

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

**Tuesday, March 8, 2022**

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

**Present:** Dave Enzerra, Randy VanBuren, Dave Lindrose, Dale Lewis, Tom Hill  
**Absent:** Ken Sullivan  
**Zoning Inspector:** Harley DeLeon  
**Legal Counsel:** Jeremy Iosue

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.

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

**Public Hearing:**

- **Case 2022-0004-BZA** :

Applicants Angelo and Mary Izzi submitted a Agricultural Conditional Use Application for property located at 91 Garfield Dr. (PPN 11-A-015-E-00-008-0). The request is to remove the requirement for a corral and to permit animal husbandry of a total of two miniature ponies.

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

Mary Izzi spoke for the conditional use.

Mrs. Izzi had previously been in front of the Board for **Case 2021-0002-BZA** on August 10, 2021. Mrs. Izzi let the Board know that installation of a fence, and bringing her miniature pony onto her property had gone well. Mrs. Izzi had presented a photo slide show of her property with the fence and pony. Mrs. Izzi had let the Board know that to respect her rear yard neighbor's evergreens, Mrs. Izzi had asked that the installation of the fence be moved five (5) feet more into her property line than originally planned. Mrs. Izzi had also wanted to respect her side yard neighbor and had the fence installed some feet in from the property line than originally planned. Due to the loss of feet around the property, with the installation of the fence, Mrs. Izzi would like to remove the requirement for a corral within the fenced property. Allowing the miniature pony to roam within the property. Mrs. Izzi let the Board know that the manure was being cleaned up and properly disposed of. Mrs. Izzi would also like to bring in a second miniature pony as a pasture mate for Rascal, her first miniature pony. Mrs. Izzi provided a veterinarian letter stating it was in the best interest for Rascal to have a pasture mate.

Dale Lewis asked if the Veterinarian had visited the property to assess the size of the property to agree with a pasture mate or second miniature pony.

Mary Izzi replied yes.

A discussion was held regarding the veterinarian's letter being included, and how the property has been split to allow for grazing by the pony.

Dave Enzerra asked regarding the reason for the request to eliminate the requirement for the corral.

Mrs Izzi explained that the property was fenced all around. The miniature Pony cannot get out. A discussion was held regarding that the fencing was a part of the condition due to some neighbors being against the miniature pony.

Chairman asked the applicant if there had been any discussion at the August 10, 2021 Meeting, regarding a second miniature pony.

Mrs. Izzi replied no.

Chairman needed clarification pertaining to the reason that Rascal, the first miniature pony, had to be brought onto the Applicant's property.

Mrs. Izzi replied that the boarding facility was closing, and they had been given Rascal. Rascal's first pasture mate had also passed away.

Dave Lindrose needed clarification that the rear fencing near the wall of evergreens had to be installed five (5) feet more into the property than originally planned.

Mrs. Izzi replied yes.

Dave Lindrose asked who the evergreens belonged to.

Rose Major, 114 Arbordale Ln, speaking against; replied that the evergreens belonged to her.

Dave Enzerra needed clarification regarding the size of the planned second miniature pony.

Mrs. Izzi replied thirty-one (31) inches tall or less.

Randy VanBuren needed clarification that Rascal, the current miniature pony, was a miniature pony.

Mrs. Izzi replied yes, that there are different breeds of miniature horses.

Dale Lewis needed clarification if the property was split.

Mrs. Izzi showed on a map and slideshow of pictures how the property was split for the current miniature pony to graze on.

A discussion was held regarding the corral inside the fenced property.

Jeanie Safick, 99 Garfield Dr., spoke for the request; let the Board know that Rascal is good with her grandchildren. The pony is picked up after, and taken care of. She has not heard or smelled the pony.

Chairman needed clarification when Rascal, the current miniature pony, was brought onto the property.

Mrs. Izzi replied November 7, 2021.

Rick Safick, 99 Garfield Dr., spoke for the request; Mr. Safick let the Board know that the current miniature pony was well taken care of and the fence surrounding the property would be enough for two miniature ponies.

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

Rose Major, 114 Arbordale Ln, spoke against the request. Mrs. Major stated the issue concerning her evergreens and the applicants. Mrs. Major stated for the record that she was against the pony being on the property.

Sue Knight, 104 Arbordale Ln, spoke against the request. Mrs. Knight stated an issue with the proper acreage for the miniature pony. Mrs. Knight read from the August 10, 2021 Minutes, that the corral would need to be twenty (20) feet from the property line; and it was not currently. Mrs. Knight continued that she

has not heard the horse unless the Applicants are outside with it, and that she has not smelled the horse, due to it being the winter months. Mrs. Knight let the Board know that any decision should wait and be made after the summer months have passed. Mrs. Knight stated that she was against a second miniature pony.

Linda Alponat spoke for the request, explaining the correct acreage needed for a miniature horse.

A discussion was held regarding the evergreens not currently involved with the Conditional Use.

Dave Enzerra needed clarification regarding the Applicants not asking for two (2) miniature ponies at the August 10, 2021 Meeting for **Case 2021-0002-BZA**.

Mrs. Izzi replied that she was not sure if she could ask for one pony at the August 10, 2021 Meeting. Dave Enzerra needed clarification from Legal Advisor Jeremy Iosue, regarding eliminating the corral requirement, would the fence now serve as the corral and what the setback requirements would be. A discussion was held pertaining to a possible variance that may be needed for new setback requirements. Zoning Inspector Harley DeLeon let the Board know that they would have to approve the removal of the corral requirement, and the applicant would have to apply for a variance for new setback requirements.

Dale Lewis suggested possibly continuing the case to allow for the warm weather months to happen, and to possibly rewrite the application.

Board agreed to discuss the suggestion.

Lance Knight, 104 Arbordale Ln, let the Board know that the corral currently may not be in use as required, and the applicants may be in violation. Mr. Knight concurred that there may not be enough room for the current horse, or two horses.

Chairman needed clarification from the applicants regarding the corral currently. Stephanie Shook, applicant, replied the corral was currently taken down due to issues.

Chairman needed clarification regarding the amount of acreage the property was. Zoning Inspector Harley DeLeon had the property measured using Zoning Software. A discussion was held deciding on the acreage of the rear yard of the property.

Chairman commented that he would like to continue this case until the warmer months have passed, and that the current miniature horse has been on the property for a longer period of time.

Dave Enzerra agreed that more time and information is needed.

A discussion was held regarding seeing how the current conditional use will affect the neighborhood through the season change.

Chairman responded that the case could be continued until Fall of 2022 and the applicant would not have to pay to reapply. Chairman needed clarification from Legal Advisor Jeremy Iosue regarding handling the variance that will come out of the conditional use.

Legal Advisor Jermey Iosue replied that the condition for the corral would have to be removed, and then grant the variance for the new setback.

Lance Knight, needed clarification that the corral would be reinstalled.

Chairman let Mr. Knight know that Zoning Inspector Harley DeLeon will make sure the corral is reinstalled.

Mrs. Izzi replied yes.

Chairman entertained a motion.

Randy VanBuren needed clarification if a specific date is needed.

Board agreed to the September Meeting for an ending date.

Randy VanBuren made a motion to continue **Case 2022-0004-BZA** until the September 2022 Meeting, and the variance request be added for the Conditional Use Permit, to remove the corral.

Dave Enzerra seconded.

**Roll Call:** Lewis; Aye, Enzerra; Aye, VanBuren; Aye, Lindrose; Aye, Chairman; Aye.

Motion carried.

### **Regular Meeting:**

Vice-Chairman asked the Board if there were any edits to the February 8, 2022 Meeting Minutes. Hearing none.

The **February 8, 2022 Meeting Minutes** were acknowledged as submitted.

**Old Business:** None

### **New Business:**

Zoning Inspector Harley DeLeon let the Board know of an possible upcoming Variance Case for the April Meeting.

A discussion was held regarding the possible Variance Case for April Meeting.

Chairman let the Board and Staff know that he will not be in attendance for the April 12, 2022 Meeting.

Chairman adjourned the meeting at 7:27 P.M.

**Next official meeting date is Tuesday, April 12, 2022.**

Respectfully submitted,



**Tom Hill, Chairman**



**Rachel Muro, Secretary**