

**PAINESVILLE TOWNSHIP ZONING COMMISSION
MEETING MINUTES
November 11, 2019
Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077**

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

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: None

REGULAR MEETING

Chairman asked if the board had any additional edits to the October 7, 2019 meeting minutes. Hearing none, he called for a motion. Amy Cossick motioned to approve the October 7, 2019 meeting minutes. Darrell Webster seconded. Roll Call: Webster: Aye, Cossick; Aye, MacKnight; Aye, Chairman; Aye.
Motion carries.

PUBLIC HEARING:

Case 19-ZC-08 Continued from October 7, 2019 meeting

The Painesville Township Zoning Commission has proposed to amend Section 27 - TC Districts and rename the district to MH, Manufactured Home District.

Jim Loiacono resides at 6900 Rolling Acres but owns the trailer park off Mentor Ave. He asked if this would be amended or finalized tonight. The Zoning Inspector stated that the commission is a recommending body and it will go to the Trustees to be finalized. Mr. Loiacono requested that the board continue the hearing to allow him time to submit a letter of his concerns.

Zoning Inspector commented that the text currently proposed recognized that once a mobile home park has been established the township does not have any guidelines over them. Zoning Inspector commented that the staff would be supportive of receiving any commentary.

Bailey MacKnight made a motion to continue Case 19-ZC-08 until December 9, 2019.

Darrell Webster seconded.

Roll Call: Wester; Aye, Cossick; Aye, MacKnight; Aye, Chairman; Aye. Motion carries.

Case 19-ZC-09 Continued from October 7, 2019 meeting

The Painesville Township Zoning Commission, on behalf of the Township Trustees, is initiating a district amendment to change the zoning district from R-1, Single Family Residential to CS, Community Service/Institutional for the following parcels of land which comprise the Hale Road Elementary School Site: 11B032C000010 (034 Ac) 11B032C000020 (1.41Ac) 11B0320000400 (1.88Ac) and 11B0320000010 (32.11Ac).

Zoning Inspector stated that the Trustees are in ongoing discussions with the school board and would request to continue the hearing. Darrell Webster made a motion to continue **Case 19-ZC-09** till next month.

Amy Cossick seconded. Roll Call: Wester; Aye, Cossick; Aye, MacKnight; Aye, Chairman; Aye. Motion carries.

Case 19-ZC-10 Continued from October 7, 2019 meeting

The Painesville Township Zoning Commission, on behalf of the Township Trustees, is initiating a district amendment to change the zoning district from R-1, Single Family Residential to CS, and Community Service/Institutional for the 8.32 acre parcel of land known as 175 Buckeye Rd which is the Buckeye Elementary School Site.

Zoning Inspector stated that the Trustees are in ongoing discussions with the school board and would request to continue the hearing.

Bailey MacKnight made a motion to continue **Case 19-ZC-10** till next month.

Amy Cossick seconded

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

Motion carries.

Case 19-ZC-11 Continued from October 7, 2019 meeting

The Painesville Township Zoning Commission, on behalf of the Township Trustees, is initiating a district amendment to change the zoning district from R-1, Single Family Residential to CS, Community Service/Institutional for the following parcels of land which comprise the Hadden Elementary School Site: 11A0150000020 (8.32 Ac) and 11A0150000030 (.50 Ac).

Zoning Inspector stated that the Trustees are in ongoing discussions with the school board and would request to continue the hearing.

Amy Cossick made a motion to continue **Case 19-ZC-11** till next month. Darrell Webster seconded

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

Motion carries.

Case 19-ZC-12

The request is to amend the zoning district from R-1, Single Family Residential to R-3, Residential Duplex Dwellings for PPN 11A016I00050, a 1.58 acre parcel also known as 1739 West Jackson St. and also for PPN 11016I000140, a 1.17 acre parcel also known as 1739 West Jackson St.

Tom Trivosomo commented that the agenda refers to 1739 West Jackson, but the correct address is 1751 West Jackson. Mr. Trivosomo stated that this would be a good use for the land.

Chairman stated that Lake County Planning Commission discussed this amendment at their October 29th meeting and they do not recommend the rezone of this property. In their opinion, the property would be better served as a single family use which is consistent with the majority of the surrounding properties.

Darrell Webster commented that according to the map, the road is not measuring 60 feet wide. Mr. Trivosomo stated it will be 60 feet wide. John Haught joined the meeting 6:49pm.

Julie Lenard at 1717 W Jackson St asked what is Mr. Trivosomo relationship to this project. Mr. Trivosomo is the engineer for this project.

Pam Odum at 30 Waldorf Dr is not in favor of this amendment. Mrs. Odum stated she enjoys the woods behind her house and does not want to see duplexes. She stated that she is concerned if these duplexes will be owned or rented out and they will devalue her property. Mrs. Odum also expressed concern regarding water and sewer issues. Mrs. Odum would like to see a buffer space between the street and the neighboring properties. She commented that there are wetlands within that area and she stated that Hawks live in those woods.

Mrs. Odum stated that she has had issues from tree limbs falling and damaging her property and Mr. Daniels ignored her request to fix fence or maintain the property.

Julie Lenard at 1717 W Jackson St is there to voice her concerns and her father who lives at 1725 W Jackson. Ms. Lenard stated she does not understand how the one would sell a duplex since they are connected. She is concerned with them becoming rentals which can be a challenge. Ms. Lenard stated she has dealt with situations with nearby rental properties and duplexes do not provide value in a residential area. Ms. Lenard commented that adding these duplexes could increase traffic would be an additional concern.

Gary Heinz at 1761 Jackson stated he does not want duplexes built next to him. He has built a pool and these duplexes will eliminate his privacy.

Brian Lorek at 1771 W Jackson, stated he has lived there for 35 years and agrees with Julie Lenard and Pam Odum. He stated that he objects to the duplexes.

Charlene Lorek at 1771 W Jackson stated she could not find elevations on the map. Mrs. Lorek stated she is concerned that the driveway from a duplex may be pointed at their house which could cause flooding issues for them. Mr. Lorek stated that a street coming off Jackson St. seems odd. Judy Mulhauser at 1730 W Jackson St commented her concern regarding the ability of a fire truck or EMS and their ability to get down that street.

Chairman asked if the applicant had any comments. Hearing none he asked for comments from the board.

Darrell Webster stated that you have to buy the land if don't want to lose woods and /or privacy. He also stated that you can build on wetlands but there is a process that is regulated by the Ohio EPA.

Mr. Webster stated that any property can be a rental. He stated that he understands their concerns but the law doesn't allow how properties will owned or used. The Chairman stated that the current property is zoned is R-1. They are asking to rezone to R-3. This board is to determine if that is an appropriate rezone. Chairman stated that the letter from the Lake County Planning Commission is they would not recommend this to be rezoned. The Zoning Inspector stated that these properties were zoned R-1 in 1955. Some exceptions have been made for heavy industrial usage. The apartment complex on Nye Rd, which is an R-4 development, had natural barrier around it. The township tries to recognize natural barriers like rivers, creeks, and one natural barriers is barton ditch which runs close to W Jackson. The Zoning Inspector stated that there is nothing in the comprehensive plan that would support a rezone.

Chairman stated the board can close or continue public hearing. He announced to the public that the board makes a recommendation is to the township Trustees. The Zoning Commission is not the final say. Chairman stated that this board reviews the application and deems it prudent and determines if it is consistent with the area, but the Trustee's will have the final say.

Bailey MacKnight made a motion to close Case 19-ZC-12. Amy Cossick seconded.
Roll Call: Webster; Aye, Haught: Aye, Cossick: Aye, MacKnight; Aye, Chairman: Aye.
Motion carries.

Case 19-ZC-13

Proposed amendments to Section 18 by striking 18.01(A) and adding 1802(A) (5).
Zoning Inspector stated that the Lake County Planning Commission did not recommend this amendment because they failed to recognize while removing child day care we have added it Section 18.02(A)(5) to be used in the CS district by a non-profit organization. The Zoning Inspector state the intent is to eliminate commercial child care centers, which abundt residential districts.

No comments from board.

Darrell Webster made a motion to close **Case 19-ZC-13**. John Haught seconded.
Roll Call: Webster; Aye, Haught: Aye, Cossick: Aye, MacKnight; Aye, Chairman: Aye.
Motion carries.

Case 19-ZC-14

Proposed amendments to Section 32.
Section 32(U) Street Types: Zoning Inspector proposed to add public dedicated or local private to all street types. In Section 32.04 the proposed is to increase the FPUD acreage from 5 to 10 acres and increase the frontage from 200 to 450 feet along the right-of-way sideline of a public dedicated road. Section 32.04(F) proposed to change road to paved vehicular turnabout. Section 32.04(H) proposed adding sub lot widths.

The Zoning Inspector stated that Planned Unit development needs to be updated. He stated that the township required private streets but some have dedicated streets. These amendments are cleaning up the language. The Lake County Planning Commission prefers that we do not put something in our code that is not covered by Lake County Subdivision Regulations. The Zoning Inspector suggested to revise the proposed text amendment and continue the hearing.

The Zoning Inspector would like to add a case for Section 6.10 regarding a requirement that would trump our ability for private roads. Chairman stated that it can go under new business.

Chairman asked the public and board for comments; Hearing none he would entertain a motion.

John Haught made a motion to continue **Case 19-ZC-14** to next month. Bailey MacKnight seconded.

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

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, 2019 meeting date. Chairman observed that the applicant is not present.

Zoning Inspector stated they decided they are not going to move forward due to the architect is not cooperating with the applicant and business is not doing as well as they hoped. Zoning Inspector commented that he told the applicant that the Zoning Commission may ask him to close shop since he is not fulfilling the architectural review. Zoning Inspector stated he may have to revoke the zoning certificate. Matt Lallo recommend to continue the hearing and get something in writing to withdraw the case from the applicant.

Darrell Webster made a motion to continue the Architectural Review until next month.

Amy Cossick seconded.

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

Motion carries.

Case 19-ZC-05 continued from July 8, 2019 Meeting:

Agricultural Proposed Text Amendment: Section 31. Harley Deleon stated she would like to a base number of chickens to write up a text amendment. She suggested to stay with 6 chickens which is Ohio's regulation on how many chicks can be sold/bought. One acre would allow 6 chickens. Chairman stated to continue it with 6 chickens would be the minimum amount of chickens on 1 acre and proportionate among acreage to create a maximum.

Darrell Webster made a motion to continue **Case 19-ZC-05** to next month. Bailey MacKnight seconded it.

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

Motion carries.

Rules and ProcedureContinued from August Meeting -

Discussion of handed out from Zoning Inspector

John Haught made the motion to continue next month. Amy Cossack seconded.

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

Motion carries.

NEW BUSINESS:

19-SPR-03

1744 North Ridge Road Inc submitted a site plan review a 717 sq ft addition to the existing 36x28.67 ft (1032 sq ft) building to add additional retail and merchandising space indoors.

Zoning Inspector asked the board to review the packet and be prepared for the December 9th meeting.

Case 19-ZC-15

Revising Section 6.10 for discussion next month.

DISPENSATION OF CLOSED PUBLIC HEARINGS:

Case 19-ZC-12

Chairman stated that they have heard comments from the public, the Lake County Planning Commission and from the staff. The staff recommended that this property should stay zoned R-1 to comply with the comprehensive plan. The Lake County Planning Commission recommended that it should stay R-1 as it would be consistent with the surrounding area. The Chairman stated that there is a natural barrier between the R-1 district and R-4 district. Chairman would like a recommendation to the Trustees.

Bailey MacKnight moved to forward **Case 19-ZC-12** to the Board of Trustees with recommendation for approval. John Haught seconded.

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

Motion denied.

Darrell Webster stated that it does not fit within the comprehensive plan as he voted nay. John Haught stated it would not benefit the surrounding area to change the zoning district as he voted nay. Chairman stated he understood the residents concerns and the property owner has a right to make money. Chairman stated that given the

recommendation from the Lake County Planning Commission to keep the property R-1 and the staff recommendation to comply with the comprehensive plan as he voted nay.

Case 19-ZC-13

Darrell Webster moved to forward **Case 19-ZC-13** to the Board of Trustees with recommendation for approval.

Bailey MacKight seconded.

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

Motion carries.

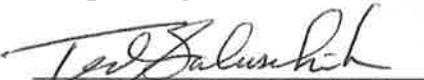
ITEMS BEING HELD FOR PUBLIC HEARING: None

ZONING INSPECTORS REPORT: None

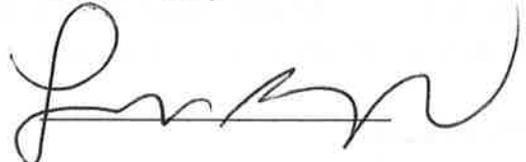
ADJOURNMENT at 7:46PM

Next meeting will be Monday, December 9, 2019.

Respectfully submitted,



Ted Galuschik, Chairman



Lorrie Schuck, Zoning Secretary



DATE: 11-11-19 ZONING COMMISSION

Name	Email Address OR ADDRESS
GARY HEINZ	1761 JACKSON ST.
Charlene Lorek	1771 W JACKSON ST.
BRIAN LOREK	1771 W. JACKSON ST.
Jim Soriano	6900 Rolling Acres
Ed + Pam Odum	30 WALDORF
KURT & JUDY MULHAUSER	1730 W JACKSON ST
Tom Trivisono	11224 FREDERICK LANE

