

## BOARD OF ZONING APPEALS

February 16, 2012

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 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 December 15, 2011 were tabled until the next meeting due to the lack of a voting quorum.

### ORGANIZATION OF OFFICERS

Due to the lack of a quorum, the organization of officers will occur at the next regularly scheduled meeting.

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. 2218

**APPLICANT:** Charles R. Johnson

**DISTRICT:** R-1 Single Family

**LOCATION:** 368 Mentor Avenue

**VARIANCE:** Section 1129.01

An application has been submitted by Mr. Charles R. Johnson, 368 Mentor Avenue, requesting a variance to Section 1129.01 of the Painesville Codified Ordinances. Section 1129.01 establishes the minimum rear yard setback in an R-1 Single Family District at 35 feet. It also establishes a minimum side yard setback of 10 feet. The applicant wishes to build a 4 car garage that is attached to the main structure by a breezeway. The proposed structure has a rear setback of 3 feet and a side yard setback of 2 feet. A rear yard setback variance of 32 feet and a side yard setback variance of 8 feet is being requested.

Mr. Charles R. Johnson explained that his son, Charles Johnson, of 138 Boulder Ridge, Painesville Township, was speaking on his behalf at this meeting. Mr. Johnson explained that the funeral home needs additional garage space. This location is really the only area that is appropriate for it. Additionally, a breezeway is planned to allow privacy when moving the deceased from the garage to the funeral home.

Mr. Behrens asked if the existing garage will be converted to a viewing area. Mr. Johnson replied yes. Ms. Waytes asked if the expansion is to gain more usable space. Mr. Johnson indicated that the funeral home is receiving more requests for larger visitations and receptions at the funeral home. Mr.

Bartholomew asked if the breezeway will be built in the same style as the garage. Mr. Johnson replied yes, the plans for construction have already been submitted to the Painesville Building Department. The garage doors will be of a carriage style to complement the style of the home.

The chairman asked for any comments from the audience. Mr. Art Shamakian, 1664 North Shore Drive, Painesville Township and owner of the Steele Mansion (348 Mentor Avenue), stated that the property is very well maintained and the addition will be good for the neighborhood. He stated that he is in favor of the variance request being granted.

Mr. Schaedlich explained the photos that he provided to the Board. He indicated that the variance will pose no immediate impact on the properties surrounding the funeral home. First Church of Christ has their parking lot adjacent to the Johnson Funeral Home and St. James Baptist Church owns the land to the rear of the Johnson property. Mr. Schaedlich did however recommend that a stipulation be placed on the granting of the variance. He stated that the design should be approved by the City as the address is located within the Mentor Avenue Historical District.

Mr. Johnson added that the side yard where the property line encroachment occurs is also owned by the Johnson family.

Ms. Waytes moved to grant the variance with the stipulation that the garage complements the style of the existing structure on the property and that the plan is approved by the Mentor Avenue Historical District. Mr. Bartholomew seconded the motion. On roll call, Ms. Waytes, Mr. Bartholomew and Mr. Behrens answered yes. Motion carried, 3-0.

**REFUSAL NO. 2219**

**APPLICANT:** Jayesh Patel/Hemajay LLC

**DISTRICT:** R-1 Single Family

**LOCATION:** 127 Morse Avenue

**VARIANCE:** 1137.03 (b) (2)

An application has been submitted by Mr. Jayesh Patel of Hemajay LLC, 694 Mentor Avenue, 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 127 Morse Avenue does not have a garage.

Mr. Jayesh Patel, 5615 Canyon Ridge was present for the meeting. He indicated that he has no room in his backyard to build a garage.

Mr. Behrens asked why the driveway is on the north side of the house and not on the south side of the property. Mr. Patel stated that he doesn't know; he bought the house that way.

Mr. Bartholomew asked Mr. Patel if he could install a shed on the property. Mr. Patel acknowledged that yes, he could do that. Mr. Bartholomew asked if it could be at least 8 ft. x 10 ft. Mr. Schaedlich commented that is the size that he placed in the recommendation to the Board from the City. He stated that it should be large enough to enclose all the yard care and recreational equipment that people generally keep in their garages.

Mr. Lyons commented that probably at one time this lot was wider, 50 feet, but was narrowed down and now causes problems.

Ms. Waytes asked if there ever was a garage on the property. The City Planner and the secretary both replied not to their knowledge. Mr. Schaedlich stated that he agreed with Mr. Lyons, that the lot is smaller than the others, but the lack of the garage still needs to be addressed. As a result, he recommends approval of the variance with the stipulation that an 8 ft. x 10 ft. storage shed be installed on the property that is complementary to the design of the house.

Mr. Bartholomew asked if specifications on the shed needed to be submitted to the building department. Mr. Schaedlich replied no, only a zoning permit is required for a shed. Mr. Bartholomew indicated that he would prefer a shed that is a nice quality be installed on the property. Mr. Lyons stated that the Board could grant the variance contingent on the installation of a commercial quality shed.

Ms. Waytes moved to grant the variance with the stipulation that an accessory structure, at least 8 ft. x 10 ft., of commercial-quality construction and in a similar style of the home, is installed on the property. Mr. Bartholomew seconded the motion. On roll call, Ms. Waytes, Mr. Bartholomew and Mr. Behrens answered yes. Motion carried, 3-0.

There being no further business, the meeting was adjourned at 7:55 p.m.