

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETINGMINUTES
October 8, 2019**

Present: Tom Hill, Ken Sullivan, Dave Enzerra, Randy VanBuren and Dale Lewis
Absent: Dave Lindrose
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. 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. All but one took the oath.

PUBLIC HEARINGS

Case 19-BZA-30

Applicant Kenneth & Jennifer Hoffacker submitted an Application for a Variance for property located at 88 Bryn Mawr Dr (PPN 11A003A000110). The Variance request is to allow construction of a 22x32 ft detached accessory building which proposes a left side yard clearance of 5 feet in violation of Section 14.03(F)(2) and 14.03(A)(1) which require a minimum side yard clearance of 10 feet and proposes a separation distance of 17.05 feet between the main building and the new building in violation of Section 14.02(C)(5) which requires a minimum separation between buildings of 20 feet.

Chairman found no error of the Zoning Inspector for this request.

Mr. Hoffacker stated that there are a row of hedges on the property and if the building was moved it would sit half asphalt and half concrete. By moving it 5 feet over, the building will be (all) on concrete.

Chairman asked if anyone was in favor or against. No comments were made. Chairman called for a motion.

Ken Sullivan made a motion to approve **Case 19-BZA-30** as submitted. Randy VanBuren seconded it.

Roll Call: Sullivan; Aye, Lewis; Aye, Enzerra; Aye, VanBuren; Aye, Chairman: Aye.

Motion carries.

Case 19-BZA-31

Applicant Philip Willse (CT Consultants) submitted an Application for a Variance for property located at 585 Riverside DR (PPN 11A0030000050). The Variance request is to allow construction of one 30' x 75' set of bleachers on a property zoned CS without Site Plan Review approval in violation of Section 11.11(A)

Chairman found no error the Zoning Inspector for this request. .

Philip Willse stated that the bleachers will sit within the tree lawn and provide a grand stand for band members. The bleacher would be more than 300 feet from existing buildings.

Chairman asked if anyone would like to speak in favor or against.

Gary Platko at Riverside stated that they previously had bleachers but those were removed two years ago.

Ken Sullivan asked if they are the same size as before. Mr. Platko replied they are larger and ADA

approved. The bleachers will sit within the hillside. He stated that one section of fence will be removed. Dale Lewis asked about landscaping and if they will add more. Zoning Inspector replied that the intent was to not move the trees. Zoning Inspector stated that they do conform to all the zoning requirements and recommends approval of this variance without the SPR which can be costly.

Randy VanBuren made a motion to approve Case **19-BZA-31** as submitted. Ken Sullivan seconded.

Roll Call: Sullivan; Aye, Lewis; Aye, Enzerra; Aye, VanBuren; Aye, Chairman: Aye.

Motion carries.

Randy VanBuren moved to journalize Case **19-BZA-31**. Ken Sullivan seconded.

Roll Call: Sullivan; Aye, Lewis; Aye, Enzerra; Aye, VanBuren; Aye, Chairman: Aye.

Motion carries.

Case 19-BZA-32

Applicant Roger and Donna Lexa submitted an Application for a Variance for property located at 1450 Riverside DR (PPN 11A023B000280). The Variance request is to allow construction of 576 sq ft detached garage 32 ft from the road right-of-way in violation of Section 14.03(A)(1) which requires a 50 ft front setback. Additionally, the proposed construction would result in a total ground coverage of 1,334 sq ft of all accessory buildings in violation of Section 14.02(C)(4) which limits the subject property to a total ground coverage of all accessory buildings to 935 sq ft.

Chairman found no error of the Zoning Inspector for requiring this variance.

Mr. Lexa stated that this location is the best on his property. With his current driveway and apron location, this would be the safest placement for him to pull in and out. Mr. Lexa state that his property has a slope and the he has placed the garage on the top of the hill to help reduce construction cost. Mr. Lexa commented that if he changed the location he would also disturb a 200 year old oak tree. He stated that it is possible to move the garage back but it is less optimal for parking and the grading would be more costly. Dave Enzerra asked the applicant why he chose this size? Mr. Lexa replied that he didn't have a specific reason other than storage. Mr. Lexa stated the preferred a larger size because he knew he would need a variance even if he reduced the size.

Dave Enzerra made a motion to approve **Case 19-BZA-32** as submitted. Ken Sullivan seconded.

Roll Call: Sullivan; Aye, Lewis; Aye, Enzerra; Aye, VanBuren; Aye, Chairman: Aye.

Motion carries.

Regular meeting:

The Chairman called for attention to the minutes of the September 10, 2019 hearings and meetings. He stated that the minutes have been edited and if anyone had any additional corrections. Hearing none, the Chairman declared the minutes approved.

Old Business

1. *Continued from August 11, 2019 Meeting*

Dollar General, 1535 Madison Ave, CUP renewal, 08/14/18-08/13/23

Chairman stated that this their first renewal and the concern is a maintenance issue. Zoning Inspector stated that they are concerned with the trash receptacle outside that overflows, grass not cut on a regular basis, not removing vegetation as necessary and they have allowed landscaping to parish. Chairman inquired if zoning has the original conditions? Zoning Inspector stated yes and read them aloud; 1) 5 year term, 2) outdoor storage of propane and ice are permitted in front of building, 3) Propane storage

must meet fire standards, 4) operating hours are 8am-10pm, 5) merchandize may be outside but returned inside after hours.

Perry Jodon, GM of Dollar General, stated he has been at the store for 5 years. He requested to keep their permit for the ice machines on the sidewalk. The propane tanks were never installed. .

Chairman asked if the zoning issues have been resolved. Mr. Jodon stated yes, they have. He stated it was a challenge due to working as a corporation whom had a third party business to do maintenance. Mr. Jodon stated that last year the company they hired did not show up and this year they did not meet the business needs. Mr. Jodon commented that the retention area grows cat-tails and only certain companies are willing to maintain them. He has found a company and the issues have been resolved. Chairman asked if he has a maintenance company now? Mr. Jodon stated yes, but does not know the name.

Chairman asked if he would like to the propane columns left in the renewal. Mr. Jodon stated yes, because the store would benefit if they add them. Chairman asked Zoning Inspector if they are comfortable. Zoning Inspector stated the failure to maintain these standards including the maintenance of the trash and scrap material in the trash closure could jeopardize the next renewal. Ken Sullivan asked if zoning would recommend shortening the term since they have had issues. Chairman stated the renewal fee is \$100. Public hearing would be \$500.

Zoning Inspector stated that would be at the board's discretion to shorten the term. Mr. Jodon commented that he will keep up on the standards. He has permission with corporate office to do a cash payout to hire a local landscape company if necessary.

Chairman asked if zoning had a preference? Zoning Inspector stated he would prefer to have documentation of failure of maintaining conditions and move forward with the same conditions with a three- year term instead of 5.

Ken Sullivan made a motion to approve the CUP renewal keeping previous conditions as a 3 year term. Randy VanBuren seconded.

Roll Call: Sullivan; Aye, Lewis; Aye, Enzerra; Aye, VanBuren; Aye, Chairman: Aye.
Motion carries.

New Business:

Wasim Abouander, 1250 Mentor Ave, CUP Renewal, 09/10/2019-09/09/2014 Permit 14-BZA-17
Lake County Service Garage Property

Zoning Inspector stated that he did follow conditions but the Trustee's didn't like the number of vehicles on the property. The relationship has been good. They paid for a fence and the Service Dept installed it. Mr. Aboundander gave the Township the land for the sign monument. Chairman asked is this for 5 years. Zoning Inspector replied yes.

Dave Enzerra made the motion to approve the CUP renewal for 5 years.
Ken Sullivan seconded.

Roll Call: Sullivan; Aye, Lewis; Aye, Enzerra; Aye, VanBuren; Aye, Chairman: Aye.
Motion carries.

Chairman asked Zoning Inspector if they have anything new coming. Zoning Inspector stated yes, he is expecting a few variances for next month. Dave Enzerra will not be here Nov 13th. Dale Lewis stated he can attend.

There being no further New Business, the Chairman adjourned the meeting 7:05PM. Next meeting will be Tuesday, November 12, 2019.

Respectfully submitted,



Tom Hill, Chairman



Lorrie Schuck, Secretary