

**PAINESVILLE TOWNSHIP
BOARD OF ZONING APPEALS
MEETING MINUTES
Tuesday, September 12, 2023
Painesville Township Office 55 Nye Rd. Painesville Twp., OH, 44077**

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

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 Mandy Gwartz swore in with each case, persons who were present to speak, and intended to testify during the Public Hearing.

Public Hearing:

- **Case 2023-0015-BZA:**

Applicant 1522 Mentor LLC submitted a Variance Application for property located at 1518 Mentor Ave. (PPN 11-A-016-E-00-058-0). The request is to allow a 100% expansion of a legal non-conforming free standing pole sign in violation of Section 7.05 which requires that a legal non-conforming sign shall not be altered or enlarged more than 10%.

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

Jay Romer spoke for the request.

The applicant would like to expand a current sign, to include space for future tenants.

Chairman asked regarding clearance between the ground and bottom of the sign saying a tenant's business.

The Applicant replied possibly three (3) feet.

Chairman asked if a person driving could see under the sign.

The Applicant replied possibly.

A discussion was had that the Applicant had worked with Zoning Staff to provide the best possible sign.

A discussion was had regarding the shopping plaza's current set up.

Chairman asked Zoning Inspector Harley DeLeon what was non-comforming was pertaining to.

Zoning Inspector Harley DeLeon replied that pole signs were no longer permitted and would have to be monument type signs. Height and setback were also non-conforming. The current sign was owned by O'Reily's, and could not be removed.

There was no one else present to speak for the request.

There was no one present to speak against the request.

Chairman entertained a motion.

Ken Sullivan made a motion to approve **Case 2023-0015-BZA**.

Dave Lindrose seconded.

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

Motion carried.

- **Case 2023-0016-BZA:**

Applicant 1522 Mentor LLC submitted a Variance Application for property located at 1518 Mentor Ave. (PPN 11-A-016-E-00-058-0). The request is to allow removal of a landscape strip located between the building and the paved walking surface in violation of Section 35.04(A) which requires that a 5' landscape strip shall be required between all building walls and paved areas.

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

Jay Romer spoke for the request.

The Applicant would like to remove a landscape strip, and add planters to provide a border for a proposed outdoor seating.

Chairman asked if the proposed outdoor seating is permanent.

The Applicant replied no, Charley's will have to store the tables and chairs during the winter.

Dave Enzerra needed clarification where the planters would be placed.

The Applicant replied on the Mentor Avenue side of the restaurant.

Chairman asked who would be responsible for maintenance of the planters.

The Applicant replied that his company would be. The landlord of the building.

Chairman asked regarding if a trash container will be placed.

The Applicant replied that he was not sure, and would check into that matter.

Chairmen needed clarification if Charley's had indoor seating.

The Applicant replied there was indoor seating, along with a drive thru.

There was no one else present to speak for the request.

There was no one present to speak against the request.

The Applicant let the Board know that he would need the next case approved, **2023-0017-BZA**, in order to have the planters.

The Board moved on to **Case 2023-0017-BZA**.

- **Case 2023-0017-BZA:**

Applicant 1522 Mentor LLC submitted a Conditional Use Application for property located at 1518 Mentor Ave. (PPN 11-A-016-E-00-058-0) The request is for a Outdoor seating and dining space.

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

Jay Romer spoke for the request.

The Applicant had provided an explanation of the proposed outdoor seating during his statement for **Case 2023-0016-BZA**.

Dave Enzerra let the Applicant know that per the Zoning Resolution, there could only be a maximum number of outdoor seating allowed, based on the amount of indoor seating.

The Applicant let the Board know that they could only have up to two (2) tables with two (2) each.

There was no one else present to speak for the request.

There was no one present to speak against the request.

Chairman entertained a motion.

Ken Sullivan asked if the request for **Case 2023-0016-BZA** needed to be modified to include the proposed planters.

Dave Lindrose made a motion to approve **Case 2023-0016-BZA** with the planters added as shown in drawing A1.

Ken Sullivan seconded.

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

Motion carried.

Chairman entertained a motion.

A discussion was held pertaining to what conditions would need to be placed.

A discussion was held regarding outside lighting.

Dave Enzerra made a motion to approve **Case 2023-0017-BZA** with the condition(s) as follows:

1. Planters to be maintained.
2. Trash bins added.
3. Hours of Operation are 10 A.M. to 10 P.M. Monday through Sunday.
4. Maximum two (2) tables, four (4) chairs total for the outside area.
5. Five (5) year term.

Ken Sullivan seconded.

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

Motion carried.

Chairman entertained a motion to journalize Cases 2023-0015-BZA, 2023-0016-BZA, and 2023-0017-BZA.

Dave Lindrose made a motion to journalize **Case 2023-0015-BZA, 2023-0016-BZA, and 2023-0017-BZA**.

Ken Sullivan seconded.

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

Motion carried.

- **Case 2023-0018-BZA:**

Applicant Village Developers LTD submitted a Conditional Use Application for property located at 2163 Mentor Ave. (PPN 11-A-014-0-00-032-0). The request is for an Indoor Children's Gymnasium.

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

Angela Panzarella spoke for the request.

The Applicant would like to open a play therapy gym for children of all abilities. This gym would be for toddlers to children up to the age of twelve (12) years old. Parents would need to accompany the children. There would be two (2) to three (3) employees at a time. The Hours of Operation would be 10 A.M to 6 P.M. Monday through Sunday, unless there is a reservation for a group.

Chairman asked regarding if the play times would be by appointment.

The Applicant replied that there will be open play times for all children. Groups will be able to reserve the proposed Gym for specific time slots for field trips, parties, ect. There will also be a membership available.

Dave Enzerra asked regarding if needing more Hours of Operation or if reservations will be between 10 A.M. to 6 P.M.

The Applicant replied the proposed Gym could possibly accommodate different hours depending on what a customer may need.

A discussion was held regarding what a Conditional Use would need, including the Hours of Operation. A discussion was held expanding the Hours of Operation to 10 P.M.

Ken Sullivan asked regarding if there will be any agreements with any schools or outside programs.

The Applicant replied that some franchises contract out with some therapists such as art or physical. The proposed gym will mostly be parents or guardians with their children.

Chairman asked regarding the maximum number of children allowed at a time.

The Applicant replied that it would be determined by what the Fire Code allowed. No ratio is needed per employee.

Chairman asked if medical training for the Staff is needed.

The Applicant replied none was needed, but it was suggested that Staff should have medical training.

A discussion was held regarding background checks being done on interviewees for the Gym.

A discussion was held regarding the Franchise may have certain protocols to follow pertaining to medical training for employees and such.

Dave Lindrose asked regarding what the flooring would consist of.

The Applicant replied mats found in gyms, and what would be suggested possibly by insurance.

Dave Enzerra asked regarding the opening date.

The Applicant would like to be opened by November, but the Architect on the project thinks opening would be in January.

Chairman asked for the name of the parent gym for the franchise.

The Applicant replied We Rock the Spectrum, but the franchise would be named Heart of Gold Play Gym.

Dave Lindrose asked what business will be on the signage.

The Applicant replied We Rock the Spectrum.

There was no one else present to speak for the request.
There was no one present to speak against the request.

Chairman entertained a motion.

Dave Enzerra made a motion to approve **Case 2023-0018-BZA** with the condition(s) as follows:

1. Hours of Operation are 9 A.M. to 9 P.M. Monday through Sunday.
2. Follow Franchisee protocols, State and Local safety regulations.
3. Five (5) year term.

Ken Sullivan seconded.

A discussion was held regarding older children past 12 years old being able to use the proposed Gym.

Dave Lindrose made a motion to journalize **Case 2023-0018-BZA**. Ken Sullivan seconded.

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

Closing of Public Meeting:

Dave Enzerra made a motion to close the Public Hearing. Dave Lindrose seconded.

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

Regular Meeting:

Chairman asked if there were any comments or edits to the **August 8, 2023 Meeting Minutes**.
The **August 8, 2023 Meeting Minutes** were approved as submitted.

Old Business:

- Discussion Regarding Policies and Procedures:

A discussion was held regarding changing the policy and procedure of journalizing cases at the end of a Meeting.

The Board decided not to change the policy and procedure of journalizing cases.

New Business: None

Meeting Adjournment:

Chairman entertained a motion.

Ken Sullivan made a motion to adjourn the meeting at 7:22 P.M. Dave Lindrose seconded.

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


Motion carried.

Next official meeting date is Tuesday, October 10, 2023.

Respectfully submitted,



Tom Hill, Chairman



Rachel Muro, Secretary



DATE: 09-12-2023

BZA

Name	Email Address
Jay Romer	jay@greatlakesresources.com
Angela Panzarella	apanzarella7254@sbglobal.net