

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

Tuesday, January 11, 2022

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

Present: Ken Sullivan, Randy VanBuren, DaveENZERRA
Absent: Tom Hill, Dave Lindrose
Zoning Inspector:
Legal Counsel: Jason Hartzell

Vice-Chairman DaveENZERRA 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.

Legal Advisor Jason Hartzell swore in any persons who were present to speak, separately with each case; and intended to testify during the public hearing.

Public Hearing:

- **Case 2021-0012-BZA**

Applicant Dale Hemme submitted a Conditional Use Application for property located at 864 Richmond Rd. (PPN 11-B-065-B-00-025-0). The request is a conditional use permit to operate a used car dealership.

Vice-Chairman saw no error in the Zoning Inspector requiring a Conditional Use application.

Dale Hemme spoke for the request.

Larry Rippin spoke for the request.

Dale Hemme stated that he would like to operate a legitimate Used Car Dealership. Mr. Hemme currently operates an auto shop across from the proposed Used Car Dealership, and has acquired cars to fix and sell through that business. Mr. Hemme would like to expand. Mr. Hemme let the Board know he would appreciate any guidance in conditions from the Board. Mr. Hemme continued that upgrades have been made and scheduled for the building and property.

Ken Sullivan asked what the operating hours would be.

Mr. Hemme replied 9 A.M to 5 P.M.

Ken Sullivan asked how many vehicles would be on the lot.

Mr. Hemme replied with an estimation of twenty (20) vehicles outside, and ten (10) indoor.

Ken Sullivan explained that the number of vehicles will be included as a condition.

Mr. Hemme and Mr. Rippen stated 25 outside vehicles and 10 indoor vehicles, for a total of 35 cars as a condition.

Vice-Chairman asked if that included employee parking.

Mr. Hemme replied that it was just for cars that would be for sale, and that there was a small area for employee parking.

Ken Sullivan asked regarding lighting for the property.

Mr. Hemme replied that he had plans for solar spot lighting as the lot was dark.

Ken Sullivan let the applicants know that they can discuss proper lighting with the Zoning Inspector.

Ken Sullivan asked if the property was fenced.

The applicants stated yes, and that there was a gate that would remain open. There was barbed wire on the fence, but it would be taken down.

Vice-Chairman asked what landscape was being planned.

The applicants replied new bushes, grass control, and possibly a different paint color for the building.

Vice-Chairman asked regarding leveling of the parking lot.

The applicants replied that they put fresh gravel down that was the current gravel type.

Ken Sullivan asked pertaining to the amount of term for the Conditional Use.

The applicants replied five (5) year term.

Vice-Chairman asked if there was anyone present to speak against the request. Hearing none.

Vice-Chairman asked the Board to make a motion.

Ken Sullivan made a motion to approve **Case 2021-0012-BZA** with the conditions as follows:

1. Hours of Operation, Monday through Friday, 9 A.M. to 5 P.M.
2. Twenty-five (25) vehicles outside, and ten (10) vehicles inside.
3. Five (5) year term.

Randy VanBuren seconded.

Roll Call: Sullivan; Aye, VanBuren; Aye, Vice-Chairman; Aye.

Motion carried.

Vice-Chairman asked if the Applicants would like the case to be journalized.

The applicants replied there was no need for journalizing. The State was currently reviewing their application, which would take a little bit of time to receive back.

- **Case 2022-0001-BZA**

Applicants Shayne M & Melissa A Cocchi submitted an Agricultural Conditional Use Application for property located at 209 Tuckmere Dr. (PPN 11-A-007-D-00-012-0). The request is for animal husbandry of two Nigerian dwarf goats.

Vice-Chairman saw no error in the Zoning Inspector requiring an Agricultural Conditional Use application.

Melissa Cocchi spoke for the request.

Mrs. Cocchi stated that she would like to house two (2) Nigerian Dwarf Goats outside. Mrs. Cocchi explained that the enclosure will be twenty (20) feet from all property lines, and a minimum of twenty (20) feet from the applicant's home. Mrs. Cocchi continued that they will have a boy and girl goat, the boy goat has been fixed. Both goats are dehorned. The applicants plan on putting a privacy fence around the back of their property. Mrs. Cocchi let the Board know that the goats are up to date on vet visits and any needed routine medical care.

Ken Sullivan asked if the female was able to provide milk.

Mrs. Cocchi replied only if the female has been pregnant, but if not, no.

Randy VanBuren asked regarding the closeness of a contiguous neighbor behind the applicant's home.

Mrs. Cocchi replied that she had not talked to that neighbor, but had been told they would receive a letter pertaining to the Public Hearing. Mrs. Cocchi let the Board know that there were two (2) natural land barriers separating their property from that neighbor, a hill and a pond. The applicant was also putting a privacy fence around the back of their property.

Randy VanBuren asked regarding controlling the male goat's mating rituals.

Mrs. Cocchi explained that the male has been banded or weathered to prevent him from exercising this act. Mrs. Cocchi let the Board know that they do not want to breed the goats.

Ken Sullivan asked regarding the disposal of feces.

Mrs. Cocchi replied that they could burn the feces, or use it as fertilizer in a compost pile.

Ken Sullivan asked regarding controlling the smell.

Mrs. Cocchi said there is not a smell, as the feces is very tiny.

Vice-Chairman asked if there were plans for more than two (2) goats, as that will be written down as a condition.

Mrs. Cocchi replied that eventually they might like a third (3rd) goat, but they wanted to start with two (2).

Ken Sullivan asked what the life expectancy was.

Mrs. Cocchi replied around thirteen (13) years.

Vice-Chairman asked pertaining to vet care needed for the goats.

Mrs. Cocchi replied that the goats will need immunizations when they are first born, and the goats have already received the immunizations. The goats will have regular deworming, flea, and tick control. Mrs. Cocchi continued that the goats eat hay and nutrient/vitamin rich pellets. Mrs. Cocchi let the Board know that she picked Dwarf goats for the fact they will not get very big.

Vice-Chairman asked regarding domesticating.

Mrs. Cocchi replied that the goats can be litter box trained if need be. When inside the Applicant's home, the goats will wear diapers.

Vice-Chairman asked pertaining to a privacy fence that is planned to be installed.

Mrs. Cocchi replied that there is currently a chain link fence. A run will be attached to the goat's enclosure that will have a six (6) foot chicken wire enclosure. The Applicant planned to install a privacy fence in the springtime. The goats were currently being homed in a heated garage as they were only nine (9) weeks old. Mrs. Cocchi let the Board know that eventually the goats would go outside.

Ken Sullivan asked regarding the proposed privacy fence.

Mrs. Cocchi replied that the privacy fence will be installed around the back of the property, and possibly extend onto a neighbor's property who would help take care of the goats.

Randy VanBuren asked if the Board could add a privacy fence as a condition to approval of the application. The applicant agreed.

Ken Sullivan asked the height for the proposed privacy fence.

Mrs. Cocchi replied that the fence would be six (6) feet, or eight (8) feet.

The Board let the applicant know that they will need a Variance Request for an eight (8) foot fence, but that six (6) feet did not need a Variance Request.

Vice-Chairman asked regarding the size of the outdoor enclosure being big enough for two (2) to three (3) goats.

The Applicant replied that the outdoor enclosure could hold four (4) goats.

Randy VanBuren suggested to the Board to add as a condition, the number of goats allowed. The applicant agreed to three (3) or four (4) goats allowed.

Vice-Chairman asked if there was anyone to speak against the request.

Monique and Mike Sturgis, 767 Asbury Pointe Ln. spoke against the request.

Monique Sturgis let the Board know that Asbury Pointe sits slightly above Tuckmere, and can see into the applicant's back yard. Mrs. Sturgis was hoping the privacy fence would help. Mrs. Sturgis was concerned regarding farm animals in a residential area.

Mike Sturgis was concerned regarding breeding, noise, and smell from the goats.

Vice-Chairman explained what the Board considered to grant Conditional Uses or Agricultural Conditional Uses. Vice-Chairman explained conditions that can be written for the Applicant to follow for the Conditional Use.

Monique Sturgis asked how to monitor that the conditions are being followed.

A discussion was held how concerns can be addressed to the Zoning Inspector against the Conditional Use Request.

Mrs. Sturgis expressed concern that the Applicants had already bought the goats prior to being approved for their permit.

A discussion was held pertaining to the proposed privacy fence.

The Applicant let the neighbors who spoke against, that there will be no breeding as the male goat was taken care of. Enclosure will be cleaned to help with any smell. Mrs. Cocchi continued that the female goat will be brought in the home to help with any noise concerns.

Randy VanBuren asked regarding any more noise concerns, that the applicant will address them.

The Applicant replied yes.

Randy VanBuren asked regarding what the plans were for the containment and removal of the feces.

Mrs. Cocchi replied that it would be used for a compost pile.

Randy VanBuren suggested discussing a term acceptable between the Board and Applicant.

A discussion ensued that whichever Board Member making the motion of approval, will need to keep in mind the number of years for the Conditional Use; and the number of goats allowed as a starting point.

Vice-Chairman let the Applicant know that they could look into adding a longer term and more goats to the renewal as long as all concerns were met and fixed.

Rebecca Sallaz, 199 Tuckmere Dr., spoke for the request.

Rebecca Sallaz let the Board know that she helped the Applicants from time to time, and was allowing the proposed privacy fence to extend into her yard, for her to help with the care of the goats. Rebecca Sallaz let the Board know there would be no smell, and the noise concern is no different than having children and pets.

Vice-Chairman asked the Board to make a motion.

Randy VanBuren made a motion to approve with the conditions as follows:

1. Three (3) goats total.
2. Install a six (6)ft privacy fence around the back of the property.

3. Six (6) foot high wire pen.
4. Two (2) year term.
5. Any goats dehorned and banded.
6. The size of the pen will be 250sqft and the shed will be 6ft by 8ft.

Ken Sullivan seconded.

Roll Call: VanBuren; Aye, Sullivan; Aye, Vice-Chairman; Aye.
Motion carried.

Ken Sullivan made the motion to journalize **Case 2022-0001-BZA**. Randy VanBuren seconded.

Roll Call: VanBuren; Aye, Sullivan; Aye, Vice-Chairman; Aye.
Motion carried.

- **Case 2022-0002-BZA**

Applicant WR Dawson & Son Construction filed a Variance Application for property located at 64 Ava June Dr. (PPN 11-A-013-C-00-008-0). The request is to allow construction of a 2'8" by 20' addition to a pre-existing attached garage proposing a minimum setback from the road right of way of 27'4" in violation of zoning standards imposed for the Kallay Farms community by Trustee Resolution 2-15-54 which requires a minimum setback of 30 feet from the road right of way.

Vice-Chairman saw no error in the Zoning Inspector requiring a Variance Request.

David Novack, president of Barrington Consulting Group, spoke for the request, representing WR Dawson & Son Construction.

Laura Thompson spoke for the request.

Mr. Novack stated that when the house's plans were being drawn, the back wall of the home's garage was slid into the garage two (2) feet; but the front of the garage was not extended by two (2) feet. This left very little room for storage and only allowed small cars. Mr. Novack continued that this was not noticed through the process of building the home until a car was pulled into the garage. Mr. Novack let the Board know that building the addition onto the garage would not affect the neighboring lots; as the lots were on a curve.

Randy VanBuren commented that what was being asked was the maximum variance, as it would still be a few inches further back from the road.

Mr. Novack replied yes.

Vice-Chairman asked regarding how the addition to the garage was being built.

Mr. Novack replied that from his understanding, the front of the garage would be taken down and rebuilt with the extra two (2) feet extension. Mr. Novack stated that there would be a process to correct this, as a new garage foundation was needed, stabilizing walls, and whatnot.

Vice-Chairman asked if there was anyone who wanted to speak against the request. Hearing none.

Vice-Chairman asked if there were any other solutions to solve the issue.

Mr. Novack replied that this has been an ongoing discussion with the homeowners.

A discussion was held pertaining to other issues arising for the homeowners trying to find other solutions.

Vice-Chairman commented that the Board had to consider the Duncan Factors when reviewing requests. Vice-Chairman continued that this was not a major variance when considering the Factors.

Vice-Chairman asked the Board to make a motion.

Ken Sullivan made a motion to approve **Case 2022-0002-BZA**. Randy VanBuren seconded.

Roll Call: Sullivan; Aye, VanBuren; Aye, Vice-Chairman; Aye.
Motion carried.

Ken Sullivan made a motion to journalize **Case 2022-0002-BZA**. Randy VanBuren seconded.

Roll Call: VanBuren; Aye, Sullivan; Aye, Vice-Chairman; Aye.
Motion carried.

The neighbors who spoke against **Case 2022-0001-BZA**, Monique and Mike Sturgis, 767 Asbury Pointe Ln., were still present for the Public Hearing. The Board let them know to contact the Zoning Inspector with any concerns.

Regular Meeting:

Board needed clarification from Legal Advisor Jason Hartzell on how to handle approving or not approving the **December 14, 2021 Meeting Minutes**, as there were only two (2) members currently present from the December 14, 2021 Meeting.

Legal Advisor Jason Hartzell replied that any Board Member absent at a previous meeting, could vote. Jason Hartzell continued that the Chairman or Vice-Chairman can ask if there are any corrections or changes, hearing none, the Meeting Minutes are approved.

A discussion was held pertaining to not needing three (3) votes if a Board Member were to abstain from voting, as there was still a majority two (2) "ayes" over one (1) "abstain".

A discussion was held regarding if needing to change procedure formally to eliminate voting for the Meeting Minutes.

Vice-Chairman asked the Board if there were any edits to the December 14, 2021 Meeting Minutes. Hearing none.

The **December 14, 2021 Meeting Minutes** were acknowledged as submitted.

Old Business: None

New Business:

- **Election of Officers**

Due to the absence of Board Members, Vice-Chairman entertained a motion to table the **Election of Officers**.

Randy VanBuren made a motion to table the **Election of Officers** for the February 8, 2022 Meeting. Ken Sullivan seconded the motion.

Roll Call: VanBuren; Aye, Sullivan; Aye, Vice-Chairman; Aye.
Motion carried.

Adjournment:

Ken Sullivan made a motion to adjourn the meeting. Randy Vanburen seconded.

Roll Call: Sullivan; Aye, VanBuren; Aye, Vice-Chairman; Aye.
Motion carried.

Meeting adjourned at 7:38 P.M.

Next official meeting date is Tuesday, March 8, 2022.

Respectfully submitted,



Dave Enzerra, Vice-Chairman



Rachel Muro, Secretary