

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

Tuesday, February 14, 2023

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

Present: Dave Enzerra, Dale Lewis, Dave Lindrose, Ken Sullivan
Absent: Tom Hill, Randy VanBuren
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 2023-0001-BZA:**

Applicant HPC Career Center submitted a Conditional Use Application for property located at 1821 North Ridge Rd. (PPN 11-B-036-0-00-009-0). The request is to allow a medical training career center. This was obtained through a similar use declaration.

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

The applicant was not in attendance.

Zoning Inspector Harley DeLeon that the Board could proceed discussion regarding the proposed medical training career center, as activity will be inside the unit. The activities that are proposed are similar in nature to the uses permitted in the District. If the proposed medical training career center had been included in the Use category of the Zoning Resolution, a Conditional Use Permit would not have been required, and only been a permitted use.

Clarification was needed regarding the operating hours. The applicant owns a daycare facility in close proximity to the proposed medical training career center. The applicant wanted to offer later daycare for those coming to the medical career center. The medical training career center could possibly operate later in the evening. Possibly operate until midnight, and possibly Saturdays.

A discussion was held regarding whether operating hours needed to be placed on a conditional use permit or omitted.

Dave Lindrose asked when the applicant was wanting to open the medical career center. Zoning Inspector Harley DeLeon replied she was unsure. The equipment has been purchased and a fire inspection was scheduled when the applicant was informed a conditional use permit was needed.

Dale Lewis asked regarding operating hours for the business that was similar use declaration.

Zoning Inspector Harley DeLeon explained what a similar use declaration was. If a use is not listed in any of the zoning districts and someone would like to operate that use, they can approach the Trustees asking if they can operate in a specific zoning district if the Trustees also agree. A similar Use would be issued. Unfortunately the medical training career center isn't a permitted use, and no other businesses of the same operation exist in the Township, a Conditional Use Permit is required.

Ken Sullivan needed clarification from Legal Advisor Jeremy Iosue that if hours of operation were set as a condition and were not correct for the applicant, the applicant could come to the next meeting prior to the Meeting Minutes being approved, and have the hours of operation readdressed.

Legal Advisor Jeremy Iosue suggested that it would be better to wait until the applicant can address the hours of operation. Jeremy Iosue suggested that the best route would be to continue the case for the next meeting.

There was no one present to speak against the request.

Vice-Chairman entertained a motion.

Dave Lindrose made a motion to continue **Case 2023-0001-BZA** for the March 14, 2023 Meeting.

Ken Sullivan seconded.

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

Motion carried.

- **Case 2023-0002-BZA:**

Applicant Charlene March submitted a Variance Application for property located at 845 Arden Dr. (PPN 11-B-041-G-03-054-0). The request is to allow installation of approximately 113 lineal feet proposed to maintain a setback from the road right of way of seven (7) feet in violation of Section 6.14(E) which requires Fences may be permitted in front yards provided that they are no closer to the traveled portion of the roadway than twenty (20) feet however, no portion of any fence shall be closer than five (5) feet to any road right-of-way. The maximum fence height in front yards shall be no more than thirty-six (36) inches from the natural grade of the land and the fencing may not be installed on mounding.

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

Bob Kellerman spoke for the applicant.

The applicant would like to install a picket fence in a portion of the yard that would bring it closer to the road right of way due to the size of the property.

Ken Sullivan needed clarification if the stop sign will be on the inside of the fence.

Bob Kellerman replied no, the stop sign will be on the outside.

Dale Lewis commented that the drawing provided was not clear in showing where the fence will be installed.

Bob Kellerman explained where the fence will be according to the drawing provided.

Dave Lindrose asked how tall the proposed fence will be.

Bob Kellerman replied four (4) feet all away around.

Bob Kellerman corrected that the stop sign will be inside the property, but not inside of the proposed fence.

Vice-Chairman needed clarification for the size request of the fence.

Bob Kellerman replied to keep coyotes out and to keep the applicant's dog inside.

Vice-Chairman asked if a photo of the fence could be provided. Vice-Chairman asked if the fence was solid or slates to make sure there was visibility for the road right of way. As the fence was already not compliant with the zoning resolution being close to the road right of way.

Bob Kellerman replied that the fence was slates.

Zoning Inspector Harley DeLeon brought up a photo of the fence on the computer screen for the Board to view.

Bob Kellerman explained that the deck on the home extended four (4) feet six (6) inches, he wanted to leave enough room to push a lawnmower through.

Vice-Chairman asked Zoning Inspector Harley DeLeon if she knew how far the fence would encroach on the twenty (20) foot setback requirement.

Harley DeLeon replied that her understanding was that the requested setback is seven (7) feet from the road right of way.

Vice-Chairman asked if any other alternative areas were considered for the fence.

Bob Kellerman replied yes, but the only area good enough was what was being requested.

Vice-Chairman voiced a concern for visibility at the intersection of Oakwood and Arden. Vice-Chairman asked if the fence could be diagonally or not extended.

A discussion was held regarding going diagonally at Oakwood and Arden. To give drivers more visibility. Or to move the fence further near the home.

Zoning Inspector showed and explained where the fence could be installed for more visibility.

The applicant agreed that they could install the fence with an angle.

There was no one present to speak against the request.

Vice-Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2023-0002-BZA** with the condition(s) as follows:

1. The fence shall be any closer than ten (10) feet to the point of intersection of Oakwood and Arden.

Ken Sullivan seconded.

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

Motion carried.

Vice-Chairman asked if the applicant would like the motion journalized.

The applicant replied no.

- **Case 2023-0003-BZA:**

1388 Mentor Avenue LLC submitted a Conditional Use Application for property located at 1388 Mentor Ave. (PPN 11-A-016-C-03-003-0). The request is to operate an automatic car wash.

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

Michael Markum spoke for the applicant and is the architect on the project.

Vice-Chairman reminded the Board that they had looked at and approved a Case concerning the Car Wash at a previous meeting.

Ken Sullivan asked what the hours of operation will be.

Michael Markum was unsure of the hours of operation. He could gather that information and send it to Zoning Inspector Harley DeLeon.

Zoning Inspector Harley DeLeon asked if there would be attendees or employees.

Michael Markum replied that there will be at least one attendee, possibly two if busy on site that he knew.

Zoning Inspector Harley DeLeon suggested that if Mr. Markum could call the applicant, he could come back before the Meeting is over.

Unfortunately, Mr. Markum was unable to come back in time for the Meeting.

Vice-Chairman entertained a motion to continue **Case 2023-0003-BZA**.

Ken Sullivan made a motion to continue **Case 2023-0003-BZA** for the March 14, 2023 Meeting.

Dave Lindrose seconded.

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

Motion carried

- **Case 2023-0004-BZA:**

Applicant Tyler M Hart submitted a Variance Application for property located at 13 Fairdale Rd. (PPN 11-A-010-C-00-006-0). The request is to allow construction of a 1,084 sq ft detached garage with a total height of 23' which exceeds the main dwelling height of 21' by 2ft. in violation of Section 14.02(C)(4) which requires that no accessory structure shall exceed 875 sq ft of total ground coverage and Section 14.02(C)(6) which requires that no accessory structure shall be erected to a height in excess of that of the main building to which it is incident.

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

Tyler Hart spoke for the request.

Tyler Hart would like to build a garage on his property for vehicle and boat storage.

Vice-Chairman needed clarification why the applicant wanted the bigger garage.

Tyler Hart wanted to maximize space for storage, and attic space for potential storage.

Tyler Hart included letters in the application from his neighbors that were in favor of the request. The applicant had one more letter to include that he brought to the meeting.

Dale Lewis needed clarification regarding property next to the applicant's property.

A discussion was held regarding surrounding property.

Dale Lewis needed clarification regarding the concrete already installed for the garage. The applicant replied that he had had the concrete poured a few years prior.

There was no one present to speak against the request.

Vice-Chairman entertained a motion.

Ken Sullivan made a motion to approve **Case 2023-0004-BZA**.

Dave Lindrose seconded.

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

Motion carried

Vice-Chairman explained to the applicant the process of journalizing the case.

The applicant would like the motion journalized.

Ken Sullivan made a motion to journalize **Case 2023-0004-BZA**. Dave Lindrose seconded.

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

Motion carried.

Regular Meeting:

Chairman asked the Board if there were any comments or edits to the **January 10, 2023 Meeting Minutes**.

Hearing none.

The **January 10, 2023 Meeting Minutes** were approved as submitted.

Old Business: None

New Business: None

Vice-Chairman entertained a motion to adjourn the meeting.

Ken Sullivan made a motion to adjourn the meeting. Dave Lindrose seconded.

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

Motion carried.

Chairman adjourned the meeting at 7:13 P.M

Next official meeting date is Tuesday, March 14, 2023.

Respectfully submitted,



Dave Enzerra, Vice-Chairman

Rachel Muro

Rachel Muro, Secretary

