

BOARD OF ZONING APPEALS

November 17, 2011

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. Callender, Mr. DeLeone 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 October 20, 2011 were approved as submitted.

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. 2208

APPLICANT: Orwell Natural Gas Company

DISTRICT: Business/Residential

LOCATION: 933 Mentor Avenue

VARIANCE: 1127.06 (d) (1)

An application has been submitted by Orwell Natural Gas Company requesting a variance of Section 1127.06 (d) (1) of the Painesville Codified Ordinances. Section 1125.04 #83 defines structure, in part, as anything with a fixed location. Section 1131.02 establishes the front setback at 65 ft., based on the setback maps of the City. Section 1127.06 (d) (1) establishes setbacks for accessory structures as the same as the main structure. The applicant installed a natural gas metering system within the front setback of the property, 6 ft. into the front setback. A variance of 59 ft. is being requested.

The variance request remained on the table.

REFUSAL NO. 2209

APPLICANT: Orwell Natural Gas Company

DISTRICT: Single Family Residential

LOCATION: 521 Mentor Avenue

VARIANCE: 1127.06 (d) (1)

An application has been submitted by Orwell Natural Gas Company requesting a variance of Section 1127.06 (d) (1) of the Painesville Codified Ordinances. Section 1125.04 #83 defines structure, in part, as anything with a fixed location. Section 1131.02 establishes the front setback at 100 ft., based on the setback maps of the City. Section 1127.06 (d) (1) establishes setbacks for accessory structures as the same as the main structure. The main structure was built with approximately a 62 ft. setback. The applicant installed a natural gas metering system within the front setback of the property, 6 ft. into the front setback. A variance of 56 ft. is being requested.

The variance request remained on the table.

NEW BUSINESS

REFUSAL NO. 2212

APPLICANT: Melvin Motley for Willie Long

DISTRICT: R-1 Single Family Residential

LOCATION: 160 Morse Avenue

VARIANCE: 1131.02 (a)

An application has been submitted by Mr. Melvin Motley, 171 Mathews Street, Painesville, Ohio, requesting a variance to Section 1131.02 (a) of the Painesville Codified Ordinances. The applicant wishes to enclose the front porch of the property located at 160 Morse Avenue. Section 1131.02 (a) establishes setbacks per the setback maps. The enclosed porch will have a front setback of 13.5 feet. The minimum front setback on this portion of Morse Avenue is twenty feet. A variance of 6.5 feet is being requested.

Mr. Melvin Motley, 171 Mathews street, was present for the meeting. He is the contractor for Mr. & Mrs. Long. Mr. Motley explained that Mr. & Mrs. Long would like to enjoy their porch. They would like to be able to sit out later at night. The enclosure will allow more security for the homeowners, since it will have a locked door. Additionally, it will enhance to look of the neighborhood.

Mr. Callender asked if the porch was going to be screened or glassed in. Mr. Motley replied that there will be a wood foundation, storm windows and a secured door, but it is not an all season porch and will not be used in the winter as there is no heat. He also indicated that it will not be habitable space.

Mr. DeLeone asked if there would be any electrical installed on the porch. Mr. Motley replied that there is a light switch for a porch light, but no new electrical will be run.

The Chairman asked the Secretary if there was correspondence from the neighborhood. There being none, he asked for the comments of the audience and the Board. Mr. Lyons recommended that if the

Board approves the variance request, they should stipulate that it can be used only as a three (3) season room.

Mr. Behrens asked if the City will monitor to use of the porch if the City places stipulations on the variance request.

Mr. Schaedlich commented that the variance request is not out of line with all the other houses on the street. All the houses that are on the same side of the property are built at or less than the setback. Mr. Schaedlich indicated that monitoring of the property should not be a concern of this Board.

Mr. DeLeone moved to grant the variance as requested. Ms. Waytes seconded the motion. On roll call, Mr. Callender, Mr. DeLeone, Ms. Waytes and Mr. Behrens answered "yes". Motion carried, 4-0.

REFUSAL NO. 2213

APPLICANT: Denise A. Keagle

DISTRICT: R-1 Single Family

LOCATION: 110 Jefferson Street

VARIANCE: 1137.03 (b) (2)

An application has been submitted by Ms. Denise A. Keagle of Willoughby Hills, Ohio requesting a variance to Section 1137.03 (b) (2) of the Painesville Codified Ordinances. Section 1137.03 (b) (2) requires a minimum of one enclosed parking space for every single family dwelling unit. The property at 110 Jefferson St. does not have a garage.

Ms. Denise A. Keagle, 2484 Parsons Drive, Willoughby Hills, was present for the meeting. Ms. Keagle explained to the Board that the house sits on a very small lot. She said that she has recently invested a considerable amount of money to rehab the house. The Housing Inspector, Noell Sivertsen, told her that the Code requires a garage to be built on the property. Ms. Keagle stated that this lot is a single lot and has barely enough room for a driveway. She commented that only the double lots on the street have garages. Ms. Keagle also indicated that she had a survey done of the property. She said she has no problem complying with the City recommendation that a shed be installed on the property.

Mr. Behrens stated that the photos indicate that the property has been excavated. Ms. Keagle replied yes, a number of trees and bushes have been removed from the property and gravel has been placed in the driveway. A concrete or asphalt driveway is planned for spring. She commented that the driveway is a shared drive so the neighbors are very happy.

Discussion ensued regarding the opposite neighbor's shed. Ms. Keagle commented that her property line runs down the middle of her neighbor's driveway.

Mr. Behrens asked for comments. Mr. Schaedlich stated that the City recommends approval of the variance request with the stipulation that an accessory building be added to the property.

Ms. Waytes moved to approve the variance as requested. Mr. DeLeone seconded the motion. On roll call, Mr. DeLeone, Ms. Waytes, Mr. Callender and Mr. Behrens answered "yes". Motion carried, 4-0.

There being no further business, the meeting was adjourned at 8:00 p.m.

Jim Behrens, Chairperson

Tina B. Pomfrey, Secretary