

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

**Tuesday, September 14, 2021**

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

**Present:** DaveENZerra, Ken Sullivan, Randy VanBuren, Dave Lindrose  
**Absent:** Tom Hill  
**Zoning Inspector:** Harley DeLeon  
**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 persons who were present to speak, separately with each case; and intended to testify during the public hearing.

Vice-Chairman let the public that were present for the Public Hearing, know that he would go slightly out of order for the cases that were on the Agenda. This was due to two of the cases being for the same property.

**Public Hearing:**

• **Case 2021-0003-BZA :**

Applicant Bryan Doberdruk submitted a Conditional Use Application for property located at 1740 Ridge Rd. (PPN 11-B-031-0-00-003-0). The request is to operate a private training facility at the location.

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

Bryan Doberdruk spoke for the request.

Mr. Doberdruk stated he operates a training facility. Mr. Doberduk continued he would like to move his current training facility to the 1740 Ridge Road property, as it's bigger than his current rental property.

Vice-Chairman asked the applicant which side of the property would be in use.

Mr. Doberdruk replied the side that True Value had previously occupied.

Vice-Chairman asked the applicant what the hours of operation would be.

Mr. Doberdruk replied Monday through Friday, 3pm to 8pm; and Saturday 10am to 12pm.

Ken Sullivan asked what activities pertained to the applicant's business.

Mr. Doberdruck replied that he primarily does group training for different age groups, along with one on one personal training.

Ken Sullivan explained that for a Conditional Use Permit, hours are included.

Mr. Doberdruk replied that hours of operation would change to 8am to 8pm, Monday through Friday; Saturday and Sunday, 10am to 12pm.

Dave Lindrose asked what other renovations will be done to the building.

Mr. Doberdruk replied that per the lease agreement, a new bathroom will be built. Mr. Doberdruk continued that the floor will be leveled, and painting the inside.

Dave Lindrose asked if any type of signage will be put in front of the building welcoming the Public for training.

Mr. Doberdruk replied no, training is private or by appointment only; no open memberships.

Randy VanBuren asked regarding outside lighting being added.

Mr. Doberdruk replied no.

Dave Lindrose asked if a new sign would be installed stating the business.

Mr. Doberdruk replied not yet, maybe in the future.

Dave Lindrose asked regarding fire damage.

Mr. Doberdruk replied that the side his business would occupy, has been taken care of regarding any fire damage.

Vice-Chairman explained a term being included with the Conditional Use Permit, how long the applicant would like.

Mr. Doberdruk stated a five (5) year term.

Randy VanBuren needed clarification that if a rental lease is not renewed after three (3) years, the five (5) year Conditional Use only applies to the current permit holder.

Vice-Chairman replied yes.

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

Ken Sullivan made a motion to approve the **Case 2021-0003-BZA** with the conditions as stipulated,

1. Five (5) year term.
2. Hours of Operation Monday through Friday, 8am to 8pm; Saturday and Sunday, 10am to 12pm.

Randy VanBuren seconded.

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

Motion carried.

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

The applicant agreed to journalize the case.

Dave Lindrose made a motion to journalize **Case 2021-0003-BZA**.

Randy VanBuren seconded.

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

Motion carried.

- **Case 2021-0009-BZA :**

Applicant Dave Granchi submitted a Conditional Use Application for property located at 1740 North Ridge Rd. (PPN 11-B-031-0-00-003-0). The request is to allow the use of the structure for an indoor softball practice facility.

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

Dave Granchi spoke for the request.

Mr. Granchi stated he operates a girls youth softball organization. Mr. Granchi continued he has outgrown his current facility, and is looking to move into a bigger facility.

Ken Sullivan asked regarding hours of operation.

Mr. Granchi replied Monday through Friday 4pm to 10pm. Saturday and Sunday 8am to 10pm.

Ken Sullivan asked if the hours would stay the same during the school year/winter versus summer.

Mr. Granchi replied yes, but that depending on the need, the hours could change.

Dave Lindrose asked if the applicant would like to change the hours to be able to fit any future changes the applicant may need.

Mr. Granchi replied that he would like the hours of operation to be Monday through Sunday, 8am to 10pm.

Vice-Chairman asked regarding any extra renovations will be done to the applicant's side of the property.

Mr. Granchi replied that the fire damage had been repaired. Mr. Granchi continued he would install turf floor, cages for practice, and netting around to keep any softballs contained. Mr. Granchi replied that new bathrooms were getting installed.

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

Dave Lindrose made a motion to approve **Case 2021-0009-BZA** with the conditions as stipulated.

1. Hours of Operation are Monday through Sunday, seven (7) days a week, 8am to 10pm.
2. Five (5) year term.

Ken Sullivan seconded.

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

Motion carried.

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

The applicant agreed to journalize the case.

Ken Sullivan made a motion to journalize **Case 2021-0009-BZA**.

Randy VanBuren seconded.

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

Motion carried.

- **Case 2021-0004-BZA :**

Applicant Jeremy S Buckholz submitted a Conditional Use Application for property located at 132 Nelmar Dr. (PPN 11-A-020-D-00-026-0). The request is to permit animal husbandry of 12 chickens.

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

Jeremy Buckholz spoke for the request.

Mr. Buckholz stated that he would like to house twelve (12) chickens for the use of eggs, and as pets.

Vice-Chairman asked regarding the chicken coop already erected on the property.

Mr. Buckholz replied yes.

Vice-Chairman asked how many chickens the applicant currently owned.

Mr. Buckholz replied twelve (12), but that one was currently in the process of being rehomed, as it may be a rooster. Mr. Buckholz continued that he will then have eleven (11) chickens.

Ken Sullivan commented that roosters are normally not allowed.

The applicant agreed.

Vice-Chairman explained that there are certain requirements to follow when applying for a Conditional Use of Animal Husbandry. One of the requirements is setback from adjacent properties. Vice-Chairman asked regarding any type of screening or fencing separating properties.

Mr. Buckholz replied that there was fencing bordering his property and a Cemetery. Mr. Buckholz continued there was fencing bordering his property on both the north and south side.

Ken Sullivan asked regarding the chicken coop being fully enclosed, including roof and what not.

Mr. Buckholz replied yes, and that there are doors to enter, and a hatch door to collect eggs. Mr. Buckholz continued that he planned to fence additionally around the chicken coop, to give the chickens space to run and have access to their coop.

Dave Lindrose asked regarding the size of the additional fencing to the chicken coop.

Mr. Buckholz replied 12 by 12 with a roof over the extra fenced space.

Randy VanBuren asked regarding the total acreage of the applicant's property.

Mr. Buckholz commented 0.3 acres.

Randy VanBuren commented that the Board needs to keep in mind that there is a maximum number of poultry on property half acre or less. Randy VanBuren asked the applicant if he would consider only having 6 chickens.

Mr. Buckholz replied yes.

Vice-Chairman asked Zoning Inspector Harley DeLeon to clarify.

Zoning Inspector Harley DeLeon stated that the Zoning Resolution does not have a maximum number of chickens under five (5) acres, but it is required to apply for a Agricultural Conditional Use Permit. Harley DeLeon continued that there is a maximum number of chickens on a half acre, which is permissible with a regular zoning permit application.

A discussion was held regarding the applicant allowed with his conditional use application, the right to ask for twelve (12) chickens.

Vice-Chairman needed clarification from the applicant that it was asked for twelve (12) chickens, one would be rehomed to bring the total number of chickens to eleven (11); would the applicant agree to an amount less than twelve (12)?

Mr. Buckholz replied yes. Mr. Buckholz let the Board know that both of his neighbors were ok with having the chickens.

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

Dave Lindrose made a motion to approve the **Case 2021-0004-BZA** with the conditions as stipulated.

1. Eleven (11) Chickens total.
2. No Roosters.
3. Five (5) year term.

Ken Sullivan seconded.

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

Motion carried.

Ken Sullivan made a motion to journalize **Case 2021-0004-BZA**.

Dave Lindrose seconded.

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

- **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 on the property.

Chairman saw no error in the Zoning Inspector requiring a Conditional Use Application.

The applicant was not in attendance.

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

Vice-Chairman asked the Board if they would like to continue **Case 2021-0005-BZA** for the October 12, 2021 Meeting, or continuing without the applicant's input at the current Public Hearing.

Randy VanBuren made a motion to continue **Case 2021-0005-BZA** for the October 12, 2021 Meeting.  
Ken Sullivan seconded.

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

- **Case 2021-0006-BZA :**

Applicant Charles J Cattell filed a Variance Application for property located at 32 Wintergreen Hill Dr. (PPN 11-A-005-B-00-005-0). The request is to allow a parcel split that would result in the creation of a 14,400 sq ft parcel with zero (0) feet of frontage on a dedicated road in violation of Section 14.03(A)(1), Section 5.99, Section 5.74, and Section 6.21 which requires that parcels located within the R-1 zoning district have 75 feet of contiguous frontage on a dedicated roadway and in violation of Section 14.03(A) which requires that the minimum square footage of a parcel within the R-1 zoning district be no less than 15,000sqft.

Chairman saw no error in the Zoning Inspector requiring a lot split variance.

Charles Cattell spoke for the request.

Charles Cattell stated that he owns two properties on Wintergreen. He plans to sell 32 Wintergreen, but would like to keep part of the property to connect to his other property also on Wintergreen, to allow a bigger driveway. This will help with drainage, along with safety for snow plows and Fire Trucks. Mr. Cattell continued that he has a natural spring connected to his property for water, and would like to extend his driveway to allow the property to be connected to city water.

Vice-Chairman needed clarification from the applicant pertaining to the proposed parcel split.

The applicant stated a parcel split of 32 Wintergreen, which would retain the driveway which leads to his other property at 500 Wintergreen.

Ken Sullivan needed clarification from the applicant regarding creating a separate parcel

Mr. Cattell replied yes he would be creating a separate parcel split by the driveway on a hillside that would be unusable. Mr. Cattell continued that he's trying to create frontage for his property at 500 Wintergreen.

Vice-Chairman needed clarification regarding how long the applicant has lived/owned both 32 Wintergreen, and 500 Wintergreen.

Mr. Cattell replied 24 years at 500 Wintergreen and 2 years at 32 Wintergreen.

Ken Sullivan commented that if and when the applicant sells 32 Wintergreen, a new owner could want to build on the property.

Mr. Cattell replied that it would be difficult to build on the new parcel. Mr. Cattell continued that there are two (2) other parcels along this easement that leads to his property at 500 Wintergreen. Mr. Cattell continued that he was looking to own another of the parcels along his driveway to further connect his 500 Wintergreen property.

Dave Lindrose needed clarification where 500 Wintergreen was located.

Mr. Cattell showed the Board on the map given in the application packet, where each property was located and where the driveway was going through.

A discussion was held regarding other possibilities for the applicant.

A discussion was held pertaining to future hardship that may occur for the Board and property owners if a new lot wants to be developed.

Mr. Cattell asked if verbiage could be used to prohibit any development to the new parcel he was creating. Ken Sullivan commented that it may be in the applicant's best interest to go another route now widening his driveway, then create a new parcel that would cause future problems.

Mr. Cattell explained that it was also allowing access for a water line.

A discussion was held that the applicant would still need permission to expand his driveway as other properties were along the driveway.

Vice-Chairman needed clarification that for a water line to be installed, the applicant would still need to go along the easement to connect 500 Wintergreen.

The applicant replied yes, unless another property on the hillside behind Wintergreen allows the access.

A discussion was held pertaining to properties next to the applicant's on the Hillside to reroute a new driveway. The applicant explained that material needed to reroute the driveway with the hillside would be much more than to split the parcel at 32 Wintergreen to widen the current driveway.

Vice-Chairman needed clarification from Zoning Inspector Harley DeLeon pertaining to an expansion of the current easement. To apply for an expansion.

Harley DeLeon commented that to her understanding, theoretically; as the owner, the applicant could widen the easement. Harley DeLeon continued by asking the applicant if he could grant himself the easement to Wintergreen Hill specifically for utility access as a shortcut. Harley DeLeon continued that the applicant could have someone draw up an easement that gives the right to cutting utilities down the length of the property.

A discussion was held to clarify that the applicant could only cut utilities on the properties he owns.

Mr. Cattell explained that a future owner of 32 Wintergreen would pay property taxes to land they can't use, and cause the applicant problems, for the rear of the property is still an easement.

Randy VanBuren needed clarification from Legal Advisor Jason Hartzell, that land that is unusable due to an easement; can apply for a reduction in tax based on that portion of property.

Legal Advisor Jason Hartzell did not know.

A discussion was held pertaining to the Board needing to keep in mind future hardships this split parcel may create

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

David Cruikshank, 30 Wintergreen Hill; spoke against.

Mr. Cruikshank asked the Board if they would like him to read his letter for the record.

The Board had already read the letter provided prior to the Public Hearing.

Mr. Cruikshank wanted to correct two issues in his letter for the record as follows:

1. Page 5 of the letter, Mr. Cruikshank's address needed to be changed from 32 to 30 Wintergreen.
2. Page 1 of the letter, after "I own..." Mr. Cruikshank would like it known that he and his wife both own 30 Wintergreen.

Mr. Cruikshank provided a letter with both his and his wife's signatures for the Board.

Vice-Chairman explained what factors the Board takes into consideration when voting on a Case.

Vice-Chairman asked the applicant if he had any questions or comments for Mr. Cruikshank, speaking against.

Mr. Cattell replied no, he was not proposing any changes to Mr. Cruikshank's property.

Vice-Chairman asked Mr. Cruikshank if he had any questions or comments to add to speaking against the request.

Mr. Cruikshank agreed that a new easement seemed the correct course of action, over creating a new parcel of land causing hardships for future property owners.

Vice-Chairman asked the applicant if he had any more questions or comments.

Mr. Cattell stated that eventually he would like to own all or as much of the driveway.

Larry and Marijane Watson, 34 Wintergreen, provided a letter speaking against the request.

Vice-Chairman read the letter aloud to the Board.

Legal Advisor Jason Hartzell commented, advising the Board to read through the Duncan Factors, and citing which factors apply to Case 2021-0006-BZA.

Vice-Chairman read through each factor, citing which applied.

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

Vice-Chairman explained how the Board worded a motion, in the affirmative, and then voted accordingly.

Randy VanBuren made a motion to approve **Case 2021-0006-BZA**.

Dave Lindrose seconded.

**Roll Call:** Lindrose; Nay, VanBuren; Nay, Sullivan; Nay, Vice-Chairman; Nay.

Motion denied.

- **Case 2021-0007-BZA :**

Applicants Brent L & Kimberly A Roebuck filed a Variance Application for property located at 1175 Riverside Dr. (PPN 11-A-017-0-00-001-0). The request is to allow the installation of a gravel driveway approximately 800 lineal feet long by 12 feet wide. In violation of Section 29.06(A) which requires that driveway surface shall consist of concrete, asphalt, or pervious pavers.

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

Brent Roebuck spoke for the request.

Mr. Roebuck explained that their parcel is 20 acres, they would like to farm on part of the parcel. Mr. Roebuck continued that his home will be built a ways back into the property. Mr. Roebuck continued that with the Trustees, a deed restriction has been placed for the him to use some of Vassar drive for a driveway. Mr. Roebuck will need 800 feet of asphalt off Riverside Dr., and 300 feet of concrete off of Vassar Dr., which is prohibited. Mr. Roebuck continued that part of Vassar Dr. would be gated and in gravel, used for construction for a limited time. This will also be for emergency vehicles and utility repairs. Mr. Roebuck let the Board know that he received an ODOT permit, saying that an asphalt apron needed to be installed on Riverside Dr. When motorists pass by, the driveway will be asphalted up to 30 feet, and then turn into gravel up until the house.

Vice-Chairman needed clarification that the gravel part of the driveway would be 800 feet less 30 feet. Mr. Roebuck replied yes.

Ken Sullivan needed clarification where the house will be built. The house would be located back by a wooded area of the property.

Mr. Roebuck replied yes.

Ken Sullivan needed clarification where the original driveway was located.

Mr. Roebuck replied that the landscape drive had run through the nextdoor neighbor's property when parcels had been split. Mr. Roebuck continued that at the point of sale, the landscape drive had then been cut off.

Legal Advisor Jason Hartzell let the Board know he had spoken to Mr. Roebuck's attorney. Jason Hartzell explained that a deed restriction has been placed for Vassar Dr., but it has not been executed or recorded until the Board makes their decision.

Jason Hartzell needed clarification from the applicant that the deed restriction gives a 2 to 3 year period that Vassar can be used for construction.

Mr. Roebuck replied yes.

After that period, it will only be for emergency and utility use.

Jason Hartzell continued that the Painesville Township Fire Chief also had agreed that Vassar would be better for Emergency use, than to use the driveway off Riverside.

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

Ken Sullivan made a motion to approve **Case 2021-0007-BZA**.

Dave Lindrose seconded.

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

Vice-Chairman asked the applicant if he would like to journalize the case.

The applicant asked Legal Advisor Jason Hartzell if the case will need to be journalized in order to file with the recorder for the Deed Restriction.

Jason Hartzell replied that the effective date would not be until the October 12, 2021 Meeting if not journalized.

The applicant would like the case journalized.

Randy VanBuren made a motion to journalize **Case 2021-0007-BZA**.

Dave Lindrose seconded.



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

- **Case 2021-0008-BZA :**

Applicant Ken Curtis submitted a Conditional Use Application for property located at 1330 Mentor Ave. (PPN 11-A-016-C-01-002-0). The request is to allow the use of the structure for an indoor boxing gym and training facility.

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

Ken Curtis spoke for the request.

Mr. Curtis brought newspapers for the Board to look over pertaining to his business. Mr. Curtis would like to relocate his current facility to a bigger building. Mr. Curtis is a teacher for Boxing.

Ken Sullivan needed clarification which building would be used. As there were two buildings on the property.

Mr. Curtis replied that it was the previous Car Parts Warehouse.

Mr. Curtis let the Board know that the manager of the building will be removing a sign so that Mr. Curtis can install his business's sign.

Ken Sullivan asked regarding Hours of Operation.

Mr. Curtis replied Monday through Friday, 8am to 8pm. Saturdays 8am to 2pm. No Sunday hours.

Vice-Chairman asked pertaining to the inside of the building.

Mr. Curtis said that inside is all opened, and will just need to be painted.

Dave Lindrose asked pertaining to a weight training room.

Mr. Curtis replied that it will all be open space. Mr. Curtis continued that a security system will be installed with cameras inside the facility.

Dave Lindrose asked pertaining to membership.

Mr. Curtis replied that the facility will have a membership. Mr. Curtis continued that the store front will be used to sell merchandise and what not.

Vice-Chairman asked regarding when the applicant would like to get started on the facility.

Mr. Curtis replied October 1, 2021 if possible.

Ken Sullivan asked regarding the term of the permit that the applicant was looking to receive.

Mr. Curtis replied 5 years.

Randy VanBuren asked pertaining to the applicant's current facility location.

Mr. Curtis replied off of Lakeland Blvd, in Eastlake.

Ken Sullivan asked regarding extra lighting being installed.

Mr. Curtis replied that he will make sure the current lighting is in working order. Mr. Curtis let the Board know that he sometimes brings the trainees outside to do their workouts in the summer.

Dave Lindrose asked regarding an audience and live matches.

Mr. Curtis replied no. Mr. Curtis replied that matches will be held at bigger venues.

Dave Lindrose asked regarding how many boxing rings will be installed.

Mr. Curtis replied one. Mr. Curtis replied that he would like to do more weight training along with training for boxing.

Randy VanBuren made a motion to approve **Case 2021-0008-BZA** with the conditions as stipulated.

1. Hours of Operation are Monday through Friday, 8am to 8pm. Saturday 8am to 2pm.
2. Five (5) year term.

Dave Lindrose seconded.

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

Ken Sullivan made a motion to journalize **Case 2021-0008-BZA**.

Randy VanBuren seconded.

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

### **Regular Meeting:**

Vice-Chairman asked if the Board had any edits to the August 10, 2021 Meeting Minutes. Hearing none.  
Vice-Chairman asked the Board to make a motion to approve the **August 10, 2021 Meeting Minutes**.

Dave Lindrose made the motion to approve the **August 10, 2021 Meeting Minutes** as submitted.

Randy VanBuren seconded.

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

**Old Business:** None

**New Business:** None

Chairman adjourned the meeting at 7:48 P.M.

**Next official meeting date is Tuesday, October 12, 2021.**

Respectfully submitted,

 11/9/21

Dave Enzerra, Vice-Chairman

 11-09-21

Rachel Muro, Secretary