Novak stated that when in come in and out of a curve including the straight pieces in the chords, he' not quite sure. Mr. Novak commented that is not the distance you want. He stated you would want the perpendicular distance from either or both sides that is 75 ft wide. If you have a radial line from cul-de-sac and a straight street, where is your setback line? Chairman commented that the issue Mr. Novak has with the code is regarding the text does not include radial lines to follow the illustration. Mr. Novak stated the setback line should be on top of the 50-foot circle, which is not the chord, and into the arc. Mr. Novak stated that yes, fundamentally that's where it should be. If the township wants to make it 79 ft on a cul de sac lot, then the township needs to take in all variables. Mr. Novak stated that it's easier to say on the outside of the chord when you measure the 75 feet and it covers them all. Mr. Novak stated that the township would not need a weird table. Chairman commented that outside the 50 ft radius is where the 75 feet should occur.

Amy Cossick asked if the Lake County Planning Commission submitted any recommendations. Harley DeLeon replied yes, they agreed with the board's proposal.

Chairman stated that the board has an objection. Mr. Novak interrupted and commented that he has issues with many sections of the code and would stay hours to review the code. Mr. Novak stated, for example, a side yard is never parallel it should be perpendicular.

Chairman stated the Lake County Planning Commission - agreed with the boards proposed text. The board has the option to continue the hearing or close it. Chairman stated the board has 30 days to make a recommendation to the Trustees', the next meeting is 28 days. Chairman asked the board for comments. Mr. Novak stated that he has 20 different areas highlighted in this section that he has an issue with. He stated that if the board continues the hearing, he will come back next month. Mr. Novak stated that he is trying to do what's right. He commented that his opinion should bear weight since this type of business is what he does for a living. Chairman stated that his biggest issue is where the setback line should be? Mr. Novak replied no, it's how lots are created. The code needs to be consistent. Chairman commented that cul de sac lot lines should be radial and straight line lots should be perpendicular. Chairman commented that the 75 ft line should be measured at the top of the radius. Chairman stated the board proposed the chord at the setback line. Chairman commented that if board went with radial lines the same number of lots will be developed.

Bailey MacKnight commented that Mr. Novak is upset and this seems to be one of the many concerns he has and suggested to continue the hearing to allow Mr. Novak to submit all of his concerns to the Zoning Department which would give the board time assess those and make a decision.

John Haught stated that the board has gone through these. He stated that the township offers a lot of varieties and continuing the hearing will not change his opinion. John Haught stated the Lake County Planning Commission agreed with the proposed text and suggested to close the hearing.

Amy Cossick agreed with John and commented that she is satisfied to close considering the Lake County Planning Commission agreed with the proposal to and move forward.

Chairman stated that board has been discussing this for months. Chairman asked Mr. Novak that if the board agreed to continue next month would he submit his concerns in writing in to Zoning Department, so the commission has time to assess those objections. Chairman stated that's the only way he'd continue the hearing. Mr. Novak stated that he is not going to spend any more of his time and he will not submit his concerns to the Zoning Department. Mr. Novak stated that he offered his time in front of the Trustee's. He will have this argument in front of the Trustee's again and they can send it back to Zoning Commission again. He stated he does not care.

Chairman would entertain a motion to close or continue case 19-ZC-06.

John Haught made a motion to close Case 19-ZC-06.

Amy Cossick seconded.

Chairman asked if there was any discussion.

Bailey MacKnight commented if the board is going to accept Lake County Planning Commission recommendations.

Matt Lallo stated the first recommendation deals with Section 14.1; cul de sacs and an illustration in Section 6.20.

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

Motion carries. Public hearing is closed

**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.

Harley DeLeon stated that the applicant stopped in the office. His father passed away and just recently got back. He asked for more time. Chairman asked for a motion to continue to the October meeting.

John Haught made the motion to continue until October 7, 2019 meeting.

Bailey MacKnight seconded.

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

Motion carries.

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

Agricultural Proposed Text Amendment: Section 31

Harley DeLeon stated that she went back and addressed the changes requested from the board. One of the requests was to create the worst-case scenario. Harley DeLeon stated that the last page in the file she handed was a one-acre lot. She stated on a one-acre lot, with 75 ft lot width and 10-foot sideline clearances, would allow 875 sq ft accessory structure including a detached garage of 20x20 would leave 38,025 square feet in the backyard which would allow a maximum of 679 chickens into that space. We require that the building shall not be in excess of the 25% of the building on the lot. Harley DeLeon commented that this is based off the size of the home not the yard.

Harley commented that lowering the living area on the lot (for chickens) would be unfair to residents with larger parcels. Amy Cossick asked how many chickens can they have now? Harley DeLeon stated they must go through the Agriculture process to determine that.

Chairman commented that the gray areas have been changed and asked the board for any discussions. Amy Cossick would like to continue it. Bailey MacKnight and John Haught agree to continue to October 7, 2019 meeting.

Continued from August 12, 2019 meeting 19-ZC-08 Amendment Application suggested to repeal Section 27 Mobile Home/Trailers.

Chairman commented the control is regulated by the Department of Commerce therefore the township does not have any real control. Harley DeLeon stated that if the board chooses to repeal the entire section, they will need to rezone the affected properties. At the last meeting the board preferred 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 properties. Matt Lallo stated that the title should be “modify” not “repeal” Section 27. The Zoning Inspector stated that the amended section has been strike through leaving verbiage stating, “Those uses permitted in an R-2 district may be permitted in MH district”. The uses allowed in MH district which require a Zoning Permit. The requirements are:

A) No structure may be built, placed, installed, altered, expanded or relocated within the park unless approved by the Ohio Department of Commerce outlined in guidelines for the Manufactured Homes Program. A copy of the Ohio Department of Commerce approval shall be furnished to the Zoning Office.

B) Mobile Home Park Operators must maintain licenses obtained from the Ohio Department of Commerce and follow all rules as contained in Title 47 Chapter 4781 and elsewhere of the Ohio Revised Code.

Matt Lallo commented that the word “elsewhere” is too vague and suggested to remove “Title 47 and elsewhere”.

Chairman commented to amend “repeal” to “modify” Section 27.

Bailey MacKnight made a motion to set a public hearing for **Case 19-ZC-08** on Monday, October 7, 2019.

It was seconded by Amy Cossick.

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

Motion carries.

Continued from August Meeting - Discussion of Rules and Procedure handed out from Zoning Inspector

Board decided to review it and discuss at the next meeting on October 7, 2019 meeting.

**NEW BUSINESS:**

Chairman commented that when Madison Ave school was zoned R-1 and that was rezoned to CS. The new elementary is a R-1 district. The Zoning Inspector stated they are taking the initiative to rezone the schools that are currently zoned R-1 to CS.

- Case 19-ZC-09 Re-zone 4 parcels from R-1 to CS, Hale Rd. Elementary School

Chairman requested a motion.

John Haught made a motion to set a public hearing for Case 19-ZC-09 for Monday, October 7, 2019.

It was seconded by Bailey MacKnight.

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

Motion carries.

- Case 19-ZC-10 Re-zone 1 parcel from R-1 to CS, Buckeye Elementary School

Amy Cossick made a motion to set a public hearing for Case 19-ZC-10 for Monday, October 7, 2019.

John Haught seconded it.

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

Motion carries.

- Case 19-ZC-11 Re-zone 2 parcels from R-1 to CS, Hadden Elementary School

Bailey MacKnight made a motion to set a public hearing for Case 19-ZC-11 for Monday, October 7, 2019.

Amy Cossick seconded it.

John Haught asked if the Trustees and the school board have discussed the idea that school board may use that property as a park. Matt Lallo stated that the rezone to CS would not affect that decision. Matt Lallo stated this property should have been zoned CS. John Haught commented that he heard when a school closes the property goes to the state of Ohio if the property would no longer be a school. Matt Lallo stated that he believes the school board would try to sell to another school entity. The property is currently zoned R-1. The only concern is the area along the corridor which is residential.

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

Motion carries.

**DISPENSATION OF CLOSED PUBLIC HEARINGS:**

**Case 19-ZC-06**

Chairman stated that one correction was made to this case and it to add the word “square” to 200 in Section 16.03F2. The Zoning Inspector asked if the motion should include the rejection of the Lake County Planning Commission recommendations. Chairman stated that the board didn’t agree with the Lake County Planning recommendations. Chairman commented that the board would need to include that the board is rejecting their recommendation regarding the 875 square feet in R-1 and R-2.

Chairman would entertain a motion.

Bailey MacKnight made a motion to reject the Lake County Planning Commission recommendations for **Case 19-ZC-06** as modified to the Board of Trustees with recommendation for approval.

Amy Cossick seconded.

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

Motion carries.

**19-ZC-07**

Chairman commented that the Lake County Planning Commission had sent three recommendations for this case. Zoning Inspector stated that the illustration they want to refer to is in Section 6.20 Lot/Parcel Shapes and Measurements. Matt Lallo suggested to keep the proposed illustrations and add “Section 6.20 Lot/Parcel Shapes and Measurement”. The board agreed with that suggestion.

The Zoning Inspector stated that it should be as: Section 14.03(D), 15.03(D) and 16.03(D) Lot Width. Please refer to Figure 14-1, 15-1, 16-1 (respectively) at the end of this section for measurement illustrations and Section 6.20 Lot/Parcel Shapes and Measurements.

Chairman asked for discussion regarding the recommendation for Section 17.05(A). The Zoning Inspector agreed with their recommendation to change “No Apartment Building” to “No Multi-Family Dwelling”.

The Zoning Inspector discussed the third recommendation in Section 16.02(C)(4) and would prefer to reject it and keep the boards’ original proposed text amendment.

The Zoning Inspector stated that he would like to change an illustration and corresponding text. Chairman stated that this has already been closed and it will keep it under Dispensation of Closed Public Hearing and make the changes at the next meeting.

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

**ZONING INSPECTORS REPORT:** None

Chairman stated that the board will have four public hearings next month.

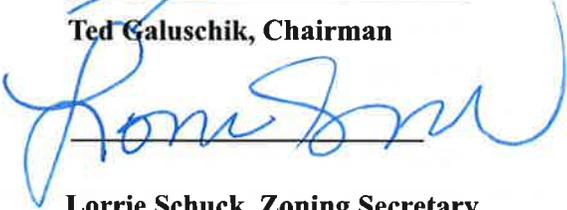
**ADJOURNMENT at 8:37 PM**

**Next meeting will be Monday, October 7, 2019.**

**Respectfully submitted,**



**Ted Galuschik, Chairman**



**Lorrie Schuck, Zoning Secretary**