

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

**Tuesday, October 12, 2021**

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

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

Vice-Chairman Dave Enzerra 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 persons who were present to speak, and intended to testify during the public hearing.

**Public Hearing:**

- **Case 2021-0005-BZA** :

Applicant Christopher A Haffa submitted a Conditional Use Application for property located at 1589 Greenwich Ct. (PPN 11-B-033-D-00-040-0). The request is to allow the continued husbandry of 5 chickens and 4 ducks on the property.

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

Samantha Haffa spoke in favor of the request.

Mrs. Haffa stated that she would like to have chickens and ducks to collect eggs for her family and neighbors.

Ken Sullivan asked the applicant if they currently have chickens and ducks on the property.

Mrs. Haffa replied yes, she currently has one (1) chicken and two (2) ducks.

Ken Sullivan asked how many total of chickens and ducks the applicant would like to have.

Mrs. Haffa stated that she would like to have five (5) chickens and four (4) ducks.

Ken Sullivan explained what a Conditional Use Application entailed, that the amount of animals would need to be included, and for how long the permit was for.

Ken Sullivan asked if a rooster was included.

Mrs. Haffa stated that she had gotten rid of her rooster.

Vice-Chairman asked what type of enclosure the chickens and ducks were currently kept in.

Mrs. Haffa replied that the animals were in a coop that was fenced in.

Vice-Chairman needed clarification where the coop was currently located on the property.

Mrs. Haffa showed where the coop was located, and explained that she would have to move the coop over more to be in compliance with the set back of the side property line.

Vice-Chairman needed clarification where the coop was located regarding the back property line.

Mrs. Haffa was in accordance with the Zoning Resolution regarding the amount of feet the coop was located away from the back property line.

Vice-Chairman asked what type of fencing was being used to enclose the chickens and ducks and how high the fencing was.

Mrs. Haffa replied that the fencing was chicken wire, and was about six (6) feet tall.  
Vice-Chairman asked pertaining to vertical screening between the applicant's property and neighbors.  
Mrs. Haffa replied one neighbor has shrubs, but no other screening was present.

There was no one else present to speak for the request.

Sandra DeWitt, 475 Morgan Drive, spoke against the request.  
Mrs. DeWitt stated she has found the chickens roaming in her yard and other neighbor's yards. Mrs. DeWitt continued that deceased chickens had also been found in her yard and other neighbor's yards. Mrs. DeWitt continued that the noise from the chickens and ducks was a nuisance.  
Vice-Chairman needed clarification on a printed map, where Mrs. DeWitt's property was located in accordance with the Applicant's property.

Vice-Chairman asked what could be done, for the neighbor to be in agreement of the Conditional Use.  
Mrs. DeWitt replied fencing be installed between the properties, and the animals needed to be kept in Mrs. Haffa's yard.  
Vice-Chairman needed clarification when the deceased chicken was found in Mrs. DeWitt's property.  
Mrs. DeWitt replied in June of 2021.

There was no one else present to speak against the request.

Mrs. Haffa was unsure how a fence would help lessen noise.  
Ken Sullivan needed clarification regarding if the chickens and ducks were currently roaming.  
Mrs. Haffa replied that the animals were currently in their enclosure, they had been allowed to roam for around a month earlier in the year; they had had issues with the chickens in other neighbor's yards resulting in the enclosure that was now built.  
Vice-Chairman explained that fencing needed to prevent roaming was included in the Conditional Use.  
Vice-Chairman explained that vertical screening that was at least ten (10) feet long was needed for the Conditional Use. Vice-Chairman continued that the Applicant could work with the Zoning Inspector on which type of vertical screening would work best.  
Mrs. Haffa agreed.  
A discussion was held regarding the vertical screening aided in buffering noise.

Dale Lewis needed clarification regarding how the ducks were kept enclosed.  
Mrs. Haffa replied that the ducks were in the coop with her chickens.

Vice-Chairman needed clarification from the Applicant that the application for five (5) chickens and four (4) ducks was correct.  
Mrs. Haffa amended her application stating that she would like to have five (5) chickens, but only have two (2) ducks instead of four (4), as originally stated on the application.

A discussion was held with Zoning Inspector Harley DeLeon and the Applicant, on what type of vertical screening the applicant could get, and where the screening would be installed on the Applicant's property to compromise with neighbors.  
The Applicant was in agreement to provide vertical screening between her neighbors and her property.

Vice-Chairman explained the Conditions pertaining to Conditional Use Permit being

1. Five (5) chickens and two (2) ducks total.
2. Vertical screening on the back property line.

3. Term of the Conditional Use Permit.

Mrs. Haffa asked the Board how soon she would need to install the vertical screening.

Vice-Chairman replied as soon as possible within the Applicant's ability to do so.

Ken Sullivan asked the Applicant for an appropriate time frame to address screening

Mrs. Haffa replied two (2) to three (3) weeks were needed.

Mr. and Mrs. DeWitt, speaking against, let the Board know that the Applicant could have a month or longer to install vertical screening.

Board agreed to include installation of vertical screening by November 2021 as a condition.

Applicant agreed.

Vice-Chairman asked the Board to make a motion.

Ken Sullivan made a motion to approve the **2021-0005-BZA** with the following conditions,

1. Five (5) chickens and two (2) ducks total.
2. No Roosters.
3. Vertical Screening on back property line by November 2021.
4. 5 (five) year term.

Dale Lewis seconded.

**Roll Call:** Sullivan; Aye, Lewis; Aye, Vice-Chairman; Aye.

Motion carried.

Vice-Chairman explained how to journalize the case to the applicant.

The applicant agreed to journalize the case.

Dale Lewis made a motion to journalize **Case 2021-0005-BZA**. Ken Sullivan seconded.

**Roll Call:** Lewis; Aye, Sullivan; Aye, Vice-Chairman; Aye.

Motion carried.

**Regular Meeting:**

Due to the absence of Board Members, the approving of the September 14, 2021 Meeting Minutes were continued for approval for the November 9, 2021 Meeting.

**Old Business:** None

**New Business:**

Zoning Inspector Harley DeLeon let the Board know of a potential Variance that may come before the Board at the November 9th Meeting.

Chairman adjourned the meeting at 7:01 P.M.

**Next official meeting date is Tuesday, November 9, 2021.**

Respectfully submitted,

 11/9/21

**Dave Enzerra, Vice-Chairman**

 11-09-21

**Rachel Muro, Secretary**