

BOARD OF ZONING APPEALS

April 18, 2013

The Board of Zoning Appeals met in Courtroom No. 1 for their regularly scheduled meeting. Mr. Behrens, the Chairperson, called the meeting to order at 7:30 p.m. and asked the Secretary to call the roll. Members in attendance were Mr. Bartholomew, Mr. Horacek and Ms. Waytes. Also in attendance were the Law Director, James Lyons; the City Planner, Russell Schaedlich; the Assistant City Manager, Doug Lewis and the Secretary, Tina B. Pomfrey.

MINUTES: The minutes of Jan 17, 2012 were approved with changes.

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

TABLED BUSINESS

REFUSAL NO. 2235

APPLICANT: Donald & Christine Howlett

DISTRICT: R-1 Single Family Residential

LOCATION: 907 Bank Street

VARIANCE: Section 1127.06(d)

An application has been submitted by Donald & Christine Howlett, 907 Bank Street, requesting a variance to Section 1127.06 (d) of the Painesville Codified Ordinances. Section 1127.06 (d) limits the square footage of an accessory structure on a property to 768 square feet. The applicant would like to build a 20 ft. x 24 ft. addition to an existing 24 ft. x 24 ft. garage for a total of 1,056 square feet. A variance of 288 square feet is being requested.

Mr. Donald M. Howlett, 907 Bank Street, was present for the meeting. Mr. Howlett explained that he has four vehicles and various pieces of equipment that he would prefer not to store outdoors. He indicated that he does not want a separate structure; he stated that he thinks a single structure will look better. He indicated that there currently is a back door on the garage to access the back yard. Mr. Howlett claims that he will take out the door, and move it to build the addition.

Mr. Bartholomew apologized to Mr. Howlett for not being available for the meetings in February and March. He stated that in the recommendations from the City, there is the suggestion that should the Board consider granting the variance request, a stipulation should be placed on the property prohibiting a business from operating from the expanded garage should this property be sold to another party.

Mr. Howlett replied that he has no intention of selling the house in the near future, nor does he desire to operate a business from the property. However, he has no objection to the proposed stipulation being placed on the variance request and believes it is a wise thing to do.

Mr. Behrens asked if the stipulations become part of a "deed restriction". Mr. Schaedlich indicated that the variance stays with the property, however, it is not part of the deed. Mr. Lyons indicated that the current Zoning Code does not allow a business to be operated out of the garage. He commented that the stipulation would be an addition to the variance to emphasize the use of the property. The concern is not the applicant, but whoever ends up owning the property after the applicant. The concern is will the new owner use the property to the purpose it was intended. Mr. Lyons stated that he believes the stipulations to be a good thing.

Mr. Behrens asked if there were calls or correspondence from the neighborhood. The secretary stated she received a letter from the neighbor who has abutting property at the rear of the Howlett property. Although she lives in Painesville Township, the secretary stated she gave her notification to be considerate. The neighbor is in favor of the variance request being granted.

Mr. Behrens asked if there were further comments from the City Planner. Mr. Schaedlich replied he had no additional comments beyond what was contained in his original recommendation to the Board members.

Mr. Bartholomew moved to grant the variance request with the stipulations as recommended by the City Planner. They are as follows:

1. Prohibit any additional accessory buildings on the applicant's property.
2. Prohibit a business from operation from the accessory building and/or any accessory use utilizing equipment or a process which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the voltage off the premises.
3. That the existing shed be removed unless it is fourteen square feet or less in area.

Mr. Horacek seconded the motion. On roll call Mr. Horacek, Ms. Waytes, Mr. Bartholomew and Mr. Behrens answered yes. Motion carried, 4-0.

There being no further business, the meeting was adjourned at 7:45 p.m.

Jim Behrens, Chairperson

Tina B. Pomfrey, Secretary