

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

Tuesday, August 10, 2021

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

Present: Dave Enzerra, Ken Sullivan, Randy VanBuren, Dave Lindrose, Tom Hill
Absent: None
Zoning Inspector: Harley DeLeon
Legal Counsel: Jason Hartzell

Chairman Tom Hill 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 Hearing:

• **Case 2021-0002-BZA:**

Applicants Angelo and Mary Izzi submitted a Conditional Use Application for property located at 91 Garfield Dr. (PPN 11-A-015-E-00-008-0). The request is to permit animal husbandry of one miniature pony.

Chairman saw no error in the Zoning Inspector requiring a conditional use application.

Legal Advisor Jason Hartzell swore in persons who were present to speak, and intended to testify during the public hearing.

Mary Izzi spoke for the conditional use.

Mrs. Izzi stated that her family would like to bring their miniature pony named Rascal to live on their property. Mrs. Izzi continued that they had made a video presentation showing what their property looked like, what the housing for the pony would look like, including the fencing to enclose the animal. Mrs. Izzi stated that they had included letters from neighbors who were for the pony. Including a letter from the company who would pick up the manure and dispose of it properly.

Chairman needed clarification regarding corralling the pony.

Mary Izzi and Stephanie Shook showed the Board different types of fencing and posts they could use to corral Rascal on their property.

Mary Izzi let the Board know their property had been surveyed and attached to the application.

Chairman asked if applicants understood the requirements of the set backs in the Zoning Resolution. The applicants stated they understood.

The applicants let the Board know that they would adhere to any decision the Board made to allow the pony on the property.

The pony was brought to the meeting for the Board to see. The board went outside Township Hall to look at the pony.

Chairman needed clarification on how high the fence would be for the corral.

The applicants replied four (4) feet. The applicants stated that they would like to move the corral around to maintain their property.

Chairman asked if the corral fence could be 6 (six) feet in height. As stated in the Resolution, fencing must be 6 (six) feet high to prevent escape.

Applicants replied that fencing can be that high, and that they could install it if needed.

Ken Sullivan asked if the Barn had been constructed.

Applicants replied not yet, pending application approval. Stephanie Shook replied she was currently looking at 2 (two) barns. She wanted to make sure the pony had good ventilation.

Zoning Inspector Harley DeLeon started a video presentation the applicants had included to show their property, fencing for the property, housing for the pony, and more information pertaining to the pony.

Dave Enzerra asked if a shed currently on the property would stay.

Applicants stated it would be used for storage.

A white vinyl fence was shown in the presentation. The Board needed clarification on the installation of the fence. Where the fence would be located. One side of the property would be fenced to address an issue.

Chairman needed clarification why both sides of the property would not be fenced.

A discussion was held pertaining to the reasoning of needing only one side of the property fenced.

Chairman asked Legal Advisor Jason Hartzell his thoughts.

Jason Hartzell stated that the Zoning Resolution requires screening on both sides of the property.

Mary Izzi asked if the fence on the neighbor's side, who was in agreement, could be a smaller fence.

Chairman stated that it had to be 6 (six) feet.

A discussion was held pertaining to fencing both sides of the property, and how much fencing was required.

Legal Advisor Jason Hartzell let the Board know that a minimum of 10 (ten) feet was required, and that they could dictate where the 10 (ten) feet of fencing could run along the side of the property.

The applicants asked that if they're required to fence the property in, would they still need a corral.

Harley DeLeon explained that any space the pony roamed, would need to be 20 (twenty) feet from the property line.

A discussion was held pertaining to what type of screening could be used for the side of the property for the neighbor in agreement.

The applicants let the Board know that Tony Scheiber Hauling would pick up the manure weekly, and drop it off at local Nurseries to use. The applicants let the Board know it would be stored in a tub to be hauled.

Ken Sullivan asked who would be cleaning after the pony.

Stephanie Shook replied she would, she currently does it every day where the pony is currently housed.

She would clean up daily.

Dave Enzerra needed clarification on the corral for the pony.

The applicants replied that horses stay contained, that they do not feel the need to challenge their corrals.

The posts would be every 4 (four) to 6 (six) feet in any shape needed.

Ken Sullivan asked if there was a recommended size of corral needed.

Stephanie Shook replied that it is suggested a decent pasture size of land. The applicants currently have 2 (two) plots of property.

Chairman asked how often the corral would need to be moved.

The applicants stated the corral would be moved monthly.

A discussion was held pertaining to how much space a miniature pony needed. Pamela Skillman and Brittany Schrike, speaking for the request; included that miniature ponies can be muzzled, so as to not feed on the grass.

Dave Lindrose asked how much time the pony would be in the barn and outside in the corral. The applicants stated in the barn at night, and during the day, weather permitting in the corral.

Dave Lindrose asked how the pony would access water and food. The applicants stated there is access to water. The applicants continued they would try to keep the corral with the barn, to allow the pony to have access to shelter, water, ect. They did not need to keep water in the corral at all times.

Dave Enzerra needed clarification on what would happen during the winter months for the pony. The applicants stated that the pony would stay in the barn. They would also like to use part of their garage for grooming and what not for the pony.

Ken Sullivan asked the applicants if the pony would be kept in the barn if no one is home. The applicants stated yes.

Ken Sullivan asked how much manure would be cleaned up. The applicants stated there may be 8 (eight) or less gallons of manure a day. The applicants stated that it would be cleaned up daily, and professionally hauled once a week. The manure would be kept in a 96 gallon tub with a lid provided by Tony Scheiber's Hauling. A discussion was held pertaining to the smell of manure.

Chairman explained the process of speaking for and against, and the Board voting. Chairman explained adding conditions to a Conditional Use that will need to be followed by the Applicants, if the Conditional Use is approved.

Linda Alponat spoke for the request, stating how the pony acts, and the needs of the pony.

Chairman asked how the pony would be transported. Applicants stated the pony could be transported by trailer, walking, or sometimes by van.

Sue and Lance Knight, 104 Arbordale Ln, spoke against the request. The Knights stated their issues of privacy, protection, and smell from the animal. The Knights also did not think the pony should be allowed in a residential neighbourhood.

Chairman reminded that fencing and corralling would keep predators out, and the pony in it's area. The applicants offered to use electrical fencing to corral the pony.

Rose Major, 114 Arbordale Ln, spoke against the request. Mrs. Major stated that she did not want a pony near her property, and was nervous for her grandchildren. Dave Enzerra needed clarification that the line of greens behind the applicants, where Mrs. Major's. Mrs. Majors replied they were hers, and on her property.

Linda Alponat, speaking for, let the Board know the pony was good natured towards children. A discussion was held pertaining to contiguous neighbors with children or grandchildren, in agreement with the request, letters of approval were sent to Zoning.

Chairman needed clarification from Legal Advisor Jason Hartzell, that as long as conditions are met, the Conditional Use was allowable in a Residential Neighborhood.

Legal Advisor Jason Hartzell replied yes.

Jon Mahoney, 99 Garfield Dr., spoke against the request. Mr. Mahoney stated his concern for the smell, corral closeness to properties, predators, concern for the pony, and possibly a different pony being brought in.

A discussion was held between the Chairman, the applicants, and the neighbors against the request; pertaining to concerns of the neighbors against.

Chairman asked the applicants if needed, would they agree to completely fence in their property. The applicants agreed.

Pam Skillman, speaking for, showed the Board a video pertaining to how a miniature acts.

Randy VanBuren needed clarification from the applicants, that they would agree if needed, to completely fence in their property.

The applicants agreed.

Chairman explained a Conditional Use having conditions included that will need to be followed by the applicants. Including any concerns reported to Zoning of conditions not being followed.

Chairman asked the Board to make a motion.

Mary Izzi, speaking for, asked if they will get a chance to fix any concerns made against the conditions. Chairman replied yes.

Dave Lindrose made a motion to approve the **2021-0002-BZA** with the following conditions,

1. Setbacks shall adhere to Section 12.05(T)(2)
2. Corral fence must be 6 feet tall
3. 6 (six) feet tall screening needs to be connected to the house, and have no gap at the bottom.
4. Fecal matter contained daily in an enclosed container, and picked up once a week.
5. Garage shall not be used as a barn.
6. Only for one miniature pony named Rascal.
7. 5 (five) year term.

A discussion was held between the Board and Legal covering fencing around the property, and corral not having any gaps at the bottom.

Lance Knight, asked if a condition can be added that insurance is needed for liability.

Chairman replied that the Board did not have the authority, the applicants would need to do that on their own accord.

Zoning Secretary, Rachel Muro read back the conditions, needing clarification on some of the conditions.

Randy VanBuren seconded.

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

Motion carried.

Chairman explained how to journalize the case to the applicants.
The applicants agreed to journalize the case.

Dave Enzerra made a motion to journalize **Case 2021-0002-BZA**. Randy VanBuren seconded.

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

Chairman reminded neighbors if there are any concerns regarding the conditions not being followed. To call the Zoning Office.

A discussion was held with the applicants pertaining to a possible building permit being needed for the barn.

A discussion was held with the applicants pertaining to the factors being considered to approve or disapprove their Conditional Use.

Regular Meeting:

Vice-Chairman asked if the Board had any edits to the July 13, 2021 Meeting Minutes. Hearing none. Vice-Chairman asked the Board to make a motion to approve the **July 13, 2021 Meeting Minutes**. Dave Lindrose made the motion to approve the **July 13, 2021 Meeting Minutes** as submitted. Ken Sullivan seconded.

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

Old Business: None

New Business:

A discussion was held pertaining to the live stream, and the possibility of not needing to continue using the live stream. The Board would like to see what the Trustees decide regarding live streaming meetings.

Chairman let the Board know he and Dale Lewis would not be at the September Meeting.
Zoning Inspector Harley DeLeon let the Board know of a few upcoming cases for the September Meeting.

Chairman adjourned the meeting at 7:59 P.M.

Next official meeting date is Tuesday, September 14, 2021.

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Secretary