

## SPECIAL BOARD OF ZONING APPEALS MEETING

June 17, 2016

The Board of Zoning Appeals convened in the Second Floor Conference Room at 66 Mentor Avenue, for a Special Meeting. Chairman Behrens called the meeting to order at 2:00 p.m. and asked the Secretary to call the roll. Members in attendance were Ms. Condon, Mr. Bartholomew and Chairman Behrens. Ms. Aston and Mr. Callender were absent. Also in attendance were the Assistant Law Director, James Lyons; the City Planner, Lynn White; and the Secretary, Tina B. Pomfrey.

**MINUTES:** Chairman Behrens made a correction to the spelling of his name in the second paragraph of the May 19, 2016 minutes. He asked if there were any other additions or corrections to the minutes. There being none, he asked for a motion. Motion by Ms. Condon, seconded by Mr. Bartholomew, to accept the Board of Zoning Appeals Meeting Minutes of May 19, 2016, as written. Chairman Behrens asked the Secretary to call the roll. On Roll Call, Mr. Bartholomew, Ms. Condon, and Chairman Behrens answered "yes". Motion carried, 3-0.

Mr. Behrens explained that due to the lack of a quorum, the regularly scheduled meeting of June 16, 2016 was rescheduled to the following afternoon, June 17, 2016, during work hours. The applicant and others who were present in support of the applicant were informed of the meeting change, however, because of her work schedule, the applicant was unable to attend. She was advised by the Board that it was not necessary for her to be present at the rescheduled meeting for the Board to hear her variance request.

The Chairman asked the Secretary to please read the notice:

### NEW BUSINESS

#### REFUSAL NO. 2280

**APPLICANT:** Kathleen Mudd

**DISTRICT:** R- 1 Single Family

**LOCATION:** 682 Fobes Street

**VARIANCE:** 1127.06 (a) (4)

An application has been submitted by Kathleen Mudd of 682 Fobes Street, requesting a variance to Section 1127.06 (a) (4) of the Painesville Codified Ordinances. The applicant is proposing to install an above-ground pool that is 706.5 sq. ft. in size. Section 1127.06 (a) (4) states above-ground pools cannot exceed 512 sq. ft. in size. A variance of 194.5 sq. ft. is being requested.

The applicant, Ms. Kathleen Mudd, e-mailed a statement to the Board in lieu of her presence. The statement read as follows:

To Lynn and All Concerned,

Thank you for expediting this matter; I really appreciate all your time.

As this pool was originally in our neighbor's yard and they had already received the permit, we didn't think we would have issue and have invested in a new liner and had a tree removed. All of our immediate neighbors were actually very happy that we had the pool and were going to assist us in its installation. And as a safety nut, even though there is a locked gate on the deck it's my intention to fence around it.

My partner has M.S. and it would be a great health benefit to both of us. This being said, I hope you will approve the variance and we can start enjoying a backyard sanctuary soon.

Thank you,  
Kathy Mudd  
Homeowner-682 Fobes Street

Chairman Behrens asked if there were any questions from the Board. There being none, he asked if there were comments from the neighborhood. The secretary said she received a letter from Matt Naponen, 658 Fobes Street, who stated he was in favor of the variance request being granted and was helping with the installation of the pool.

There being no further discussion, Chairman Behrens asked for a motion. Mr. Bartholomew moved, seconded by Ms. Condon, to grant Refusal 2280 as requested. On Roll Call, Ms. Condon, Mr. Bartholomew and Chairman Behrens answered "yes". Motion carried, 3-0.

### OTHER BUSINESS

There being no further business, the meeting was adjourned at 2:10 p.m.

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Jim Behrens, Chairman

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Tina B. Pomfrey, Secretary