

**PAINESVILLE TOWNSHIP ZONING COMMISSION**  
**MEETING MINUTES**  
**May 11, 2020**  
**Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077**

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

Chairman, Ted Galuschik, called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

**PUBLIC COMMENT:** No comments were made.

**REGULAR MEETING**

Chairman asked if the board had any edits to the March 9, 2020 meeting minutes. Hearing none, he called for a motion. John Haught made the motion to approve the minutes as submitted. Amy Cossick seconded.

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

Motion carried.

**PUBLIC HEARING:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

● Discussion of Section 6.13(E)

E. Line of Sight Safety Areas: A fence or wall shall not be located so as to adversely affect the vision of operators of motor vehicles driving on public streets or emerging from alleys or driveways intersecting public streets. Fences in front yards, meaning between a point no closer to the nearest edge of the travelled portion of the road than twenty (20) feet and the actual front setback line, OR to the required minimum front setback in cases where the actual front setback exceeds the required front setback by more than 10 feet, may not exceed a height of thirty six (36) inches above the natural grade of the land and may not be installed on mounding. Corner Lots are subject to front yard height limitations on both the main and side street frontages and portions of the side yards from the road rights-of-way to a point equivalent with the main building envelope. See figure 6-1 for permitted fence heights relative to interior, corner, flag and double frontage lots. An exception may be made at the discretion of the Zoning Inspector to allow a fence of 6 foot height within the side street building setback line on corner lots if there will remain an appropriate line of sight safety area.

Zoning Inspector, Rich Constantine, stated that this will help eliminate issues for residents who want a 6 foot fence on corner lots. Darrell Webster and Bailey Macknight joined the meeting at 6:40pm. Chairman stated that if this is the only change there is no issue. Harley asked what about the line of sight for safety. Harley asked if they should add a definition of line of sight. Chairman asked if it was in our definitions. Harley stated she is worried that the issue could be a denial since it's up to the zoning inspectors discretion. Attorney, Jeremy Iosue, stated that the board would need to state the reason for denial and the board could establish denial reasons. Harley stated her concern is that this could be difficult to deny. Harley commented that the board should articulate a set of standards. Jeremy Iosue

stated that the board language would need to be specific as to why one was approved and one was denied. Rich stated that this is not an actual proposed amendment. This is a potential zoning amendment due to several variance cases due to corner lots. Rich stated that the board does not have to move forward on this proposed amendment. Residents may continue to apply for a variance with the Board of Zoning Appeals. Bailey MacKnight agreed that the board would be giving the power to the Zoning Inspector instead of BZA. Chairman stated that the only person this would affect are the residents if the Zoning Inspector denies the request. Bailey stated that the board would be adding another step in the process. This would allow the Zoning Inspector to allow a fence without going to BZA seeking a variance. John Haught stated that there are some areas that have 6ft fences and making an exception for this could go either way. Chairman asked how many variances are going to the BZA? Rich stated they have received a number of fence applications for corner lots that were adversely impacted. Rich stated it could have been a timing issue. Rich stated that they received a lot of cases and Harley mentioned it as a concern for residents. Chairman stated he could go either way however, if it's not a nuisance for BZA then he would prefer to leave it alone. Rich stated that if the board does not want to adopt this amendment then residents would continue to go to the BZA for a variance. Chairman stated that is the proper process. Harley DeLeon stated that these would be accommodations for corner lot residents and limitations for residents going to the BZA is only creating a burden on them. If the board would set specific requirements or utilize an in office standard it would eliminate the variance fee of \$200 when a fence permit is only \$40. Rich Constantine stated that one who purchases a corner lot should recognize that it will come with certain caution. Rich would prefer the BZA to listen to those cases without putting that determination on the Zoning Inspector. Chairman stated to leave it alone and not change the section. All board members agree to make no changes to this section.

- Discussion of Section 11.01(G)

G. The demolition and/or removal of any existing building or structure from a premises in any zoning district for which no Zoning Certificate has been issued for replacement of the demised structure shall require a Zoning Certificate for Demolition.

Zoning Inspector, Rich Constantine, stated that the county issues demolition permits. Rich stated that the zoning department does not require notification of demolitions. Zoning Inspector, Rich Constantine, stated that this causes an issue because residents who demolish the main dwelling but leave an accessory building on the property, which is not permitted within the zoning resolution. Darrell Webster asked even if there was a main building prior to demolition? Rich replied they would need to replace the main dwelling. Darrell Webster commented that it happens all the time for various reasons. Darrell Webster discussed a scenario that involved a house fire and an accessory building was left on the property. Rich Constantine stated that the city of Painesville may have different zoning regulations. Darrell stated that it is difficult to get a demolition permit. Rich stated that he would like zoning to be included so he could make sure residents are aware that they cannot leave accessory buildings on vacant properties to monitor potential violations. Chairman asked if anyone had any comments. Bailey MacKnight stated he would prefer to add the new language. Rich Constantine stated that the board could also continue it till June (move to old business) or leave it alone. John Haught would like to continue the discussion to June. Chairman stated to table this to next month.

- Discussion of Section 25.08(A) and (B)
- Discussion of Section 25.10

These are clerical corrections that do not require public hearing. Chairman would like a copy of the document presented by the next meeting. Jeremy Iosue stated that it would be best to wait for everyone to review the changes and vote at the June meeting.

Secretary, Lorrie Schuck, will email the document to the board.

**DISPENSATION OF CLOSED PUBLIC HEARINGS:** None

**ITEMS BEING HELD FOR PUBLIC HEARING:** None

**ZONING INSPECTORS REPORT:** Zoning Inspector, Rich Constantine, stated that he is working on rewriting Section 28: Signs. Rich stated that a new 3 story climate control building is in process to meet with the Trustees and he will email the plans to the board.

**ADJOURNMENT at 7:30PM**

**Next meeting will be Monday, June 8 , 2020.**

**Respectfully submitted,**



**Ted Galuschik, Chairman**



**Lorrie Schuck, Zoning Secretary**

