

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

September 14, 2020

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

Present: Tom Hill, Dave Enzerra, Randy VanBuren, Dave Lindrose
Absent: Ken Sullivan
Zoning Inspector: Rich Constantine, Harley DeLeon
Legal Counsel: Jeremy Iosue

Chairman, Tom Hill called the meeting to order at 5:03 P.M. The Pledge of Allegiance was not recited due to the virtual hearing. The public hearing was held by video conference due to respectful response to the coronavirus mandates in the State of Ohio. A roll call revealed that a quorum was present. Legal Advisor Jeremy Iosue will swear in the persons who were present to speak, separately with each case; and intended to testify during the public hearings.

Public Hearing:

• **Case 20-BZA-26:**

Applicant Progressive Equity Investments submitted a Variance Application for property located at 1650 Mentor Ave (PPN 11-A-016-H-00-002-0). Request is to allow the conditionally permitted use of new and used car sales to be conducted on a parcel that is .70 acres which houses a building that encompasses approximately thirty one point five percent (31.5%) of parcel. In violation of Section 12.05(C)(3) which requires that the minimum parcel size of a property utilized for the sale of new and used cars be no less than three (3) contiguous acres and in violation of Section 12.05(C)(E) which requires that the ground floor of all buildings shall not exceed thirty percent (30%) of the area of the site.

• **Case 20-BZA-25:**

Applicant Dwayne Thomas submitted a Conditional Use Application for property located at 1650 Mentor Ave (PPN 11-A-016-H-00-002-0). A Conditional Use is required by Sections 12.02(C), 12.05(C), and 22.02(E) to allow new and used car sales with an automobile service component.

Legal Advisor Jeremy Iosue did not have to swear in any persons to speak, and intended to testify during the public hearings; as no persons were in attendance.

Due to unforeseen circumstances, the applicant(s) were unable to go forward with the Variance Application and Conditional Use Application. The applications were withdrawn.

Chairman stated that due to the applications being withdrawn, that the Board would not need to vote.

Chairman asked Zoning Inspector Rich Constantine to give a background history of the property that was proposed to be used.

At this time in the meeting, Erik Walter, attorney for the landowner/company joined the meeting via video conference. Mr. Walter wanted to make sure that the applications were withdrawn, and not being voted on

by the Board. Mr. Walter needed an explanation to get up to speed on the circumstances for the Special meeting.

Assistant Zoning Inspector Harley Deleon explained the background dialogue leading up to the special meeting for the Variance Application and Conditional Use Application; along with the withdrawal of those applications to Mr. Walter.

A small discussion was had on getting correct information to Mr. Walter's client to move forward with future endeavours.

Chairman asked Zoning Inspector Rich Constantine to continue with the background history of the property proposed to be used.

Zoning Inspector Rich Constantine explained the history. He also explained the Conditional Use Permit lapsing for the property in August of 2018.

Chairman asked Rich Constantine if it was customary back in 2018, to send a notification that the applicant's Conditional Use Permit is expired, or needing to be renewed.

Rich Constantine replied not unless an application is received. None had been turned in for the proposed property when the Conditional Use Permit had lapsed.

A discussion was had regarding the process of Conditional Use Permits and their expiration dates.

A discussion was had about the property and the previous Conditional Use Permit after it had lapsed.

Chairman explained to Attorney Erik Walter that he hoped Mr. Walter had enough information to take back to his client, and that no action was taken during this meeting on the applications as they had been withdrawn.

Mr. Walter added more information to Zoning Inspector Rich Consantine's history about the proposed property.

Mr. Walter was hoping to get more information from his client and talk to Painesville Township's Legal Team after the meeting, to reassess what will be done with the property.

Chairman asked if the Board or anyone else had any comments or questions. Hearing none.

Meeting was adjourned at 5:34 P.M.

Next official meeting date is October 13, 2020.

Respectfully submitted,


Tom Hill, Chairman


Rachel Muro, Secretary