

**PAINESVILLE TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

July 13, 2020

Painesville Township Office 55 Nye Rd. Painesville Twp., OH, 44077

Present: Darrel Webster, John Haught, Bailey MacKnight, Amy Cossick and Ted Galuschik
Absent: None
Zoning Inspector: Rich Constantine, Harley DeLeon
Legal Counsel: Jeremy Iosue

Chairman, Ted Galushick, called the meeting to order at 6:38p.m. The public hearing was held by video conference due to respectful response to the coronavirus mandates in the State of Ohio. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

PUBLIC COMMENT: No one present.

REGULAR MEETING:

Chairman asked if the board had any additional edits to the June 8, 2020 meeting minutes. Hearing none, Chairman entertained a motion to approve the June 8th meeting minutes. Darrell Webster motioned. Amy Cossick seconded.

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

Motion carried.

PUBLIC HEARING:

- **Case 20-ZC-04:** An amendment to the TEXT of the Painesville Township Zoning Resolution has been initiated by the Zoning Commission. The amendment proposes to add a new subsection 11.01(G)

Chairman asked if any correspondence was received from the Lake County Planning Commission. Rich Constantine stated that The Planning Commission recommended that the zoning text change be made. This added subsection is to make it clear to the public that a permit is required to demolish a building that is being torn down, and not being replaced immediately on a property. There was no public comment for or against this new subsection.

No questions from the board were asked.

Chairman entertained a motion to close the public hearing for a new subsection 11.01(G). Bailey MacKnight motioned. Amy Cossick seconded.

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

Motion carried

During this time, a public comment was made on the live stream by Michael Bates. He asked if the public was allowed to participate in the meeting. The board responded that yes they could. The board ultimately found that Mr. Bates's concern was unrelated to the case. Harley DeLeon stated that she would follow up with Mr. Bates.

OLD BUSINESS:

- **Section 6.13:**

Rich Constantine voiced a concern that in some cases, a fence on a corner lot will cause line of sight safety issues.

Harley DeLeon agreed and stated that there may be a way to address line of sight safety issues within the text. Further discussion was had.

Harley asked to table the discussion for a later date. Chairman agreed to table section 6.13 until the August 10, 2020 meeting to discuss.

There were no objections.

- **Section 28:**

Rich Constantine stated that he has not been able to put his full focus on the section. He asked the board to table the discussion for Section 28. He will continue to work on a proposal for the board.

Chairman asked the board if anyone had an objection to table the discussion for the next meeting on August 10, 2020. There were no objections.

NEW BUSINESS:

- **20-ART-02: Architectural Review 970 Riverside Dr., Fire & Ice, Accessory Bldg.**

Applicant John Roberto wants to have a pre-built shed added directly behind his main building.

Chairman asked if the proposed shed was already on the property.

Mr. Roberto stated that yes it was.

Chairman asked for a staff report on the project.

Rich Constantine stated a concern that the placement of the shed on the property prior to the approval of the architectural review, was not proper protocol. He continued that there should be building separation. That to keep the building closer would require a variance from the Board of Zoning Appeals. Rich voiced a concern regarding that the permit fee might be a bit disproportionate for the project. Rich inquired if it was possible for the applicant to move the shed 20ft back from the main building. Or if the applicant would want to pursue a commercial variance to keep the shed closer.

Applicant John Roberto stated that they need the shed to be close to the main building to access supplies for his restaurant. That any further back, there is a natural slope in the property that collects water. He would have to go back further into the wooded area behind his restaurant; essentially leaving it inconvenient for them to use the proposed shed for the desired purpose. The applicant stated that he would apply for the variance.

Chairman expressed two issues to look at.

1. The building itself, that it is pre-manufactured and already at the site.

Chairman stated he has looked at the proposed shed and existing building himself. He continued that he thinks that both buildings blend well together and blends with the surrounding area. It meets the review requirements in his opinion only.

2. The area separation between the main building and accessory building.

If the Zoning Commission were to approve the architectural review, it would be on the condition that the applicant get area separation approval from the Board of Zoning Appeals.

Chairman asked if there were any more comments or questions from the board or staff.

Bailey MacKnight stated that he agreed with Rich Constantine's path if the Zoning Commission approved the architectural review pending the Board of Zoning Appeals approval.

Chairman asked for any other comments. Hearing none, chairman entertained the motion to approve the building as is, on the condition that the applicant receives a variance from the Board of Zoning Appeals.

John Haught moved to approve the architectural review of the pre-manufactured building pending upon the applicant receiving approval for a variance for the distance between the main building and accessory structure. Bailey MacKnight seconded.

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

DISPENSATION OF CLOSED PUBLIC HEARINGS:

• **Section 11.01(G) Case 20-ZC-04:**

Send to Trustees for their public hearing and approval.

Darrell Webster made the motion to approve sending Case 20-ZC-04 to the Trustees. He then asked Rich Constantine, Zoning Inspector; what the fee will be for the new permit pending Trustees approval.

Rich stated that he will ask the Trustees for a \$25.00 fee payment. He continued that the fee was not meant to be a revenue generating permit, but to help keep track of when buildings disappear from properties. Or when houses disappear from properties and leave accessory structures in violation.

Darrell Webster made the motion and Amy Cossick seconded to send Case 20-ZC-04 to the Trustees with a recommendation for approval.

Chairman asked if there were any questions or comments. Hearing none.

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

ITEMS BEING HELD FOR PUBLIC HEARING: None

ZONING INSPECTOR'S REPORT: Zoning office is very busy.

ANY FURTHER BUSINESS TO COME BEFORE THE COMMISSION:

Rich brought up the possibility that we will receive a request for a modification to the development plan for the Fairway Pines subdivision from the Developer. They are considering diverting the roadway, relocating a couple lots to a future phase, and leaving the former golf course maintenance building in place rather than demolishing it as the original plan called for.

Chairman asked if the commission would be opposed to meeting at Township Hall for the next meeting. The commission agreed if possible. I.T. suggested a hybrid meeting. A split between live stream, and video conference. Harley DeLeon and Legal Advisor Jeremy Iosue agreed that the meeting should be a hybrid to accommodate public participation as the state is still limiting meetings to 10 persons.

Chairman commented that the board could wait to see about having a hybrid meeting closer to the August 10th meeting. Harley DeLeon commented she wants to make sure the legal notice gets out on time for the public.

Darrell Webster moved to adjourn the meeting. John Haught seconded.

ADJOURNMENT at 7:31PM

Next meeting will be on Monday, August 10, 2020.

Respectfully submitted,



Ted Galuschik, Chairman



**Rachel Muro, Zoning
Secretary**