

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

**Tuesday, September 27, 2022**

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

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

Chairman Tom Hill called the meeting to order at 6:34 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 2022-0025-BZA :**

Applicants Gene L & Renay L Haywood submitted an Variance Application for property located at 31 Garfield Dr. (PPN 11-A-015-D-00-004-0). The request is to allow construction of a 483sqft (482sqft second story) two-story attached garage addition proposed to maintain a setback from the road right of way of forty six (46) feet in violation of Section 14.03(A) which requires that no portion of any building shall be closer to the road right of way line than fifty (50) feet. The existing dwelling has a legal non-conforming setback of approximately thirty (30) feet from the road right of way.

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

Gene Haywood Jr. was sworn by the Legal Advisor to speak for the request. The applicant would like to build an attached garage to his existing home.

Chairman asked the applicant if he was building the proposed addition himself. The applicant replied no, he would hire a contractor.

No one spoke against the request.

Chairman asked the applicant regarding a shed on the back of the property. The applicant replied the shed will be taken down.

Chairman asked regarding an RV on the property. The applicant replied yes, that was there.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0025-BZA**. Randy VanBuren seconded.

**Roll Call:** Lewis; Aye, VanBuren; Aye, Lindrose; Aye, Enzerra; Aye, Chairman; Aye.

Motion carried.

Chairman explained to the applicant the process of journalizing the case. Mr. Haywood did not need **Case 2022-0025-BZA** journalized.

- **Case 2022-0026-BZA** :

Applicants Angelo & Mary Izzi submitted an Variance Application for property located at 91 Garfield Dr. (PPN 11-A-015-E-00-008-0). The request is to allow the corral for a miniature pony to maintain a minimum setback of zero (0) feet from the rear and side property lines in violation of Section 31.03(C) and 12.05(T)(2)(b) and 12.05(T)(2)(c) which requires that animal husbandry use must be setback from the side and rear property lines of a minimum of twenty (20) feet.

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

Mary Izzi spoke for the request.

The applicant let the Members know that the mini pony has been picked up after in a timely manner. The Zoning Inspector has visited to make sure conditions have been met. There have not been any complaints regarding smell. The applicant continued that she would like to have the set back requirement changed, to allow the mini pony, rascal, more room to roam the yard; but will still be contained inside the property. The mini pony was being contained by a 6 (six) foot privacy fence around the property.

Pictures were provided to the Board to look over.

Chairman asked regarding the 6 (six) foot privacy fence encasing the property. The applicant explained where the privacy fence encases the property.

Chairman needed clarification that the applicant would like to completely remove the corral, and be able to use the privacy fence to corral the mini pony inside the property.

The applicant replied yes.

Bob Alponat, a friend of the applicant, spoke for the request. Mr. Alponat let the Board know there should be no issue taking the corral down, and using the privacy fence as a corral.

A discussion was held regarding that bigger horses would be more apted to need a better corral.

Dave Enzerra asked when the privacy fence had been installed.

The applicant replied November of 2021.

Rick and Jeanie Safick, 99 Garfield Dr., spoke for the request. Mr. and Mrs. Safick let the Board know that there has not been any issues with the mini pony next door to their home.

Sue Knight, 104 Arbordale Ln, spoke against the request. Mrs. Knight would not like the corral set back lifted. Mrs. Knight would like a barrier set up, to keep the mini pony from going near the privacy fence that goes along her property.

A discussion was held regarding what area of the privacy fence goes along next to Mrs. Knight's property.

Mary Izzie, applicant, let the Board know that the yard has been built up to prevent any gap or run off from the mini pony.

A discussion was held with the applicants, regarding the applicants working with the Zoning Staff to correct any issues and to follow any conditions that have been set.

Dale Lewis asked the applicant if they could use the corral as a barrier along the backend of the privacy fence, to keep the mini pony away from that area. To compromise with the neighbors who are against the request.

Rose Major, 114 Arbordale Ln., spoke against the request. Mrs. Major expressed concern that the Board should not grant anymore permits to the applicants. Mrs. Major expressed her displeasure with the Board of Zoning Appeals.

Sue Knight and Rose Major, speaking against, agreed that a barrier should be set up 5 (five) feet from inside the privacy fence, and go along the rear and south west of the fence.

Mary Izzie agreed to run the corral along the rear and south west end of her privacy fence.

Chairman asked that the yard still be maintained between the fence and corral barrier.

Chairman entertained a motion.

Dave Lindrose made a motion to approve **Case 2022-0026-BZA** with a recommendation:

1. Corral fence must be 5 (five) feet from the fence line along the rear property line and south west corner of the yard.

Randy VanBuren seconded.

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

- **Case 2022-0027-BZA :**

Applicant Mentor Two LLC submitted an Variance Application for property located at 511 Lanmark Cv. (PPN 11-A-012-A-01-013-0). The request is to allow construction of a 1,700sqft condominium which proposes a minimum rear yard setback of forty (40) feet. In violation of Section 17.07(B) which requires that the minimum rear yard setback be no less than fifty (50) feet.

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

Mark Strauss spoke for the request. The applicant would like to develop the property in question. The applicant let the board know that the closer set back would not be an issue to the surrounding properties, The applicant continued that there were fences separating the property from surrounding properties. The applicant explained what the pricing may be for selling the condominium.

Chairman asked if the proposed condominium would match the other properties surrounding it. The applicant replied that materials used would match as close as possible.

Chairman asked if the proposed home had already been sold and was being built for a customer. The applicant replied no.

The applicant asked regarding a zoning certificate for another property he was going to develop at the same time as the proposed home.

A discussion was held regarding the other property, and if another variance was needed, and set back being changed.

Dale Lewis asked if a variance was already issued for the front setback of the property.

Zoning Inspector Harley DeLeon replied that the variance was for the rear setback.

Dale Lewis asked if the applicant owned property behind a brick wall.

A discussion was held where a brick wall was located, separating the proposed property from surrounding properties.

Dale Lewis asked if the property at 501 Lanmark Cv. would have a sunroom.

The applicant replied no.

Dave Enzerra asked regarding a neighboring property with a possible extension, that the proposed home's extension would not extend the same amount.

The applicant replied no.

The applicant asked if he would still get a zoning certificate to develop both of his properties.

Zoning Inspector Harley DeLeon replied yes.

There was no one to speak against the request.

Chairman entertained a motion.

Dave Enzerra made a motion to approve **Case 2022-0027-BZA**. Randy VanBuren seconded.

**Roll Call:** Lindrose; Aye, VanBuren; Aye, Lewis; Aye, Enzerra; Aye, Chairman; Aye.

Motion carried.

Randy VanBuren made a motion to journalize **Case 2022-0027-BZA**. Dave Lindrose seconded.

**Roll Call:** Lewis; Aye, Enzerra; Aye, VanBuren; Aye, Lindrose; Aye, Chairman; Aye.

Motion carried.

### **Regular Meeting:**

Chairman asked the Board if there were any comments or edits to the **August 9, 2022 Meeting Minutes**. Hearing none.

The **August 9, 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 Chairman know that there would need to be a modification to remove the condition that was placed for the corral that is a part of the conditions set from **Case 2021-0002-BZA**.

A discussion was held regarding if more than motion will need to be made.

Mary Izzie spoke for the request. The applicant stated that they would like to get a second mini pony as a companion for their first mini pony, Rascal. The applicant continued that their vet has agreed that there is enough property to house 2 (two) ponies.

Pictures were provided for the Board, to show how friendly Rascal is with whomever visits the property.

Chairman asked regarding smaller fencing in one of the pictures.

The applicant replied that that was the corral that would be moved to the rear of the property to block off part of the privacy fence.

Chairman asked what age of the second pony the applicant was wanting to get.

The applicant responded they wanted to get an older pony.

Chairman asked if the applicant would be in agreement that a condition of an age for the second pony was set.

The applicant responded yes.

Sue Knight, 104 Arbordale Ln., spoke against the request. Mrs. Knight asked what gender was Rascal, the current pony.

The applicant responded a male who was fixed. The Applicant let the neighbors and Board know that they would not get a mare.

Mrs. Knight spoke against that could be noise issues, and that the property was not big enough for 2 (two) ponies. A quarter of an acre per pony would be needed, is what Mrs. Knight had researched for the Board.

A discussion was held what the minimum acreage needed to house a pony.

A above picture of the property and surrounding properties was shown to the Board.

A discussion was held regarding the upkeep of the applicants property and what the pony(s) would eat.

Lance Knight, 104 Arbordale Ln., spoke against the request. Mr. Knight expressed his concern for the Board possibly approving more ponies in the future.

Dave Enzerra asked Bob Alponat, speaking for the request; what the reason was for a quarter acre needed for a pony.

Mr. Alponate replied that it was for grazing only.

A discussion was held regarding the original conditional use being for one pony, the Zoning Resolution allowing animal husbandry, and Resolution and conditional use being followed correctly.

Dave Lindrose asked Bob Alponate, speaking for the request, regarding the well being of a pony if the property was not maintained.

Mr. Alponate responded that the pony could become unwell if the property is not maintained.

Dale Lewis asked if another animal could be used for a companion, such as a dog.

Bob Alponate responded that the companion animal should be a mini pony.

Dale Lewis asked the applicant why they did not ask for 2 (two) ponies for **Case 2021-0002-BZA**.

The applicants responded that they were not sure if the Board would allow 1 (one) pony, and were afraid to ask for 2 (two).

Zoning Inspector Harley DeLeon pulled up the acreage the applicants were working with to house ponies. Dave Enzerra asked what type of professional opinion the Board could talk to for the correct amount of acreage to home ponies.

The applicants replied that it would be their vet, who had sent a letter to add to the application.

A discussion was held that miniature ponies could thrive on small areas of land and could eat something other than grass.

Randy VanBuren asked if the applicants took Rascal for exercise.

The applicants replied they are starting to take Rascal for walks in their neighborhood.

Randy VanBuren asked if the applicants could trailer Rascal and take him to other areas outside the neighborhood.

The applicants responded that they could do that also.

A discussion was held regarding the correct acreage of the property that housed the pony or ponies.

Chairman entertained a motion to include conditions, as the case was a conditional use.

Dave Enzerra made a motion, needing clarification from Zoning Inspector Harley DeLeon.

Chairman asked any of the other Board Members, if they had any conditions to add.

A discussion was held with Legal Advisor Jeremy Iosue regarding modifying certain previous conditions as set in **Case 2021-0002-BZA**, keeping certain conditions with the modified conditions, and adding new conditions.

Zoning Inspector Harley DeLeon read the conditions that were newly added, and the conditions that were modified for the Board, staff, and public.

A discussion was held pertaining to the second pony causing any nuisance and complaints to arise, what will be done by staff and or the Board.

The applicants asked that if any complaints arise, can they try to address and fix any issues.

Chairman replied yes.

Zoning Inspector Harley DeLeon let the applicants know that Zoning will work with the applicants and include the applicants in any discussion with the Board should there be any issues.

A discussion was held explaining the process of correcting any issues to the applicants and the Board.

Dave Enzerra made a motion to approve **Case 2022-0004-BZA** with the following conditions:

1. Setbacks shall adhere to Section 12.05(T)(2)
2. Corral fence must be 5 (five) feet from the fence line along the rear property line and south west corner of the yard.
3. 6 (six) feet tall screening needs to be connected to the house, and have no gap at the bottom.
4. Fecal matter contained daily in an enclosed container, and picked up once a week.
5. Garage shall not be used as a barn.
6. Only 2 (two) ponies.
7. Second pony shall be no younger than 7 (seven) years old.
8. If a second pony causes nuisance conditions or continued complaint, the case will be heard before the Board of Zoning Appeals prior to expiration of the term.
9. Modifying term to expire September 27, 2023.

Randy VanBuren seconded.

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

• **Case 2022-0022-BZA :**

Applicant Kurtz Bros. INC. submitted a Conditional Use Application for property located at 775 Hardy Rd. (PPN 12-A-051-0-00-012-0). The proposed project consists of the excavation of 150 to 200 thousand yards of clay from a 7 acre site. The total depth of excavation will be 35 feet and the project is scheduled to run until the year 2032. The proposed elevation after reclamation of the site will be near if not the same as the site's current elevation.

The applicants were not in attendance for the Meeting.

Zoning Inspector Harley DeLeon let the Board know that she had let the applicant know that the case had been continued for Tuesday September 27, 2022; letting the applicant know of the new meeting date.

Chairman asked how the Board felt that the case was being continued for a third time, that if the applicant was not in attendance for the October 11, 2022 Meeting, to deny the application.

A discussion was held regarding **Case 2022-0022-BZA**.

Chairman entertained a motion.

Randy VanBuren made a motion to continue **Case 2022-0022-BZA** for the October 11, 2022 Meeting.  
Dave Lindrose seconded.

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

**New Business:** None

**Closing of General Meeting:**

Chairman entertained a motion.

Dave Enzerra made a motion to close the General Meeting. Dave Lindrose seconded.

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

Chairman adjourned the meeting at 8:00 P.M.

**Next official meeting date is Tuesday, October 11, 2022.**

Respectfully submitted,

  
Tom Hill, Chairman

*Rachel Muro*

**Rachel Muro, Secretary**





DATE: 09-27-2022

BZA

Name	Email Address
Rose Mayor	
Sue Knight	
Laurie C Knight	
Gene Haywood JR.	
PATRICIA KOWALG	
Jeanne Sefick	
Rick Sefick	
Mark Jansuss	
Linda + Bob Alponesi	