

**PAINESVILLE TOWNSHIP ZONING COMMISSION  
MEETING MINUTES**

**Monday, August 9, 2021**

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

**Present:** Ted Galuschik, Darrell Webster, John Haught, Bailey MacKnight  
**Absent:** Amy Cossick  
**Zoning Inspector:** Harley DeLeon  
**Legal Counsel:** Jason Hartzell

Chairman Ted Galuschik called the meeting to order at 6:35 P.M. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

**Public Comment:** None

**Regular Meeting:**

Chairman asked if the members had any additional comments or edits to the July 12, 2021 Meeting. Hearing none, Chairman entertained a motion to approve the **July 12, 2021 Meeting Minutes**. John Haught made a motion. Darrell Webster seconded.

**Roll Call:** Webster; Aye, Haught; Aye, Mac Knight; Aye, Chairman; Aye.  
Motion carried.

**Public Hearing:**

- **Case 21-ZC-02:**

An amendment to the TEXT of the Painesville Township Zoning Resolution has been initiated by the Zoning Commission. The amendment proposes to remove Section 6.02(K) and re-letter the remaining thereafter.

Zoning Inspector Harley DeLeon stated that the amendment proposes to remove an unenforceable regulation within the resolution.

Chairman needed clarification from Harley DeLeon that the Township has no jurisdiction regarding firearms.

Harley DeLeon replied the Township does not.

Chairman asked if any of the members had any comments or questions. Chairman entertained a motion to continue or close the Public Hearing for **Case 21-ZC-02**.

Bailey MacKnight made a motion to close the Public Hearing for **Case 21-ZC-02**. John Haught seconded.

**Roll Call:** Haught; Aye, Webster; Aye, MacKnight; Aye, Chairman; Aye.  
Motion Carried.

- **Case 21-ZC-03:**

An amendment to the TEXT of the Painesville Township Zoning Resolution has been initiated by the Zoning Commission. The amendment proposes to add Section 31.03(F).

Zoning Inspector Harley DeLeon stated that the amendment proposes to re-add the prohibition of roosters on parcels less than five (5) acres. Harley DeLeon continued that this Section had unintentionally been omitted during a significant amendment to Section 31, and needed to be corrected.

Chairman asked if any of the members had any comments or questions. Chairman entertained a motion to continue or close the Public Hearing for **Case 21-ZC-03**.

Darrell Webster made a motion to close the Public Hearing for **Case 21-ZC-03**. Bailey MacKnight seconded.

**Roll Call:** MacKnight; Aye, Haught; Aye, Webster; Aye, Chairman; Aye.  
Motion carried.

**Site Plan/Architectural Reviews:** None

**New Business:** None

**Old Business:**

- **Case 20-ZC-07:** Section 28 Rewrite sign section.

The members discussed each page of Draft 8 of the Section 28 rewrite.

The members did not have any questions or comments until Section 28.07(B).

Chairman asked for a clarification pertaining to Section 28.07(B).

Zoning Inspector Harley DeLeon stated that the revision was to clarify the meaning of exterior services. A discussion was held pertaining to signs on the outside or exterior of a business or house.

A discussion was held regarding possibly trying to word Section 28.07(B) for better understanding.

Chairman asked Harley DeLeon and Legal Advisor Jason Hartzell to work on Section 28.07(B) to present to the members at the next meeting.

Harley DeLeon let the members know that Section 28.07(B) could contradict other regulations on window signs present in the Zoning Resolution.

Chairman needed clarification on what was being prohibited in Section 28.08(E).

Harley DeLeon stated that inflatable objects such as the tall dancing objects, inflatable holiday decorations.

A discussion was held pertaining to flags not being affected and string of lights being allowed.

A discussion was held regarding the Fairgrounds having an inflatable Cow for the Lake County Fair.

Chairman asked if Section 28.08(E) could be worded to allow short term inflatable objects.

A discussion was held pertaining to the reasoning of prohibiting certain objects such as inflatable objects.

A discussion was held pertaining to the reasoning of prohibiting banners, streamers, and strings of lights.

Zoning Inspector Harley DeLeon suggested that instead of prohibiting these items, the members could permit them as temporary special events with a possible time frame.

A discussion was held regarding possibly penalizing outrageous items that may cause safety issues.

Bailey MacKnight asked if there should be separate regulations for Residential and Businesses.

A discussion was held suggesting possibly adding language that could say items were permitted unless causing distractions.

Chairman needed clarification on what language was being added in the draft for Section 28.08(E), and what was being stricken.

Chairman asked the members what their thoughts were on Section 28.08(E).

A discussion was held pertaining to certain entities being exempt from zoning regulations.

A discussion was held regarding allowing items, but possibly regulating how many feet near road right-of-way, side property boundary, or rear property line separately for residential and commercial.

A discussion was held regarding how regulated Painesville Township is.

A discussion was held on the remaining lettered regulations under Section 28.08.

Members wanted to table Section 28.08(E) until the September Meeting.

Chairman needed clarification pertaining to Section 28.09(A)(2) regarding exceptions in Painesville Township in the road right-of-way line.

Harley DeLeon commented it was to help filter calls to Zoning. The "exceptions" could be redacted.

A discussion was held regarding leaving the language as "The sign must not be within the road right-of-way."

Chairman needed clarification on Section 28.09(A)(6) pertaining to the amount of time a temporary sign is put up and taken down.

A discussion was held changing the language to read, placing a sign 24 hours prior, and taking a sign down 24 hours after an event.

Darrell Webster commented that in Section 28.10(A)(1) "arterial" being removed, being replaced with "public". Whereas in Section 28.10(A)(6), "arterial" was not changed.

Chairman needed clarification from Zoning Inspector Harley DeLeon regarding simplifying sign sizes. Harley DeLeon commented that the terms were confusing in the Wall Sign Table 28-1. This included the PCA formula. There are simpler ways to enforce sign sizes.

A discussion was held about certain sized signs needing variances to be permitted, and Zoning receiving complaints about sign sizes.

Chairman asked Harley DeLeon to present a draft of her opinion pertaining to sign sizes to the members when she is able.

Darrell Webster needed clarification regarding Section 28.11(A)(3) Free-standing signs.

A discussion was held regarding simplifying Section 28 in the Resolution, for better enforcement from Zoning, and for resident/business owner understanding.

Chairman would like to table the discussion for **Case 20-ZC-07** until the September 13, 2021 Meeting.

- **Amendment to Section 7** - Non-conforming Uses.

A discussion was held regarding the hardship of enforcing the amendment to Section 7.

John Haught asked if a decision had been made for the Case, or if a decision was still pending.

Legal Advisor Jason Hartzell replied that there was no Case yet.

A discussion was held with Legal Advisor Jason Hartzell regarding the legality of trying to enforce the

amendment to Section 7. Jason Hartzell let the members know of a past discussion he had had with past Zoning Inspector Rich Constantine.

A discussion was held regarding possibly writing an amendment to Section 7 as an act of nature and how that would hold up in a Legal setting.

Chairman asked Zoning Inspector Harley DeLeon and Legal Advisor Jason Hartzell if both could provide the members more information regarding an amendment to Section 7, prior to the September Meeting. If an amendment to Section 7 is not possible, possibly having to drop the amendment.

Chairman would like to table the discussion for the amendment to Section 7 until the September 13, 2021 Meeting.

### **Dispensation of Closed Public Hearings:**

- **Case 21-ZC-02:**

Chairman entertained a motion to submit **Case 21-ZC-02** to the Trustees with a recommendation to approve the proposed amendment with modifications as discussed by the Zoning Commission to the Painesville Township Zoning Resolution Section 6.02.

Bailey MacKnight made a motion to submit **Case 21-ZC-02** to the Trustees with a recommendation to approve the proposed amendments with modifications as discussed by the Zoning Commission to the Painesville Township Zoning Resolution Section 6.02. John Haught seconded.

**Roll Call:** MacKnight; Aye, Webster; Aye, Haught; Aye, Chairman; Aye.  
Motion carried.

- **Case 21-ZC-03:**

Chairman entertained a motion to submit **Case 21-ZC-03** to the Trustees with a recommendation to approve of proposed amendments as discussed by the Zoning Commission to the Painesville Township Zoning Resolution Section 31.

Darrell Webster made a motion to submit **Case 21-ZC-03** to the Trustees with a recommendation to approve of proposed amendments as discussed by the Zoning Commission to the Painesville Township Zoning Resolution Section 31. Bailey MacKnight seconded.

**Roll Call:** Webster; Aye, Haught; Aye, MacKnight; Aye, Chairman; Aye.  
Motion carried.

**Items being held for Public Hearing:** None

### **Zoning Inspector's Report:**

Zoning Inspector Harley DeLeon let the members know of a new assistant starting. Harley is currently creating training material for the new assistant. Harley DeLeon continued that Zoning is busy.

**Any Further Business to come before the Commission:** None

Chairman adjourned the meeting at 7:50 P.M.

**Next Meeting will be on Monday, September 13, 2021.**

Respectfully submitted,

  
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Ted Galuschik, Chairman

  
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Rachel Muro, Zoning Secretary