

**PAINESVILLE TOWNSHIP  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
January 14, 2020**

**Present:** Ken Sullivan, Dave Enzerra, Randy VanBuren and Dave Lindrose  
**Absent:** Tom Hill  
**Zoning Inspector:** Rich Constantine, Harley DeLeon  
**Legal Counsel:** Matt Lallo

The Vice Chairman, Dave Enzerra, will be our acting Chairman. Chairman called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited. A quorum was present. Legal counsel, Matt Lallo, swore 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-38**

Applicant William & Judith Welch submitted a Variance Application for property located at 66 Southwood Rd (PPN 11-B-034-C-00-021-0). The request is to allow 1690 total accessory structure square footage on one parcel, in violation of Section 14.02(C)(4) which requires a maximum of 875 total square feet for all accessory structures on one parcel and to permit a 32'x38' detached garage to maintain a side yard clearance of three (3) feet in violation of Section 14.03 (F)(3) which requires the minimum side yard clearance by five (5) feet.

Chairman noted that the legal notice stated 1650 instead of 1690.

William Welch stated that he added on a carport on the side of his garage. The Zoning Department told him that he has too many accessory structures on the premises. Mr. Welch is going to remove an 8x 8 shed. He asked the board to extend the time to clean up the yard. Mr. Welch would like additional time to empty the accessory structures and tear them down. He is aware that The Harbor Freight Terrace is not an approved structure and must be removed. He stated that one shed has a flat roof and asked the board for permission to put a sloped roof on that accessory structure. Mr. Welch also commented that a letter from the Zoning Office stated that non-drivable vehicles not permitted to be stored/parked within the township. He stated that he is working on removing that vehicle.

Chairman stated that this meeting is to review the two variances listed: The total accessory structure square footage and the second variance is portion of the garage carport that is 3 feet from the side yard clearance. All other requests would need to be submitted through the zoning office.

Mr. Welch stated that he spoke to neighbors regarding the sideline clearance for the carport. The property line comes up and then over creating an odd property line. His neighbors submitted a letter that they do not have an issue with the carport.

Mr. Welch asked the board if he would be permitted to put an 8x40 container on his property.

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

Ilana Aleshire resides at 200 Birch Lane stated that this variance is extremely large for storage. Mrs. AleShire is not in favor of the amount sheds on Mr. Welch's property. Mrs. Aleshire stated according to the property survey she had done, he is already 5 feet on her property. She noted it on the map for the board to review. Mrs. Aleshire stated that she cannot enjoy her property due the nuisance from his dogs and accessory buildings.

Chairman asked Mr. Welch if he'd like to comment. Mr. Welch stated that he did put up a wire fence around his yard. His dogs bark and he spoke to Mrs. Aleshire and asked about using a plywood fence to limit their ability to see outside his yard to reduce their barking and keep them from digging and escaping. Chairman stated that the survey from Mrs. Aleshire states that his fence is encroaching her property of 5 feet. Mr. Welch stated he thought the fence could be on the line or 3 feet from the property line.

He commented that he used the stakes in the ground as reference for his property line.

Legal counsel, Matt Lallo, stated that property lines are a civil action. This board is not the forum for property disputes.

Harley DeLeon stated that zoning became aware of this by a tarp violation along with several accessory structures, debris in the yard, dilapidated structures and the addition on the garage. Mrs. DeLeon stated that Mr. Welch has applied for every permit that was needed. He does have a valid fence permit with zoning. Mrs. DeLeon stated that Mr. Welch desires to keep his existing sheds including the addition to the garage which is non-compliant. He stores several UTV vehicles in the large shed. Mrs. DeLeon stated that if the board does not approve the 1690 square footage of accessory building then Mr. Welch will connect the garage to his home with a breezeway, however that will be a financial hardship. Mrs. DeLeon stated that the zoning office will address the requests regarding a container and the sloped roof with the applicant after the meeting.

Dave Lindrose stated that Mr. Welch plans to remove to the 8x8 and 12x6 sheds.

Jeremy Welch, the applicant's son, took the oath and was sworn in. He stated that his dad would like to keep the extended part of the garage. The Harbor Freight tent will be removed. He has complied with zoning the requests and the blue shed will be removed on the corner. He stated that his dad, William Welch, would like to install a new roof on the 10x32 and keep the addition on the garage. The sheds will be emptied and torn down this summer.

Ken Sullivan stated that the re-roofing is not part of this case. Zoning Inspector stated that is correct. That will be a different case. Randy VanBuren stated that the 10x32 shed is in the back corner with blue tarps on it and inquired where the Frito Lay truck is. Mr. Welch stated the Frito Lay truck is next to the garage.

Dave Lindrose stated that there is no new construction. The square foot is part of the variance request for accessory structures that already exist. Matt Lallo stated that the applicant is trying to become compliant after the fact. They are also working on several other projects to become compliant.

Mrs. Aleshire stated it sounded like a new accessory structure was being built. The Zoning Inspector stated that the only items that BZA has to decide is the variances. The other issues heard are zoning violations. Chairman asked if anyone had comments? Hearing none, he would entertain a motion.

Randy VanBuren made the motion to approve Case 19-BZA-38 as submitted.

Ken Sullivan seconded.

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

Motion carries.

**Case 19-BZA-39**

Applicant Claudia Beasley submitted an Application for a Conditional Use for property located at 123 Overlook Rd (PPN 11-A-020-B-00-043-0). The applicant is requesting an agricultural conditional use permit pursuant to requirements as contained in Section 31.03(B) to keep a miniature horse on the property as a pet.

Claudia Beasley, applicant, bought the property in 2018. She stated that she previously lived in Leroy Township and had many animals. She has had the miniature horse for 18 years and could not find a home for him. Ms. Beasley stated that she has a 12 x 12 shed with split rail around it to house the miniature horse. Chairman asked if anyone would like to speak against this request. Hearing none, he asked the board for comments.

Dave Lindrose asked the weight and height of the horse. Ms. Beasley replied he weighs 200 pounds and is around 38" in height. Mrs. Beasley stated that she talked to her neighbors and received no complaints. Chairman asked if the horse had left the yard. She stated yes, but only once. The gate is now secure. Ken Sullivan asked if he stays within the fenced area. Ms. Beasley replied yes.

Chairman stated that he drove by and he could not see the backyard very well. It appears to have natural screening in place. Ms. Beasley stated there is a 6ft chain link fence between her and Sunnywood.

Dave Lindrose made the motion to close **Case 19-BZA-39** with the following conditions:

- 1) only one miniature horse
- 2) No additional horses
- 3) Secure the horse on the premises.
- 4) Term 5 year
- 5) Work with zoning on screening issues as they become apparent

Randy VanBuren seconded.

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

Motion carries.

Ken Sullivan made the motion to journalize **Case 19-BZA-39**

Dave Lindrose seconded.

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

Motion carries.

**Regular meeting:**

The Chairman called for attention to the minutes of the December 9, 2019 hearings and meetings.

Hearing none, the Chairman declared the minutes approved.

**Old Business --** Rules and Procedures Discussion. Zoning Inspector suggested labeling them to February.

**New Business: Election of Officers: Move to the next meeting**

There being no further New Business, the Chairman adjourned the meeting at 7:21 PM. Next meeting will be Tuesday, February 11, 2020.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dave Enzerra", written over a horizontal line.

Dave Enzerra, Chairman

A handwritten signature in blue ink, appearing to read "Lorrie Schuck", written over a horizontal line.

Lorrie Schuck, Secretary