

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETING MINUTES**

April 14, 2020

AT Electronic Teleconference

<https://meet.google.com/ndn-ebfy-bbz> Dial-In **1-224-990-0154**

Access Code **139330222#**

Present: Tom Hill, Ken Sullivan, Dave Enzerra, Dave Lindrose and Randy Vanburen
Absent: None
Zoning Inspector: Harley DeLeon and Rich Constantine
Legal Counsel: Jeremy Iosue

Chairman called the meeting to order at 6:30 p.m. The Pledge of Allegiance was not recited due virtual meeting. A quorum was present. Legal counsel, Jeremy Iosue, swore in the persons who were present to speak and intended to testify during the public hearings.

PUBLIC HEARING:

Case 20-BZA-06

Applicant Crystal Place Partners LLC submitted a Variance Application for property located at 1625 Mentor Ave (PPN 11-A-011-0-00-007-0). The request is to allow modification of the term from 5 years to 15 years for Conditional Use Permits 20-BZA-03 and 20-BZA-04 in violation of of Section 12.13 which requires that Conditional Use Permits be renewed no less than once every five (5) years.

Chairman found no error of the Zoning Inspector for requesting a variance.

Chairman stated that prior legal counsel stated that Zoning can increase the conditional use permit to 15 years. Chairman asked the applicant to explain the need for this request.

Mr. Scott, the applicant, stated that the original variance was granted and he was assured that if there weren't any offenses then the permit would be renewed every 5 years. If there are offenses the Board of Zoning Appeals has the ability to revoke the conditional use permit. Mr. Scott stated that the Director of Real Estate and Mgmt at Tractor and Supply are concerned that the smallest change could have their conditional use permit revoked. They are asking for the conditional use permit to be granted for 15 years, given this is a 2 million dollar investment. Mr. Scott stated that Tractor & Supply would not move forward at this location if the conditional use permit is not extended. Mr. Scott stated that with the shelter in place and covid 19 very few companies are expanding currently. They are financially stable and solid at this time. Mr. Scott stated that he is trying to make this deal attractive for Tractor & Supply. This conditional use permit would match the full term of their lease.

Chairman asked if anyone would like to speak in favor or against. Hearing none, he asked the board if they had any comments or questions.

Chairman asked the board for a motion.

Dave Lindrose made a motion to **approve Case 20-BZA-06**. Randy VanBuren seconded the motion.

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

Ken Sullivan made the motion to journalize **Case 20-BZA-06**.

Dave Lindrose seconded the motion.

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

Case 20-BZA-01 (Continued from March Meeting)

Applicant Pet Supplies Plus submitted a Conditional Use Application for property located at 1213 Mentor Ave (PPN 11-A-009-0-00-002-0). A Conditional use is required by Sections 12.02(G), 12.05(G) and 22.03(E) for the request to allow veterinary services; vaccines, minor illness treatment and nail trims. There would not be overnight stays, boarding or surgeries.

Chairman found no error of the Zoning Inspector for requesting a conditional use permit.

Applicant, Sean, stated that this clinic will be open Monday - Friday 5-9, but an appointment will not be necessary. Services are currently closed currently due to Covid-19. Clinics are set up in other stores for convenience. Those dates are posted at the store and the stores will be adding rooms for the clinic.

Chairman asked if anyone would like to speak in favor or against? Hearing none, the Chairman asked the board if they have any questions.

Ken Sullivan asked the applicant if he is certain those are the only hours the clinic would operate? The applicant replied that he is unsure of the necessary hours. Chairman recommended extending hours. The applicant stated that the hours would be Saturday and Sunday 10am - 6pm and Monday - Friday 9am - 9pm.

Chairman asked if the clinic will hire local veterinarians? Sean replied they are locally sourced veterinarians.

Dave Enzerra inquired if employees would need additional training. Sean stated that Pet Supply employees would not be involved; the clinic will be run separately.

Zoning Inspector, Rich Constantine, stated in reference that signs would be posted indicating the clinic dates/hours that A frame signs are prohibited outside.

Sean replied that the hours are posted on the doors as customers enter/exit.

Ken Sullivan made a motion to **approve Case 20-BZA-01** with the following conditions:

1. Hours will be Monday through Friday 9am - 9pm and Saturday and Sunday 10 am - 6pm.
2. No overnight stays, baoding, surgeries or temporary outdoor signs.
3. Term is for 5 years.

Dave Enzerra seconded it.

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

Dave Lindrose made the motion to journalize **Case 20-BZA-01**.

Ken Sullivan seconded it.

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

Sean clarified that he would need to apply for a CUP renewal at the 5 year term. At that time, if no issues the fee is \$100 and no public hearing. If there are issues, a public hearing would be required and the fee would be \$550.

REGULAR MEETING:

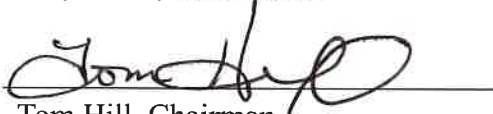
The Chairman called for attention to the minutes of the March 10, 2020 Minutes and March 17, 2020 Minutes. Hearing no edits the minutes were approved as submitted.

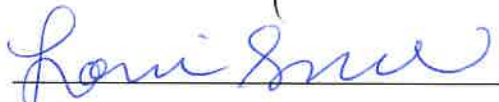
NEW BUSINESS: None

OLD BUSINESS: None

There being no further New Business, the Chairman adjourned the meeting at 6:59 PM. Next meeting will be Tuesday, May 12, 2020.

Respectfully submitted,


Tom Hill, Chairman


Lorrie Schuck, Secretary

