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

Tuesday, May 11, 2021

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

Present: Tom Hill, *OK* Dave Enzerra, Ken Sullivan, Randy VanBuren, Dave Lindrose
Absent: None
Zoning Inspector: Harley DeLeon *SORRY wrong*
Legal Counsel: Jason Hartzell *MONTV JH*

Chairman, Tom Hill called the meeting to order at 6:30 P.M. The Pledge of Allegiance was recited. The Public Hearing was held by video conference, and in-person due to the respectful response to the coronavirus mandates in the State of Ohio. A roll call revealed that a quorum was present.

Legal Advisor Jason Hartzell did not have to swear in any persons who were present to speak, separately with each case; and intended to testify during the public hearing, as there was no one in attendance.

Public Hearing:

- **Case 21-BZA-01** (Continued from April 13, 2021):

Applicant Hema Jay One LLC filed a Variance Application for property located at 880 Oakwood Blvd. (PPN 11-B-041-G-08-066-0). The request is to allow a 31' by 15' pole building to maintain a 0 foot setback from the main dwelling in violation of Section 15.02(C)(5) which requires a minimum separation of ten (10) feet between accessory structures and a dwelling.

Chairman saw no error in the Zoning Inspector requiring a Variance. Chairman asked Zoning Inspector Harley DeLeon to update the Board on any added information about the Variance Application.

Zoning Inspector Harley DeLeon stated that the Applicant had had a survey done of the property, as requested. The survey had shown that the proposed structure was closer to property lines than what was written in the application. An inspection of the property was also done by the Painesville Township Fire Chief. The Fire Chief did not have any concerns. Harley DeLeon stated that due to timing of the survey, paperwork received, and May Meeting; a Legal Notice could not get out in time for an updated Variance Application. The updated application would be sent out for the June 8, 2021 Meeting.

Chairman asked Harley DeLeon if the proposed structure could be considered as either an attachment or a detached building per the Fire Chief.

A discussion was held pertaining to photos Harley DeLeon had provided the Board of the proposed structure.

Ken Sullivan replied that if the proposed structure was considered detached, the Board would have to keep in mind the twenty (20) foot distance from the main structure.

A discussion was held pertaining to the twenty (20) foot distance being revised to ten (10) foot distance in the Zoning Resolution.

Chairman clarified that the new Legal Notice will address three (3) variances from the Applicant. The three (3) would be side yard clearance, rear yard clearance, and set back of the proposed structure from the

main dwelling. Chairman asked Zoning Inspector Harley DeLeon if the Board could also request as a condition that the Applicant obtain a Building Permit from the Lake County Building Department. Harley DeLeon responded yes.

Chairman was unsure if that condition would be put in the Variance Request.

Randy VanBuren asked that if the Applicant was unable to obtain a Building Permit, would the Variance Request be null and void.

Zoning Inspector Harley DeLeon replied that if the Building Department denied the applicant a building permit, and the proposed structure was needed to be removed; the Board could vote for the Variance to stay in place. The applicant could then rebuild a structure to code.

Legal Advisor Jason Hartzell let the Board know that was correct.

Chairman asked if the Board had any comments or questions. Hearing none. Chairman asked the Board to make a motion.

Ken Sullivan made a motion to continue **Case 21-BZA-01** for the June 8, 2021 Public Hearing. Dave Enzerra seconded.

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

Regular Meeting:

Chairman asked if the Board had any edits to the April 13, 2021 Meeting Minutes. Hearing none.

Chairman asked the Board to make a motion to approve the **April 13, 2021 Meeting Minutes**.

Randy VanBuren made the motion to approve the **April 13, 2021 Meeting Minutes** as submitted. Dave Lindrose seconded.

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

Old Business: None

New Business:

- **Case 11-BZA-03R21**

Applicant Riser Foods Company, submitted an application for a Conditional Use Permit renewal on behalf of Giant Eagle for property located at 1201 Mentor Ave. (PPN 11-A-009-0-00-002-0). The request is for a 5 year renewal of the existing Conditional Use Permit for the outdoor display of seasonal merchandise, Redbox movie kiosk, ect. with no conditions imposed.

Chairman asked Zoning Inspector Harley DeLeon if there had been any complaints or problems in the last five (5) years for this Conditional Use Permit.

Harley DeLeon replied no.

Chairman asked the Board to make a motion.

Randy VanBuren made a motion to approve **Case 11-BZA-03R21**. Ken Sullivan seconded.

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

- **Case 10-BZA-05R21**

Applicant SHAALIN LLC, submitted an application for a Conditional Use Permit renewal on behalf of Subway for property located at 1464 Mentor Ave. (PPN 11-A-016-D-00-001-0). The request is for a 5 year renewal of the existing Conditional Use Permit to operate a drive-thru in conjunction with a permitted restaurant use. Original conditions were 5 year term, the 3 southwest corner parking spaces shall be designated "compact cars only" and the curb on the western sideline shall be 12 inches in height as opposed to the 6 inch curb proposed.

Chairman asked if there had been any complaints or problems

Zoning Inspector Harley DeLeon replied no.

A discussion was held regarding a neighbor business next to Subway.

Chairman asked the Board to make a motion.

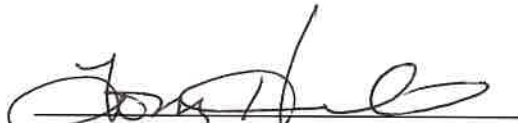
Dave Lindrose made a motion to approve **Case 10-BZA-05R21**. Dave Enzerra seconded.

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

Chairman adjourned the meeting at 6:45 P.M.

Next official meeting date is Tuesday, June 8, 2021.

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Secretary