

**PAINESVILLE TOWNSHIP  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
November 12, 2019**

**Present:** Tom Hill, Ken Sullivan, Dave Enzerra, Randy VanBuren and Dave Lindrose  
**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. 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 two individuals took the oath.

**PUBLIC HEARINGS**

**Case 19-BZA-33**

Applicant Charles Novak & Linda McCall submitted an Application for a Variance for property located at 26 Coventry Dr (PPN 11-A-011-A-00-018-0). The Variance request is to allow construction of a 484 sq ft detached garage with a proposed setback from the right-of-way of 20 feet and a proposed 13 foot separation between the main dwelling and proposed garage in violation of Section 14.03(A)(1) which requires a minimum 50 foot setback from the right of way and Section 14.02(C)(5) which requires a minimum separation of 20 feet between accessory buildings and main dwelling.

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

Chairman inquired if the side yard clearance was within regulation. Zoning Inspector replied yes, and stated that the Trustee's meeting on December 5, 2019, will have a bearing on this case. A text amendment will become effective on that date which will reduce the minimum separation of 20 feet to 10 feet between accessory buildings and main dwellings and the side yard clearance will be reduced to 5 feet instead of the current 10 feet requirement.

Mr. Novak, the applicant, stated he has four classic cars and would like a garage for storage. Chairman asked if the boat would be stored in the garage. The applicant replied no. The garage will only store vehicles. Mr. Novak showed the board pictures of his property. Chairman asked who is installing the garage. Mr. Novak stated Menards will install it. Chairman asked if anyone would like to speak. Hearing none, he asked for a motion.

Ken Sullivan made the motion to approve **Case 19-BZA-33** as submitted.

Dave Lindrose seconded.

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

Motion carries.

### **Case 19-BZA-34**

Applicant Mary McClatcher submitted an Application for a Variance for property located at 34 Doan Ave S (PPN 11-A-015-B-00-022-0). The variance request is to allow installation of a vehicle "tent" structure for a duration of no more than six (6) months annually underneath a pre-existing carport in violation of Section 6.02(M) which requires that "tents" are prohibited from being used as temporary or permanent accessory buildings.

Zoning Inspector stated that the applicant asked if the Trustee's would waive the variance fee and the Trustee's felt that would not be appropriate.

Zoning Inspector stated the application was not properly submitted; therefore withdrawn.

### **Case 19-BZA-35**

Applicant Beth Kitchen FBO Canine Design submitted an Application for a Variance for property located at 4 Woodland Ave (PPN 11-A-010-B-00-008-0). The variance request is to allow use of the property to operate a commercial dog grooming business in violation of Sections 14.01(A) and 14.01(B) which do not list the use as a permitted use in the R-1 zoning district. The request includes the right to use the building and property in its present situation with respect to required setbacks, lot line clearances, and buffers against residential properties. A fence permit will be sought separately in order to establish a play/potty area between the building and the south property line. It is also requested that any change to the existing free-standing signage will be allowed so long as no portion of any signage is any closer to any road right-of-way than is currently existing.

Chairman found no error of the Zoning Inspector requiring a variance. Chairman clarified that if the applicant wanted to change the size of the sign they could submit a new variance. Zoning Inspector agreed. Beth Kitchen, owner of Canine Design, stated that the dogs will not be outside. This is a grooming facility. The dogs are there between 3-4 hours for grooming. The outside area is for restrooms breaks only. Chairman asked if anyone would like to speak against this request? Dave Lindrose inquired on the area for the dogs to use the restroom and how long would they be outside? Beth Kitchen replied the dogs will be leashed to use the restroom and then taken back inside. Chairman asked where her current business is located. Ms. Kitchen replied, 6162 Meadow Brook Dr. She stated that she's been in business for 32 years. Dave Enzerra asked what is the maximum number of dogs she has at one time? Ms. Kitchen replied 20-30 dogs over the course of a business day. She stated she has 6 employees, that start at 8am till 3pm. Chairman asked if the dogs are in a crate while they wait? Ms. Kitchen replied yes.

Chairman asked if anyone would like to speak in favor of this request?

Wendy Shier, current owner of the vacant building, stated that she has been trying to sell this building for 2 years. This is the only offer they have received. It was a dry cleaning business and would love the building to be in use.

Chairman asked if anyone would like to speak against this request?

Larry Blankenship at 57 Fairgrounds Rd, owns the house next to the building. He stated he is concerned with the play/potty area that will be within 25 feet of his house. Ms. Kitchen stated that plan on replacing the chain link fence with a privacy fence. Mr. Blankenship commented about the nuisance of waste from the dogs causing an odor issue. Ms. Kitchen stated that the waste will be picked up immediately. Zoning Inspector inquired if Mr. Blankenship is directly contiguous to this property. Mr. Blankenship stated that there is about 25 feet from his property to this building. Chairman asked if the board has any questions. Dave Lindrose asked the owner to show the board on the map where the dogs will have an outside area. After reviewing the map the

owner would put the outside area on the Woodland Side. Chairman asked Me. Kitchen for clarification that the pets are cleaned immediately. Dave Lindrose clarified that there will not be multiple dogs outside at one time. Ms. Kitchen commented that groomers typically take them out individually to eliminate any risk of conflict. Hearing no other comments, Chairman would entertain a motion.

Dave Enzerra motioned to approve Case 19-BZA -35 as requested.

It was seconded by Randy VanBuren.

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

Motion carries.

Dave Enzerra motion to journalize Case 19-BZA-35. It was seconded by Dave Lindrose.

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

Motion carries.

**Regular meeting:**

The Chairman called for attention to the minutes of the October 8, 2019 hearings and meetings. He stated that the minutes have been edited and asked if anyone had any additional corrections. Hearing none, the Chairman declared the minutes approved.

**Old Business -- None**

**New Business: None**

Chairman asked Zoning Inspector if they have anything new coming. Zoning Inspector stated yes, he is expecting a few variances for next month. Tom Hill will not be in attendance at the December 9, 2019 meeting. There being no further New Business, the Chairman adjourned the meeting 7:00PM. Next meeting will be Tuesday, December 9, 2019.

Respectfully submitted,



Tom Hill, Chairman



Lorrie Schuck, Secretary

