

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

August 11, 2020

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

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

Chairman, Tom Hill called the meeting to order at 6:32 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 swore in the persons who were present to speak, and intended to testify during the public hearings.

Public Hearing:

● **Case 20-BZA-16:**

Applicant Kathleen A Psenak filed a Variance Application for property located at 520 Carson Ave (PPN 11-B-066-G-00-006-0). The request is to allow installation of 6 foot height wood fencing between the dwelling and the Lake Shore Blvd. right-of-way in violation of Section 6.13(E) which limits fence height to 3 feet between a dwelling and street right-of-way line.

The applicant was unavailable for Public Hearing.

No one spoke against the request.

Chairman asked that since the applicant was unavailable; the Board could either vote to approve, disapprove, or continue the case for the September 8, 2020 meeting.

The Board had questions about the Variance Application.

Chairman recommended that the Board make a motion to continue **Case 20-BZA-16** for the September 8, 2020 Public Hearing.

Ken Sullivan made a motion to continue **Case 20-BZA-16**. Randy VanBuren seconded.

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

Chairman asked Zoning Inspector Rich Constantine, to let the applicant know their case has been continued to the September 8, 2020 meeting.

● **Case 20-BZA-17:**

Applicant JFR Management LTD filed a Variance Application for property located at 970 Riverside Dr. (PPN 11-A-002-0-00-029-0). The request is to allow placement of a 20x12 ft storage shed at a separation distance of 10 feet from the main building in violation of Section 22.02(E) and Table 22.04 which require a 20 foot minimum separation.

Chairman saw no error in the Zoning Inspector requiring a variance. Chairman asked if someone would like to speak in favor of the request.

John Roberto spoke in favor. The requested placement of the shed was to allow easier access to stored material for his business.

Chairman asked if anyone else would like to speak in favor of, or against the request. Hearing none.

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

Chairman asked for the Board to make a motion.

Dave Lindrose made the motion to approve the variance **Case 20-BZA-17**. Ken Sullivan seconded the motion.

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

Motion carried.

Dave Lindrose made the motion to journalize **Case 20-BZA-17**. Ken Sullivan seconded.

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

Motion carried.

- **Case 20-BZA-18:**

Applicants Kenneth A and Sharon M Kropac filed a Variance Application for property located at 129 Everett Rd (PPN 11-A-015-G-00-007-0). The request is to allow construction of a 12x24 storage shed in violation of the maximum square footage for accessory buildings of 1280 sq feet as established by variance granted on August 12, 2014, **Case 14-BZA-15**. The proposed shed exceeds that maximum by 268 sq ft.

Chairman saw no error in the Zoning Inspector requiring a variance. Chairman asked if someone would like to speak in favor of the request.

Kenneth Kropac spoke in favor. The proposed shed is for storage.

Chairman asked if the variance granted on August 12, 2014, **Case 14-BZA-15**; was a different building.

Mr. Kropac stated that yes, it was a garage housing his automobiles.

Chairman asked if anyone else would like to speak in favor, or against the request. Hearing none.

Chairman asked if the Board had any questions. Hearing none.

Chairman asked for the Board to make a motion.

Ken Sullivan made the motion to grant the variance as requested in **Case 20-BZA-18**. Randy VanBuren seconded.

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

Motion carried.

Ken Sullivan made the motion to journalize **Case 20-BZA-18**. Randy VanBuren seconded.

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

Motion carried.

- **Case 20-BZA-19:**

Applicant Allen T Manning filed a Variance Application for property located at 146 Fruitland Ave. (PPN 11-B-032-A-00-018-0). The request is to allow an existing gravel driveway to remain in place for a period not to exceed two years in violation of Section 29.06(A) which requires hard surface paving on driveways in order to enable the property owner the opportunity to accumulate the funds necessary to pave the driveway.

Chairman saw no error in the Zoning Inspector requiring a variance request. Chairman asked if someone would like to speak in favor of the request.

Allen Manning spoke in favor of. The applicant would need the two year period to accumulate funds and install a cement driveway. Mr. Manning will have the property surveyed prior to the installation of the driveway, to make sure the driveway is on his property.

Chairman asked if anyone would like to speak against the request.

Bruce Broyles, lawyer representing Medvec Properties, spoke against. Mr. Broyles presented different citations, and requirements before the Board to explain why the Board should not grant the variance request.

A discussion was had about the citations, Duncan Requirements, and the Board's authority in allowing the request.

A discussion was had about the alternatives for the applicant to the variance.

Chairman asked if anyone else would like to speak in favor of, or against the request. Hearing none.

Chairman asked if the Board had any questions or comments.

Randy VanBuren asked that the request being voted on, was not an actual area variance, but an extension of time to create a driveway? The Board agreed.

Dave Enzerra asked the applicant, why two years was the period of time requested?

Mr. Manning replied he is seeking the extra time to accumulate funds.

Tari and Fabian Medvec stated their reasons against the variance request.

Chairman restated that the applicant owns the property, and that the Board is looking at the applicant's request.

Legal Counsel Jeremy Iosue agreed, and replied that the Board is able to grant the variance with a condition being a time limit.

Chairman asked if the Board had any other questions. Hearing none.

Chairman asked for the Board to make a motion.

Dave Lindrose made the motion to approve the variance for the two year time limit for **Case 20-BZA-19**.

Dave Enzerra seconded.

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

Motion carried.

Regular Meeting:

Chairman asked if the Board reviewed July 14, 2020 meeting minutes. Chairman asked if anyone had any questions. Hearing none. Chairman asked the Board to make a motion to approve the **July 14, 2020 Meeting Minutes** as submitted.

Dave Lindrose made the motion to accept **July 14, 2020 Meeting Minutes** as submitted. Randy VanBuren seconded.

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

Motion carried.

Old Business:

Yvonne Ilacqua, **Case 20-BZA-11** requested a copy of the July 14, 2020 meeting minutes and a written statement listing the reasons for her request being denied.

Legal Counsel Jeremy Iosue replied that nothing needs to be put in writing, and that the July 14, 2020 meeting minutes are the record.

The applicant may come up to Township Hall to receive a copy of the July 14, 2020 meeting minutes to review.

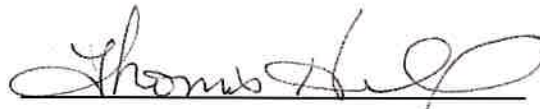
New Business:

There will possibly be four cases for Public Hearing for the September 8, 2020 meeting.

Chairman adjourned the meeting at 7:18 P.M.

Next meeting date is September 8, 2020.

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Secretary