

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

Tuesday, July 12, 2022

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

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

Chairman Tom Hill called the meeting to order at 6:40 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. Three people were sworn in to testify during the Public Hearing.

Public Hearing:

• **Case 2022-0017-BZA :**

Applicants Pro Built Homes Inc. submitted an Variance Application for property located at Park Rd. (PPN 11-B-026-0-00-019-0). The request is to allow construction of a 1301sq ft single family dwelling in violation of Section 14.03(A)(1) which requires that no dwelling in the R-1 district shall be constructed having less than 1500 sq ft of finished living space.

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

Bob Myers spoke for.

The applicant let the Board know that his customer was unable to build a 1500 sq ft home due to cost. A rendering of the proposed home was given to the Board to review.

Steve Roniger, a contiguous neighbor, spoke against the request.

1. The size of the lot in question is a small lot and is very close to his property.
2. A 1500 sq ft home may not help with the value of the neighborhood.
3. Essential upkeep of the property and home.

Chairman asked Zoning Inspector Harley DeLeon if the homes on a print out given to the Board, were similar sized lots.

Harley DeLeon replied they are different sizes, no uniformity on Park Rd.

Chairman let the public know that the Board was considering if this would change the neighborhood in a big way.

Chairman asked if the customer for the proposed home was present for the Public Hearing. Mr. Myers replied no.

Dave Enzerra asked for clarification from Mr. Myers why a smaller home was being proposed. Mr. Myers responded that his customer has financing pending approval of the variance, and what had been appraised for at the 1301 sq ft proposed.

Chairman showed Mr. Roniger, the contiguous neighbor speaking against the request, rendering of the proposed home.

A discussion was held where on the lot, the proposed home would be built in relation to Mr. Roniger's property.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0017-BZA**. Dave Enzerra seconded.

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

Ken Sullivan made a motion to journalize **Case 2022-0017-BZA**. Dave Lindrose seconded.

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

The Public Hearing was not closed in light of a new testimony.

At 7:02 P.M. Franklin Borer, proposed home owner of **Case 2022-0017-BZA** was sworn in by Legal Advisor Jeremy Iosue to testify.

Mr. Borer let the Board know that there was an issue with the appraisal of the proposed home and land. The appraisal was false. Mr. Borer would like to build a 1500 sq ft home, not a 1301 sq ft home. Due to time constraints, Mr. Borer could not be at the Public Hearing sooner.

Mr. Borer would like the variance denied, so that he can work with the building company, to build a 1500 sq ft home.

A discussion was held with the help of Legal Advisor Jeremy Iosue, about what the variance involved.

Ken Sullivan asked Legal Advisor Jeremy Iosue, if he can reconsider his vote to approve Case 2022-0017-BZA.

Ken Sullivan asked Mr. Borer, if he owned the property.
Mr. Borer replied no.

A discussion was held pertaining to Pro Built as the applicant for Case 2022-0017-BZA.
A discussion was held with Legal Advisor Jeremy Iosue, if it was possible that Pro Built could get another buyer, if Mr. Borer was to back out of the project.

Zoning Inspector Harley DeLeon will reach out to the owner of Pro Built.

Chairman asked Legal Advisor Jeremy Iosue if there was a process to change the Board's vote.
A discussion was held possibly continuing Case 2022-0017-BZA, and seeing if the owner of Pro Built could pull the application.

Legal Advisor Jeremy Iosue let the Board know they could do a motion to rescind the journalization of Case 2022-0017-BZA, but not rescind the approval of the case. Giving the Board and applicant 30 days to correct the application.

Chairman asked if Pro Built had filled the application out, writing in the statement that the proposed homeowner could not build a 1500 sq ft home due to cost.

Zoning Inspector Harley DeLeon replied yes.

Mr. Borer let the Board know there was not a cost issue as implied.

Chairman entertained a motion.

Ken Sullivan made a motion to rescind the journalization of **Case 2022-0017-BZA**. Dave Lindrose seconded.

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

Motion carried

- **Case 2022-0018-BZA :**

Applicant Oscar Barron Ornelas submitted a Conditional Use Application for property located at 1370 Mentor Ave. (PPN 11-A-016-C-03-004-0). The request is to allow outdoor storage of propane for sale.

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

Oscar Barron Ornelas spoke for the request.

The applicant would like to have a propane cage at his business.

Chairman asked who the propane would be through.

The applicant replied AmeriGas or Big Oats Oil.

Chairman asked Dale Lewis, a Board Member and ex chief firefighter.

Dale Lewis let the Board know that he had talked to Zoning Inspector Harley DeLeon about what fire department would handle the inspection. It would be the Painesville Township Fire Department.

Dale Lewis asked regarding the location of the propane cage.

The applicant responded that he needed permission prior to the company coming out and properly placing the cage.

Dale Lewis asked the applicant to show him on a drawing in the application, where the cage would be located.

A discussion was held regarding other possible locations the cage can go.

Dave Lindrose asked Dale Lewis if Dale Lewis knew if steel bollards were required.

A discussion was held on what conditions needed to be put on the Conditional Use. Requiring Fire Department approval being one.

Dave Lindrose asked what size propane cage would be installed.

The applicant replied there's a current shortage of cages, but the cage could be 3 ft deep.

Chairman asked for Zoning Inspector's input.

Harley DeLeon agreed with the condition of having the Fire Department's approval.

A discussion was held about how many tanks will be allowed.

The applicant replied 18 tanks.

Zoning Inspector Harley DeLeon held a discussion about what she had researched regarding the steel bollards.

A discussion was held pertaining to location regarding setbacks and what will be required from the Fire Department.

Harley DeLeon offered to discuss the case with the Fire Chief and fire inspector for their recommendations.

A discussion was held regarding clarification of conditions, and simplifying.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0018-BZA** with the condition(s) as follows:

1. Depending the approval of the Fire Department, and whatever requirements they set forth.
2. Maximum eighteen (18) tanks.
3. Case to remain locked and the employee has a key to open.
4. Five (5) year term.

Dave Enzerra seconded.

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

Motion carried.

Ken Sullivan made a motion to journalize **Case 2022-0018-BZA**. Dave Enzerra seconded.

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

Motion carried.

Closing of Public Meeting:

Ken Sullivan made a motion to close the Public Hearing at 7:23 P.M. Dave Enzerra seconded.

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

Motion carried.

Regular Meeting:

Chairman asked the Board if there were any comments or edits to the **June 14, 2022 Meeting Minutes**.
Hearing none.

The **June 14, 2022 Meeting Minutes** were approved 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.

Case 2022-0004-BZA will be continued and kept under Old Business until that meeting.

New Business:

- **Case 2022-0020-BZA**: Renewal of Conditional Use Permit 12-BZA-06

Applicant SRK Fairgrounds Associates LLC, submitted an application for a Conditional Use Permit renewal for property located at 1251 Mentor Ave. (PPN 11-A-010-B-00-002-0). The request is to renew an existing conditional use permit for the Get-Go fuel station. No changes to imposed conditions requested.

Zoning Inspector Harley DeLeon let the Board know this was for outdoor storage and such. Harley DeLeon did not have any issues to report about the Conditional Use.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0020-BZA** with the condition(s) as follows:

1. Five (5) year term.

Dave Enzerra seconded.

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

Chairman adjourned the meeting.

Ken Sullivan motioned to adjourn. Dave Enzerra seconded.

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

Next official meeting date is Tuesday, August 9, 2022.

Respectfully submitted,


Tom Hill, Chairman


Rachel Muro, Secretary