

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

Tuesday, April 12, 2022

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

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

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

Public Hearing:

- **Case 2022-0005-BZA :**

Applicant Joe Palecek filed a Variance Application for property located at 0 Newell St. (PPN 11-B-063-0-00-026-0). The request is to allow construction of a 32' by 80' detached garage with a height of 27 feet in violation of Section 14.02(C)(4) and 14.02(C)(6) which requires that an accessory building shall not exceed 50% of the total living area on the ground floor of the main dwelling and that an accessory building shall not exceed the height of the main building on the property. 50% of the main building square footage on the ground floor is 1,113 square feet and the total height of the main building is 22' feet.

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

Joe Palecek spoke for the request.

Mark Maltry spoke for the request.

Mark Maltry let the Board know that his company would be building a new home for the applicants. This would also include an accessory building to be storage for the applicants.

Mark Maltry asked Zoning Inspector Harley DeLeon regarding new information pertaining to the setback. Harley DeLeon let the applicant know that that would be a separate variance to come before the Board at another future public hearing, if necessary.

Vice-Chairman asked Mr. Palecek regarding needing the specific size of the accessory building.

Mr. Palecek replied to store his belongings from the outside elements.

Dale Lewis asked regarding the height of the accessory building.

Mr. Palecek replied that some of his recreational belongings and such won't fit to be stored in anything less.

Mr. Maltry, speaking for the applicant, let the Board know that his company would like to match height wise of both the home and accessory building, to blend better.

Ken Sullivan asked regarding total acreage of land owned.
Mr. Palecek replied around 13 acres.

A discussion was held using a map provided, where the home and accessory building would be built on the applicant's land.

Dave Lindrose asked pertaining to an address of the home.

Mr. Maltry replied that an address won't be issued until all zoning requirements are met. There is not an address yet.

A discussion was held pertaining to only being able to look up the land by the parcel number at this stage in the applicant's plans. Where the property is located.

Vice-Chairman commented that he had driven past the property and it looked to be worked on.

Mr. Palecek replied he had cleared the land and there had been staking situated to plan the layout of his home and accessory building.

Dale Lewis asked if there was running water on the property.

Mr. Palecek replied no.

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

Vice-Chairman asked the applicant if there was any other way to reduce the size of the variance.

Mr. Palecek replied that the size on the application was the reduced size.

Vice-Chairman asked what the accessory building would be used for.

Mr. Palecek replied only for storage of his belongings.

Vice-Chairman entertained a motion.

Randy VanBuren made a motion to approve **Case 2022-0005-BZA**. Ken Sullivan seconded.

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

Motion carried.

Dave Lindrose made a motion to journalize **Case 2022-0005-BZA**. Ken Sullivan seconded.

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

Motion carried.

- **Case 2022-0008-BZA :**

Zoning Inspector Harley DeLeon recommended the Board start with Case 2022-0008-BZA; as Cases 0006, 0007, and 0008 all pertained to one proposed item.

Applicant Crystal Property Group LLC filed a Variance Application for property located on Mentor Ave.

(PPN 11-A-011-0-00-023-0). The request is to allow outdoor seating to exceed the indoor seating capacity by 100% in violation of Section 12.05(L)(e) which requires that outdoor dining space shall not exceed 25% of the restaurant's indoor seating capacity.

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

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

Ray Somich spoke for the request.

Mr. Somich explained this request was for a proposed Starbucks. The Starbucks was a drive-thru only, no inside seating will be available. There will be a walk up window to order from. The request was for six (6) to eight (8) outdoor seats.

J. Scott Scheel spoke for the request. Mr. Scheel let the Board know that there was a discussion for a Laketran bus stop and shelter. Mr. Scott wanted pedestrians who would not be in a vehicle, to be able to access the coffee shop.

Ken Sullivan asked if the outdoor seats would be covered.
The applicant replied no.

Vice-Chairman asked regarding lighting.

Ben Cyvas, architect, replied lighting is being proposed around the patio, and lighting on the building.

Zoning Inspector Harley DeLeon commented that the Zoning Resolution lacked regulation to address facilities like the proposed Starbucks regarding outdoor seating.

Vice-Chairman asked Zoning Inspector Harley DeLeon if there were any concerns or other comments for the Board.

Harley DeLeon replied no.

Randy VanBuren asked regarding the amount of parking available, and if customers could walk into the facility.

Mr. Scheel replied that there will not be any indoor restaurant. Only drive-thru and walk up/outdoor seating. The thought is for employees and outdoor seating.

Ken Sullivan asked if an illustration was provided showing where the outdoor seating is at.
The applicant showed where the outdoor seating would be located.

Dave Lindrose asked where another Starbucks of this setup was located.

The applicant replied this is a new model being considered, and the location would also play a part for the new model.

The applicant let the Board know that the Zoning Commission had approved site plan/ architectural review under the condition that the color palette follow the Western Reserve look.

Dave Lindrose asked regarding restroom facilities.

Mr. Scheel replied there will be restrooms for the employees and outdoor access for the walk up window.

Zoning Inspector Harley DeLeon brought up a photo of a drive-thru only Starbucks to show the Board.

Vice-Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0008-BZA**. Randy VanBuren seconded.

Ken Sullivan asked regarding setting a limit on the number of outdoor seating available. Zoning Inspector Harley DeLeon suggested placing a condition with the next case number, **Case 2022-0006-BZA**, as it would be easier for Starbucks to come back and ask for additional seating if need be. Legal Advisor Jerney Iosue agreed.

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

- **Case 2022-0007-BZA :**

Applicant Crystal Property Group LLC filed a Variance Application for property located on Mentor Ave. (PPN 11-A-011-0-00-023-0). The request is to allow the main building to maintain a setback of 40' from the road right of way in violation of 22.04(E) which requires that no portion of the main structure shall be any closer to the road right-of-way line than 50'.

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

Mr. Scheel let the Board know that the proposal was to allow for maximum traffic capacity and maneuverability on the site.

Mr. Cyvas added that this will give an adequate landscape buffer between the parking plaza to the south of the site and the patio. This will also help with parking.

Dave Lindrose asked Zoning Inspector Harley DeLeon regarding how close the Starbucks would be to Tractor Supply's outdoor storage site.

The applicant explained that the proposed site was slightly into Tractor Supply's outdoor storage site. Mr. Scheel explained to the Board with the help of a map, a change to Starbuck's entrance, fixing the problem with Tractor Supply.

A discussion was held regarding site planning of the entrance and exit of the proposed site.

A discussion was held regarding Tractor Supply's overbuilding of their outdoor storage.

A discussion was held regarding the setback approved for Tractor Supply's outdoor storage.

A discussion was held regarding what Tractor Supply was allowed to do with their outdoor storage.

Vice-Chairman asked Zoning Inspector Harley DeLeon regarding the approval process for Starbucks entrance and exit.

Harley DeLeon explained that approval will be administratively due to the minimal change to the entrance and exit.

There was no one to speak against the request.

Vice-Chairman entertained a motion.

Ken Sullivan made a motion to approve **Case 2022-0007-BZA**. Dave Lindrose seconded.

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

- **Case 2022-0006-BZA :**

Applicant Crystal Property Group LLC submitted a Conditional Use Application for property located on Mentor Ave. (PPN 11-A-011-0-00-023-0). The request is for drive-thru facilities and outdoor dining for a coffee shop.

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

Mr. Scheel let the Board know that this was a drive-thru only coffee shop. No indoor seating. Mr. Scheel continued that he did not think there would be an impact on traffic with the location and size of the building. The queue for the drive-thru would go to the signalized entry on Normandy Drive. Ray Somich spoke for the request, adding that in the future these types of conditional uses will no longer be considered conditional uses in Zoning Resolutions within reason.

Dave Lindrose needed clarification on placing an amount of seating allowed with this conditional use application.

A discussion was held regarding a conditional use of not to exceed ten (10) seats for outdoor seating.

Ken Sullivan asked regarding a term limit for the conditional use.

Mr. Scheel asked the Board to consider a ten (10) year term.

A discussion was held pertaining to applying for a variance to allow for a term longer than five (5) years for a conditional use.

Zoning Inspector Harley DeLeon explained to the applicant the process of the Board approving and setting uses to a conditional use; including renewal of the Conditional Use.

Mr. Scheel let the Board know that he would like to come back with a Variance Application to approve for a longer term for the proposed conditional use.

Randy VanBuren needed clarification that the applicant was asking for approval of the current five (5) year term and would come back with a variance approval for another five (5) year term, to be a total of a ten (10) year term for the proposed coffee shop.

Zoning Inspector Harley DeLeon and Legal Advisor Jeremy Iosue replied yes.

Vice-Chairman entertained a motion.

Randy VanBuren made a motion to approve **Case 2022-0006-BZA** with the conditions as follows:

1. Outdoor seating is a maximum of ten (10) seats.
2. Five (5) year term.

Dave Lindrose seconded.

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

Randy VanBuren asked when the Starbucks would be open for operation.

J. Scott Scheel replied that the company would like a 2022 opening.

Dave Lindrose asked regarding journalizing the motions from the Public Hearing.

Mr. Scheel replied yes.

Vice-Chairman asked Legal Advisor Jeremy Iosue if the Board could journalize all three cases in one motion.

Jeremy Iosue replied yes.

Randy VanBuren made a motion to journalize **Cases 2022-0006-BZA, 2022-0007-BZA, and 2022-0008-BZA**. Ken Sullivan seconded.

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

Regular Meeting:

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

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

Old Business:

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

Applicants Angelo and Mary Izzi submitted an 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.

Vice-Chairman reminded the Board that this case will be continued until the September 2022 Meeting. Vice-Chairman continued that **Case 2022-0004-BZA** will be kept under Old Business until that meeting.

New Business: None

Vice-Chairman entertained a motion to adjourn the meeting.

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

Randy VanBuren made a motion to adjourn. Ken Sullivan seconded.

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

Next official meeting date is Tuesday, May 10, 2022.

Respectfully submitted,



Dave Enzerra, Vice-Chairman



Rachel Muro, Secretary



DATE: 4-12-2022

BZA

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