

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

**Tuesday, December 13, 2022**

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

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

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.

Chairman Tom Hill swore in persons who were present to speak, and intended to testify during the Public Hearing.

**Public Hearing:**

• **Case 2022-0028-BZA:**

Applicants Douglas E & Cindy L Raines submitted a Variance Application for property located at 1294 Madison Ave. (PPN 11-A-023-C-00-020-0). The request is to allow the property to establish dual use of the property, residential and commercial. The applicant specifically requests to be allowed to use the accessory structure on the property as a commercial mechanic shop.

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

Douglas Raines spoke for the request. Mr. Douglas let the Board know that he would like to sell the property to his friend to open a mechanic shop on the property being discussed for three (3) to five (5) years.

Ken Mills, 1264 Stonewood Ct., spoke against the request. Mr. Mills let the Board know that there have been issues in the past within the neighborhood. He did not agree with having a mechanic shop within a residential neighborhood.

Fran Armour, spoke for the request. Mrs. Armour let the Board and contiguous neighbors know that her husband, Bruce Armour, who will be the mechanic buying the property from Mr. Raines is a good mechanic.

Ken Mills, speaking against, asked if there will be any other employees working. Mrs. Armour replied that her husband, Bruce Armour will be the only employee.

Tim Mainello, speaking for James Mainello who owns contiguous property at 1295 Falling Rock Ln., spoke against the request. Mr. Mainello expressed his concerns for a business in or close to a residential area with families. Mr. Mainello discussed the Duncan Factors, giving examples of why a mechanic shop should not be approved for the property in question.

Chairman let the public know that Case 2022-0028-BZA was a Use Variance. Chairman explained to the public what a Use Variance is, and that there are strict guidelines in the Zoning Resolution that need to be followed by the Board of Zoning Appeals when considering approving or denying an application.

Robert Chamberlain, 1265 Stonewood Ct., did not speak for or against. Mr. Chamberlain did express his concerns for the future of the Mechanic Shop and surrounding area. Mr. Chamberlain's property is next to the property in question.

Tim Maniello, speaking against, expressed his concern that business hours may go past what would be listed.

Mr. Raines, applicant, speaking for the request spoke to the contiguous neighbors that were against the request. Mr. Raines had worked on some of his neighbors' cars.

Charlotte Mills, 1264 Stonewood Ct., spoke against the request. Mrs. Mills expressed her concerns for the neighborhood.

A discussion was held between Mrs. Mills and Mr. Raines regarding past business history with the neighborhood and if a compromise could be made for Mr. Raines to sell his property, and not open a mechanic shop.

Chairman explained with examples from the neighbors who spoke against, what the Board of Zoning has to consider with the Zoning Resolution in regards to a Use Variance.

Chairman asked if the Board had any questions or comments.

Dale Lewis asked if the Use Variance could only apply to the person who would be buying the property from the applicant.

Chairman was unsure if that could be a possibility with a Use Variance. The Legal Advisor was not in attendance at the current Meeting.

Chairman asked if the Board had any questions or comments. Hearing none.  
Chairman explained to the public in attendance how a motion is made.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0028-BZA**. Dave Enzerra seconded.

**Roll Call:** Lewis; Nay, Enzerra; Nay, Sullivan; Nay, Lindrose; Nay, Chairman; Nay.  
Motion denied.

- **Case 2022-0029-BZA:**

Applicant 1388 Mentor Avenue LLC submitted a Variance Application for property located at 1390 Mentor Ave. (PPN 11-A-016-C-03-003-0). The request is to allow installation of approximately 140 lineal feet of paved surface along the eastern property line to maintain a setback of five (5) from the property line and approximately two hundred and fifty (250) lineal feet of paved surface along the western property line to maintain a minimum setback of 2.3' from the property line. In violation of Section 29.10(A) which requires that the minimum setback for paved parking areas including drive aisles be ten (10) feet.

David Rapp, engineer, speaking for the request. Mr. Rapp explained that that asphalt would like to be laid for an automatic car wash. The proposed feet being asked is to accommodate a certain number of cars stacked to go through the car wash. To use other features offered like vacuums. To help keep traffic concerns to a minimum off the street and into the proposed business.

Ken Sullivan asked if the applicants had any drawings that the Board could view.

Due to scheduling conflict, the applicants had a Site Plan Review for the Zoning Commission Meeting. The Meeting was scheduled for the week after the current Board of Zoning Appeals Meeting, Monday December 19, 2022. The Zoning Commission Meeting is normally held the day, Monday, before the Board of Zoning Appeals Meeting.

Chairman asked the applicants what district the car wash would be in.  
The applicants replied B-3.

Chairman explained that a Conditional Use Permit will still need to be sent in and approved for the Car Wash.

Michael Marcum, speaking for the request, replied that the permit has been submitted.

A discussion was held regarding what the request was for and what has been filed in the Staff. Zoning Inspector Harley DeLeon could not be in attendance for this Meeting. Assistant Zoning Inspector Sean Ischay was filling in.

Chairman asked the applicants if they were in agreement that the variances regarding the concrete being asked for were required.

The applicants replied yes.

A discussion was held while looking over drawings provided by the applicants showing the plans for the automatic car wash.

Zoning Secretary Rachel Muro let the Board know that the applicants had a Site Plan Review submitted to the Zoning Commission scheduled for Monday, December 19, 2022.

Chairman clarified that he was determining where the Board of Zoning Appeals fit in with Case 2022-0029-BZA. That if the Site Plan is approved, the applicants can let the Zoning Commission know that variances needed have been approved prior.

The applicants responded that it was correct.

Multiple discussions were held while looking over the drawings.

Dave Enzerra needed clarification on what the timeline was regarding the need of approvals to continue with the proposed project.

The applicant replied that there was time to continue until the next meeting.

A discussion was held that the paved area being asked for, was what the Board needed to focus on.

Dale Lewis asked regarding if windows will be installed on the building.

Mark Marcum replied no, due to how close the proposed car wash is to other properties, no windows will be installed.

A discussion was held regarding the contiguous properties to the proposed car wash.

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

Timothy Cannon, contiguous property owner, spoke for the request. Mr. Cannon was in agreement for the paved area that the Variance was for.

Chairman reminded the Board that they were only considering the asphalt area. Chairman needed clarification using the drawings provided, where the asphalt area would be installed.

The Board held multiple discussions with the applicants while looking over the drawings provided to get an idea for the proposed asphalt.

Chairman entertained a motion.

DaveENZERRA made a motion to approve **Case 2022-0029-BZA**. Ken Sullivan seconded.

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

- **Case 2022-0030-BZA:**

Applicant Daily Droppers INC. submitted a Conditional Use Application for property located at 1435 Mentor Ave. (PPN 11-A-011-0-00-004-0). The request is for an outdoor storage of propane exchange cage and Uhaul rental vehicles.

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

The applicant were not in attendance to speak for the request.

Dave Lindrose let the Board know that Uhaul trucks were already on the property and in violation.

The Board had questions regarding the request and would like to have the applicant present to discuss the application.

Chairman entertained a motion to continue Case 2022-0030-BZA.

Dave Lindrose made a motion to continue **Case 2022-0030-BZA** for the January 10, 2023 Meeting. Dave Enzerra seconded.

Request has been made for Staff to make sure that the applicant will be in attendance to speak for their application.

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

### **Regular Meeting:**

Chairman asked the Board if there were any comments or edits to the **October 11, 2022 Meeting Minutes**. Hearing none.

The **October 11, 2022 Meeting Minutes** were approved as submitted.

**Old Business:** None

**New Business:**

Zoning Secretary Rachel Muro needed clarification when the Election of Officers was held. Chairman replied in January.

Chairman let the Board know that he and Dale Lewis will not be in attendance for the January Meetings. Chairman let the Board know that he will also not be in attendance for the February Meeting.

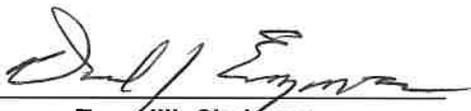
Dave Enzerra asked the Chairman his thoughts regarding being re-elected. Chairman let the Board know that if they choose to re-elect him for Chairman, he will accept.

Chairman entertained a motion to adjourn the meeting. Dave Lindrose made a motion to adjourn the meeting. Dave Enzerra seconded.

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

Chairman adjourned the meeting at 7:20 P.M  
**Next official meeting date is Tuesday, January 10, 2023.**

Respectfully submitted,

  
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Tom Hill, Chairman

  
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Rachel Muro, Secretary



DATE: 12-13-2022

BZA

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