

## BOARD OF ZONING APPEALS

March 17, 2016

The Board of Zoning Appeals convened in Courtroom No. 1 for their regularly scheduled meeting. Chairman Behrens called the meeting to order at 7:30 p.m. and asked the Secretary to call the roll. Members in attendance were Ms. Aston, Ms. Condon, and Chairman Behrens. Mr. Bartholomew and Mr. Callender were absent. Also in attendance were the Assistant Law Director, James Lyons; the City Planner, Lynn White; the Assistant City Manager, Doug Lewis, and the Secretary, Tina B. Pomfrey.

**MINUTES:** Chairman Behrens asked for additions or corrections to the minutes of the Board of Zoning Appeals Meeting of January 21, 2016. There being none, he asked for a motion. Motion by Ms. Condon, seconded by Ms. Aston, to accept the Board of Zoning Appeals Meeting Minutes of January 21, 2016 as written. Chairman Behrens asked the Secretary to call the roll. On Roll Call, Ms. Condon, Ms. Aston, and Chairman Behrens answered "yes". Motion carried, 3-0.

Mr. Behrens explained the procedures for this meeting and swore in those who planned on speaking for or against the variance requests.

The Chairman asked the Secretary to please read the notice:

### NEW BUSINESS

#### REFUSAL NO. 2277

**APPLICANT:** James Haffa for Painesville City Local Schools

**DISTRICT:** R-1 Single Family

**LOCATION:** 605 Elm Street

**VARIANCE:** 1129.01

An application has been submitted by James Haffa on behalf of Painesville City Local Schools, requesting a variance to Section 1129.01 of the Painesville Codified Ordinances. The applicant is proposing a lot split to an existing property at 605 Elm Street. The lot created will have 7,057 sq. ft. of land area. Section 1129.01 requires a minimum of 10,000 sq. ft. per single family dwelling unit. A variance of 2,943 sq. ft. is being requested.

Mr. John Shepard, 55 Mentor Avenue, Superintendent of Painesville City Schools was present for the meeting. Mr. Behrens reviewed what was submitted to the Board in the packet. Mr. Shepard stated that the school district owns the house at 605 Elm Street. It is currently for sale but contains the drainage system for Elm Street School on the property. The school district fears not having access to the system once the property is sold. The school district also plans to donate a lot on Elm Street to Habitat for Humanity.

Chairman Behrens asked if the address of the lot intended for development by Habitat for Humanity is 625 Elm Street. Mr. Shepard replied yes. Discussion ensued regarding the original shape of the parcel. It was determined that the original lot was much larger and was split into three separate lots, with the intent to sell one, donate one and keep the one that contains the drainage system for Elm Street School. Ms. White said it appears that when the school district purchased the land, property lines were shifted and new lots were platted in or about 2005, however, the City does not have any records of the plats.

Ms. Condon asked the distances from the drainage system to the property line of 605 Elm Street. Mr. Shepard stated he did not know. Ms. White stated that the structure at the back of the 605 Elm Street property meets the setback requirement. Ms. Condon asked if that requirement is 35 feet. Ms. White replied the 35 feet setback (on the site plan) refers to the house. For accessory structures, the setback requirement is five feet from the side, and 3 feet from the rear property line.

Discussion ensued regarding the location of the drainage system. The proposed lot split would ensure the drainage system is located entirely on school property. Ms. White clarified that when the school representatives met with the City Engineer's office, they explained that once the variance request was granted and the lot was split off, the school planned to consolidate the lots to create one large parcel. More discussion ensued regarding the possible location of the drainage lines. Mr. Shepard stated that the property lines were paved over so there is no access to the location pins.

Chairman Behrens asked for comments from the Board. Mr. Lyons explained that the school district could file an easement for access to the drainage lines, however, he stated that he could understand why the school district would not want an easement as it is sometimes confusing to the property owner that shares the easement. Mr. Shepard stated that the school district's legal department advised against filing for an easement.

Chairman Behrens asked for comments from the City. Mr. Lewis had no other comments. Ms. White stated that the lot split was reviewed by the City Engineer. She also explained that there is a consolidation plat that accompanies the lot split that also was reviewed by the City Engineer.

Chairman Behrens asked when complete, would the entire parcel be combined under one legal description. Ms. White replied yes. Mr. Lyons stated that he was puzzled as to why the lots were not combined under one legal description at the time the school system purchased the lots. Mr. Shepard said he didn't know

but it appears all the school locations were developed the same way except for the Harvey High School site.

Ms. Aston said that 605 Elm Street was used at one time for housing for Lake Erie College and asked if there are plans to do the same in the future. Shepard replied no; the school district plans on selling the lot privately. He expressed that it is a very nice house for a family.

There being no further discussion, Chairman Behrens asked for a motion. Ms. Condon moved, seconded by Ms. Aston, to grant the Refusal 2277 variance as requested. On Roll Call, Ms. Aston, Ms. Condon, and Mr. Behrens answered "yes". Motion carried, 3-0.

#### **OTHER BUSINESS**

There being no further business, the meeting was adjourned at 7:57 p.m.

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Jim Behrens, Chairman

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Tina B. Pomfrey, Secretary