

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETING MINUTES
March 10, 2020**

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

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 HEARING:

Case 20-BZA-01

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 stated that Section 22.03(E) should have been 22.02(E). Chairman asked for the applicant to speak. No one from Pet Supplies Plus was present. Harley DeLeon stated that this is a retroactive application. Harley DeLeon is unaware of how long they have been offering these services. Chairman would prefer to continue this case and speak to someone at Pet Supplies Plus.

Ken Sullivan made a motion to continue **Case 20-BZA-01** till the April meeting.

Dave Enzerra seconded the motion.

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

Motion carries.

Case 20-BZA-02

Applicant Cicogna Electric and Sign Co submitted a Variance Application for property located at 970 Riverside Dr (PPN 11-A-002-0-00-029-0). The request is to allow the installation of 28.7 sq ft free standing monument type sign equipped with an electronic message board minus 1.65 ft from the road right-of-way in violation of Section 29.05(B)(3) which requires a minimum setback from the road right-of-way of 8 feet and 11.5 feet. The request is also to allow the electronic message board to maintain a minimum setback of 40 feet from a residential property to the north in violation of Section 29.08(3) which requires all electronic message boards be no closer to the property line of a residentially zoned

property than 100 feet. Also, the request is to allow an electronic message board maintain a 167 ft setback from the property line of a residentially zoned property to the east and a 195 foot setback from the property line of a residentially zoned property to the west, while facing said residentially zoned properties in violation of Section 29.08(3) which requires that any electronic message board closer to the property line of a residentially zoned property than 300 feet must be facing away from said residentially zoned property.

Chairman stated that he saw no error of the Zoning Inspector for requiring a Conditional Use permit. He asked if anyone would like to speak in favor of this request. Applicant, Cicogna, stated that the setback proposed monument sign is to go in the same place as the existing sign. The proposed monument sign will be an update sign and an investment for marketing purposes. They are within the square footage of the sign. The house toward the west is setback a few hundred feet from the sign. Setback from adjoining property line is the only issue and looking for relief since the sign has been there for years. Chairman asked if anyone would like to speak against this request. Hearing no comments, he asked if the board had any comments. Dave Enzerra inquired about the brightness of the board and if it can be dimmed. Applicant stated that it will dim automatically but can also be controlled manually. Chairman asked if the sign would turn off automatically. Applicant stated that it could be a static message during late night hours. Applicant commented that the sign would be in the middle of the parking lot if they adhered to the setback requirements. Ken Sullivan stated his concern for the brightness. The applicant commented that the Painesville Church sign is closer to the road than what they have proposed. Ken Sullivan asked the difference of the brightness between this one and the church. The applicant stated that the proposed sign is a clear image and can be controlled but was unable to say how they would compare.

Dave Enzerra made the motion to approve **Case 20-BZA-02** as requested.

Dave Lindrose seconded the motion.

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

Motion carries.

Dave Enzerra amended his motion to include the following condition:

- 1) the applicant must work with the Zoning department to determine the brightness of the electronic message board.

Dave Lindrose seconded the motion.

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

Motion carries.

Case 20-BZA-03

Applicant Crystal Place Partners LLC submitted a Conditional Use Application for property at 1625 Mentor Ave (PPN 11-A-011-0-00-007-0). A Conditional Use is required by Sections 12.02(K), 12.05(K)

and 22.02(E) to allow 9,376 sq ft outdoor corral enclosed with an 8' tall fence. An outdoor display of storage, seasonal forage, kayaks, small utility trailers along with propane storage.

Scott Sheal, Manager of Crystal Place Partners leasing office, stated that Tractor Supply Co will be using this property. This is not a storage facility. The products in the corral will be for sale. The area will be aesthetically pleasing and kept clean. Chairman commented that this is where Pat Catan was located.

Scott shows the board on the map where the corral area will be located. Scott stated there will not be access from Cambridge. All traffic will come in off Mentor or Normandy Rd . The corral can look like an ornamental fence or a chain link. Chairman asked if they will use the corral area year long? Scott replied yes. Dale Lewis inquired that the other locations do not have an 8 ft fence. Scott stated that they have 1844 stores nationwide. An 8ft is their standard height fence. Pat Catans closed on Oct 1, 2019, and Scott stated that this space is perfect for what Tractor Supply would need. They usually have 15000 square feet in the corral area but Tractor Supply has negotiated the outside coral to 9,376 sq ft.

Chairman asked if they would hang banners on the fence. Scott replied, no that's not allowed. Scott stated they will have a permitted digital reader board, therefore they would have no use for banners. Dave

Lindrose asked about the items in the corral. Scott stated they change seasonally per the application.

Chairman asked about lighting. Scott stated nothing additional is needed. Chairman asked for typical

hours for Tractor Supply. Scott stated they are 8am - 8pm 7 days a week. Ken Sullivan asked if the corral

be locked. Scott stated yes. Scott stated that the corral area will be staffed and locked when not

monitored. After discussion, the board would prefer the ornamental fence with a black mesh which can

be updated easily. Scott stated that they would be an asset to the community and offered a 15 year lease to

Crystal Place. Chairman asked if he knew how many employees they would be hiring. Scott was not sure

but thought it would be significant. Chairman asked if the trailers were different sizes. Scott said yes, but

they are your single hitch two-wheel trailers. Most trailers are 8ft long.

Chairman asked if anyone would like to speak against this request. No comments were made.

Dave Lindrose made the motion to approve **Case 20-BZA-03** with the following conditions:

1. Maximum of 12 utility trailers stored in the 70 x 40 area which is outside the corral area.
2. Per illustration, black aluminum ornamental 8ft fence with black mesh
3. Hours 8 am - 8 pm, 7 days a week
4. 5 year Term
5. Corral will be locked when unattended and after hours.
6. No banners allowed on the fence

Ken Sullivan seconded.

Dave Lindrose amended his motion to include seasonal hours may change to 8am -10pm 7 days a week.

Ken Sullivan seconded the motion.

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

Motion carried.

Case 20-BZ-04

Applicant Crystal Place Partners LLC submitted a Conditional Use Application for property at 1625 Mentor Ave (PPN 11-A-011-0-00-007-0). A Conditional Use is required by Sections 12.02(K), 12.05(K) and 22.02(E) to allow permanent sidewalk displays of miscellaneous equipment, materials and seasonal goods.

Scott Sehal with Crystal Place stated this is for temporary seasonal sales. Items would be various from lawn equipment, fencing materials, paddle boats, fertilizer and more. Items will be displayed along the main entryway. They are permanently stored outside. Chairman inquired if they will be left outside after hours. Scott replied that they do not take items in at night. No special lighting will be needed or signage. Chairman asked if anyone would like to speak against this request; hearing none, he asked for a motion. Ken Sullivan made the motion to approve Case 20-BZA-04 with the following condition:

1. Term of 5 years.

Dave Lindrose seconded the motion.

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

Motion carried.

Case 20-BZA-05

Applicant Dav Rentals LLC submitted a Variance Application for property located at 500 Park Rd (PPN 11-B-033-C-00-006-0). The request is to allow modification of a pre-existing accessory structure into a dwelling without an attached two-car garage in violation of Section 14.03(H)(3) which requires that each dwelling have an attached two-car garage.

Robert Davlin, applicant, owns Perfect Touch Landscape business. He will be operating his nursery business on this property and is going to use this house as an office for the nursery. Ken Sullivan asked if he would rent this property? Mr. Davlin stated that he might but more likely it would be housing for the manager for the nursery. Dave Lindrose asked if the living area would be the 2nd floor? Mr. Davin stated that the 2nd floor will be the office space and the living area would be the 1st floor. There would be a separate entrance off the backside of the house. Chairman asked about the driveway. Mr. Davin said it is a gravel driveway. The property hasn't been maintained for 10 years. Chairman commented that there are a number of houses in the area that do not have attached garages.

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

Mathew Overwalk, neighbor directly next to this property, stated that they bought the house in 2010 and they do not have any issues with the proposal.

Dave Lindrose made the motion to approve **Case 20-BZA-05**

Ken Sullivan seconded the motion.

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

Motion carried.

Ken Sullivan made the motion to journalize **Case 20-BZA-05**

Dave Enzerra seconded the motion.

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

Motion carried.

REGULAR MEETING:

The Chairman called for attention to the minutes of the February 11, 2020 hearings and meetings. Chairman. Hearing no edits, the Chairman declared the minutes approved.

NEW BUSINESS:

Case 10-BZA-02R20

Applicant has filed to renew CUP which expired February 9, 2020. The permit was issued for co-location on a wireless communication tower.

Chairman asked the Zoning Inspector if they have had any issues with this property. Harley DeLeon replied no. Dave Lindrose made a motion to approve **Case 10-BZA-02R20** for 5 years.

Ken Sullivan seconded the motion.

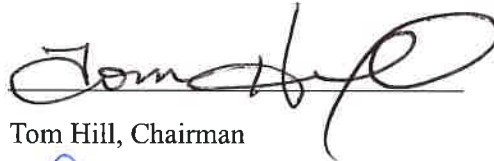
Roll Call: Roll Call: Sullivan; Aye, Lindrose: Aye, Enzerra; Aye, Lewis; Aye, Chairman; Aye.

Motion carried.

OLD BUSINESS: None

There being no further New Business, the Chairman adjourned the meeting at 6:55 PM. Next meeting will be Tuesday, April 14, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Hill", written over a horizontal line.

Tom Hill, Chairman

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

Lorrie Schuck, Secretary

