

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

Tuesday, June 14, 2022

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

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

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.

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

Public Hearing:

- Case 2022-0013-BZA :

Applicant Deborah Miller submitted an Agricultural Conditional Use Application for property located at 1140 Madison Ave. (PPN 11-A-022-0-00-015-0). The request is to allow the continued husbandry of 8 chickens on a .41 acre property with coop space of 32 sq ft and run space of no smaller than 8' by 10' surrounded by either a 6' privacy fence or a 6' chain link fence with privacy slats installed.

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

Deborah Miller spoke for the request.

The applicant let the Board know that she would install a fence, but not a fully enclosed privacy fence. As that may take away sunlight from the chickens.

There was no one to speak against the request.

Dave Enzerra needed clarification if the applicant was proposing two (2) separate coops and runs for the chickens.

The applicant replied no, she would encase both coops, and install a fence, but not a fully enclosed privacy fence.

Dave Enzerra asked how many chickens.

The applicant replied eight (8) only.

Dave Enzerra asked how many per the two (2) coops.

The applicant replied as of now, six (6) in one, and two (2) in the other due to behavior issues.

Ken Sullivan asked if the applicant had any roosters.

The applicant replied no.

Chairman asked how long had the applicant had the chickens

The applicant replied over a year.

Dave Lindrose asked if there were any issues with neighbors.
The applicant replied no, her neighbors did not mind.

Dave Lindrose asked if there was an enclosure or fencing around both coops.
The applicant replied a 4 by 4 play yard.

Dave Lindrose asked if anything would be permanently installed.

The applicant replied yes, behind her garage is where the chickens will be fenced in to roam. No free roaming.

Chairman needed clarification regarding the fencing that would be on Nelmar Dr.

The applicant replied that she would either go with a chain link fence or a privacy fence against Nelmar Dr.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0013-BZA** with the condition(s) as follows:

1. Maximum of eight (8) chickens.
2. No Roosters.
3. Privacy fence on Nelmar Dr.
4. Five (5) year term.

Dave Enzerra seconded.

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

• **Case 2022-0014-BZA** :

Applicants Jeffrey D & Karen M Morgan submitted an Variance Application for property located at 809 Park Rd. (PPN 11-B-032-D-00-020-0). The request is to allow the modification of 128 lineal feet of pre-existing 6' tall wooden privacy fencing. The modification involves adding an additional 128 lineal feet of 2' tall wooden privacy fencing to the top of the existing 6' privacy fence, creating a fence that is 8' in height and irregular in appearance in violation of Section 6.14(B)(3) which requires that no fence in the R-1 zoning district shall exceed 6' in height and in violation of Section 6.14(G) which requires that the finished or flat side of the fence face the adjoining property and that no fence installed shall be irregular in shape or design.

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

Jeffrey Morgan spoke for the request.

The applicant let the Board know that he currently has a six (6) foot tall privacy fence installed that he has been maintaining. His neighbor's property to the North is two (2) feet taller than his property. They own an above ground pool with a deck that is at the same height as his fence. He would like to install two (2) more feet to his current fence to make it an eight (8) foot fence to have more privacy.

Chairman asked if the additional two (2) feet had already been installed.

The applicant replied yes, in March. He had then been notified of the violation.

There was no one in person to speak against the request.

Chairman let the Board and attendance know that a letter had been sent from Lisa Miller to Zoning, that was against the request.

The applicant clarified that that neighbor was across the street from his property.

Chairman asked the applicant if there were any issues with the neighbor to the North.

The applicant replied that there were no issues, and the neighbor suggested the added two (2) feet of fencing.

Chairman asked if the newly installed addition is the same material as the current fence below it.

The applicant replied yes, fencing below is aged.

Chairman entertained a motion.

Ken Sullivan made a motion to approve **Case 2022-0014-BZA**. Dave Lindrose seconded.

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

Motion carried.

Dave Enzerra made a motion to journalize **Case 2022-0014-BZA**. Ken Sullivan seconded.

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

Motion carried.

- **Case 2022-0015-BZA** :

Applicant D J W Properties LLC submitted an Conditional Use Application for property located at 1936 Mentor Ave. (PPN 11-A-014-0-00-041-0). The request is for automatic car-wash facilities.

Kurt Hansan spoke for the request.

The applicant provided a digital presentation.

The applicant was proposing a single tunnel car wash on Mentor Ave. One main entrance and exit. This will have three pay stations leading to one lane to enter the tunnel. A scanner for a monthly subscription. Once out of the car wash tunnel, the customer will have a choice to enter the free vacuum system or leave the car wash facility.

A discussion was held regarding access to an easement from the SafStor Storage on Mentor Ave.

The applicant showed what the building would look like, the material used to build, and colors chosen.

The applicant explained the vacuum system for customers. This included hours of operation for the vacuums.

Zoning Inspector Harley DeLeon asked regarding the amount of cars in line, or stacking.

The applicant replied about forty (40) vehicles to que.

Chairman asked what would happen if the car wash were to become busy and there were more than forty (40) cars in line.

The applicant replied that there should be three to four (3-4) attendants, one would go out to put a cone up not allowing anymore cars to enter until business had slowed down to avoid any traffic issues. The start to finish time for washes should prevent any back up.

A discussion was held regarding attendants and providing help to customers, directing the flow of cars with the help of the digital presentation. How the process of the business works from start to finish.

Chairman asked if car detailing will be provided.
The applicant replied no.

A discussion was held regarding the amount of cars allowed to be que'd.

Ken Sullivan asked regarding the vacuum system.
The applicant explained and showed where the vacuum system was located, and how the vacuum system worked on the digital presentation.

Dave Enzerra asked regarding the lighting planned for business.
The applicant explained and showed the lighting planned on the digital presentation. This included landscaping on the North Property Line to give a buffer for the residential neighbors.

Chairman asked regarding the storm water drain.
The applicant replied there would be some water but should not affect anyone.
Residents in attendance asked if there would be a retention pond.
The applicant responded yes and explained how it would work.
The residents let the Board know that there was standing water in the retention pond around eighteen (18) feet big, but were unsure how deep.

Chairman needed clarification on landscaping on the North Property line.
Residents that had asked regarding the retention pond, asked regarding how close the landscape buffer would be to their landscape/property.
Zoning Inspector Harley DeLeon let the Board and residents know that was a requirement of the proposed business to provide a year round vertical screening to meet zoning requirements.

Chairman asked what type of landscape would be done between the business and vertical screening.
The applicant responded that there will be grass, and the remaining property will not be left as a field.

The residents that had asked regarding the retention pond, asked if a mound could be built, that the vertical screening could be added to, to provide a bigger buffer.

A discussion was held regarding how separated in feet, the residential homes were from the proposed business.

A discussion was held pertaining to the cost of one time car washes and subscriptions.

A discussion was held regarding a mound buffer and the potential effects on residential properties.

David and Michelle Knuff, 1937 Woodruff Dr. spoke against the request; via email comment.
Zoning Inspector Harley DeLeon helped explain the Knuff's concerns. What has been addressed by Zoning and the applicant; or what cannot be addressed by Zoning but by other offices and the applicant.

Chairman explained what was entailed by a Conditional Use Permit. How issues can be addressed by zoning and the applicant.

A discussion was held pertaining to security cameras being installed.

William Brosokas, a contiguous neighbor, was sworn in by Legal Advisor Jeremy Iosue to make a statement. Mr. Brosokas made concerns about noise, possible flooding from poor drainage that may occur, and traffic concerns.

A discussion was held regarding Mr. Brosokas concerns.

Residents asked how big the retention pond will be.

Zoning Inspector Harley DeLeon responded with a four feet drop, fifty by sixty feet.

A discussion was held regarding potential flooding.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0015-BZA** with the condition(s) as follows:

1. Hours of Operation 8 A.M to 8 P.M., seven (7) days a week.
2. Per the drawings submitted in the application package.
3. Five (5) year term.

Dave Enzerra seconded.

Chairman explained to the residents that they can call or stop into the Zoning Office to file any complaints for a Conditional Use.

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

Motion carried.

- **Case 2022-0016-BZA** :

Applicant Joe Palecek filed a Variance Application for property located at 0 Newell St. (PPN 11-B-063-0-00-004-0). The request is to allow 3300 sq ft of grading work for a new dwelling to be completed within a required 75' riparian setback in violation of Section 38.06(A)(2) which requires that no soil within 75' of a watercourse draining an area equal to or greater than 1 square mile and up to 20 square miles be disturbed.

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

Dylan Francis spoke for the request for the applicant.

Mr. Francis let the Board know that 3,300 sq ft was incorrect. The correct request is 1742 sq ft. Mr. Francis let the Board know that the request is also outside of the high water mark and 100 year flooding. A variance had been passed for building height, and two (2) lots have been combined.

Dave Enzerra asked regarding the process after a building is built to the disturbed dirt.

The applicant explained the process to the Board.

Zoning Inspector Harley DeLeon let the Board know that the applicant has made many revisions with the help and input of Zoning, and Soil and Water.

There was no one present to speak against the request.

Chairman entertained a motion.

Ken Sullivan made a motion to approve **Case 2022-0016-BZA**. Dave Lindrose seconded.

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

Dave Lindrose made a motion to journalize **Cases 2022-0016-BZA**. Dave Enzerra seconded.

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

Regular Meeting:

Vice-Chairman asked the Board if there were any comments or edits to the **May 10, 2022 Meeting Minutes**. Hearing none.

The **May 10, 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.

Zoning Inspector Harley DeLeon let the Board know that she has visited the applicant and is monitoring the Conditional Use. There have been no complaints filed yet.

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

New Business: None

Chairman entertained a motion to adjourn the meeting.
Ken Sullivan motioned to adjourn. Dave Enzerra seconded.

Chairman adjourned the meeting at 7:36 P.M.
Next official meeting date is Tuesday, July 12, 2022.

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Secretary