

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

Tuesday, May 10, 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 2022-0009-BZA** :

Applicant Kyle J & Christy L Nichols filed a Variance Application for property located at 138 Ridgecrest Dr. (PPN 11-A-002-B-00-015-0). The request is to allow the installation of 72 lineal feet of 8' tall wooden privacy fence in violation of Section 6.14(B)(3) which requires that no fence in the R-1 zoning district shall exceed 6' in height.

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

Kyle Nichols spoke for the request.

Mr. Nichols explained that a six (6) foot fence would not provide privacy due to the way his property was formed. Mr. Nichols continued that his neighbor had an eight (8) foot fence, and Mr. Nichols would like to continue with the uniformity.

Vice-Chairman needed clarification that the applicant's proposed fence would be between his property and his neighbor to the West.

Mr. Nichols replied yes.

Dave Lindrose needed clarification that the fence would start at the rear of the applicant's home.
Mr. Nichols replied yes.

There was no one present to speak against the request.

Vice-Chairman entertained a motion.

Ken Sullivan made a motion to approve **Case 2022-0009-BZA**. Dave Lindrose seconded.

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

Dave Lindrose made a motion to journalize **Case 2022-0009-BZA**. Randy VanBuren seconded.

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

- **Case 2022-0010-BZA** :

Applicant Robert Goodson filed a Variance Application for property located at 371 Park Rd. (PPN 11-B-026-0-00-013-0). The request is to allow installation of 259 lineal feet of 4' tall chain link fence along the southern property line located parallel to the side street "Thatcher Dr" with a setback of 6 inches from the right of way line in violation of Section 6.14(E) which requires that no portion of any fence shall be closer than five (5) feet to a road right-of-way.

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

Robert Goodson spoke for the request.

Mr. Goodson explained due to utilities, he cannot build the proposed fence in accordance with the zoning resolution. Mr. Goodson continued the fence would be to keep his dogs safe. Mr. Goodson explained how the fence would be installed for utilities to access.

Ken Sullivan needed clarification that due to the property formation, would the fence not be tall enough for the Applicant's dogs.

Mr. Goodson replied that the fence would be installed at the top of the slope of his property to be taller to keep his dogs in. Mr. Goodson explained how the fence would be installed on his property, materials to be used, and landscaping plans.

Dave Lindrose needed clarification if fabric would be installed on the fence.

Mr. Goodson replied the fence would only be chainlink.

Vice-Chairman needed clarification on fencing already installed on the Applicant's property being of the same material of the proposed fence.

Mr. Goodson replied yes, the proposed fence would match the existing fence.

Randy VanBuren needed clarification from Staff, if an easement for the utilities would need to be in place for utility access.

Zoning Inspector Harley DeLeon clarified that the right-of-way easement was already in place, and that the applicant was proposing to be six (6) inches from.

Vice-Chairman needed clarification why the Applicant wanted the variance as opposed to installing the fence according to the zoning resolution.

Mr. Goodson replied that it would take away around ten (10) feet of his property, whereas the variance would allow him to keep the ten(10) feet.

Vice-Chairman needed clarification for the reason for the proposed fence.

Mr. Goodson replied that the proposed fence was to keep his dogs on his property.

Vice-Chairman asked if the Applicant had looked into other solutions other than the proposed fence.

Mr. Goodson replied that his dog's breed would not respond to other solutions, and he had two (2) other dogs for a total of three (3) to keep on his property.

George Potter, contiguous neighbor to the Applicant, spoke for the request. Mr. Potter did not see any issues with utility access for the proposed fence being closer than allowed.

There was no one present to speak against the request.

Dale Lewis commented that a utility liability be included in the motion.

Vice-Chairman explained what the Board can do when calling a motion.

Vice-Chairman entertained a motion.

Randy VanBuren made a motion to approve **Case 2022-0010-BZA** with the condition(s) as follows:

1. Applicant agree to remove any necessary fencing for any utility work.
2. Any damage that happens to the fence for utility work would not be liable to the utility company.

Dave Lindrose seconded.

Vice-Chairman asked if staff had any comments or concerns.

Zoning Inspector Harley DeLeon replied no.

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

Ken Sullivan made a motion to journalize **Case 2022-0010-BZA**. Dave Lindrose seconded.

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

- **Case 2022-0011-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 a conditional use permit term of ten (10) years in violation of Section 12.13(1) which requires that a conditional use permit shall be renewed no less than once every five (5) years.

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

Vice-Chairman reminded the Board that this Case pertained to Cases from the April Meeting. The Board had advised the Applicant to come before the Board if they chose for the proposed Variance Application.

The applicant was unable to be in attendance to speak in favor of the request.

Zoning Inspector Harley DeLeon explained why to the Members.

Vice-Chairman asked Staff and the Board if they had any questions, comments, or concerns. Hearing none.

Zoning Inspector Harley DeLeon replied no.

Vice-Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0011-BZA** with the condition(s) as follows:

1. Ten (10) year term.

Randy VanBuren seconded.

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

Randy VanBuren asked if a motion to journalize was permissible.
Legal Advisor Jeremy Iosue replied yes.

Randy VanBuren made a motion to journalize **Case 2022-0011-BZA**. Ken Sullivan seconded.

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

- **Case 2022-0012-BZA** :

Applicant Fairway Pines Development LLC filed a Variance Application for property located on Blase Nemeth Rd. (PPN 11-B-036-0-00-014-0). The request is to allow the installation of 260 lineal feet of 4.5' tall vinyl fence at Fairway Pines subdivision entrance located 20' from, and parallel to, Bacon Rd. In violation of Section 6.14(E) which requires that no fence located within the area between the required setback for the main dwelling and roadway shall exceed 36" or 3 feet in height.

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

Keith Mitchell spoke for the request.

Mr. Mitchell explained that this request was only for the height of the fence that will go along Bacon Rd. The proposed fence will match the existing fence that is along Blase Nemeth. Landscaping will also match.

Vice-Chairman needed clarification that the fences will be identical.
Mr. Mitchell replied yes.

Dave Lindrose asked if the proposed fence will be twenty (20) feet from the curb line.
Mr. Mitchell replied yes.

There was no one present to speak against the request.

Vice-Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0012-BZA**. Ken Sullivan seconded.

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

Ken Sullivan made a motion to journalize **Cases 2022-0012-BZA**. Randy VanBuren seconded.

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

Regular Meeting:

Vice-Chairman asked the Board if there were any comments or edits to the April 12, 2022 Meeting Minutes. Hearing none.

The **April 12, 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. **Case 2022-0004-BZA** will be continued and kept under Old Business until that meeting.

New Business: None

Vice-Chairman entertained a motion to adjourn the meeting.
Randy VanBuren made a motion to adjourn. Ken Sullivan seconded.

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

Vice-Chairman adjourned the meeting at 7:02 P.M.

Next official meeting date is Tuesday, June 14, 2022.

Respectfully submitted,



Dave Enzerra, Vice-Chairman



Rachel Muro, Secretary