

BOARD OF ZONING APPEALS

March 15, 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, 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 December 15, 2011 and February 16, 2012 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. 2222

APPLICANT: Western Reserve Community Development

DISTRICT: R-1 Single Family

LOCATION: 528 Bank Street

VARIANCE: 1131.02 (a) & (c)

An application has been submitted by Mr. Chad Pengal on behalf of Western Reserve Community Development, 89 Chester Street, requesting a variance to Section 1129.01 and Sections 1131.02 (a) & (c) of the Painesville Codified Ordinances. Section 1129.01 and 1131.02 establish setbacks requirements. Western Reserve Community Development would like to construct a home on the property located at 528 Bank Street that is 21 feet from the rear property line. A variance of 4 feet is being requested. Additionally, the roof of the front porch will project into the front setback by 4.8 feet. A variance of 1.8 feet is being requested.

Mr. Chad Pengal, 138 Charlotte Street, Painesville, representing Western Reserve Community Development Corp. (WRCDC), was present for the meeting. Mr. Pengal explained that he brought the color selections of the structure with him to the meeting, as this house is located close to the Bank Street Historic District. The house will have white windows, brown siding and door accents. There will be no stone treatment, as it is a Victorian design. A front porch is planned with scroll work installations and "fish scale" siding accents. The proposed garage location matches the previous 2-car garage that was on the site.

Mr. Lyons asked if the house has been pre-sold. Mr. Pengal replied that he wasn't sure; he is not always told by WRCDC.

The Chairman asked for the comments of the City. Mr. Schaedlich reiterated his report to the Board. He indicated that the lot is nonconforming at 7,200 sq. ft., but it is a lot of record. The side yard requirements

can be met, however the front porch requires a variance of 1.3 feet at the northern corner of the building. After the notices went out, it was realized the lot is nonconforming, and due to the permitted setback reductions for nonconforming lots, the 4 foot rear yard variance request is actually a 2 foot variance request, affecting only a small triangle at the northern corner of the garage. The City recommends approval of the variance requests.

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

ORGANIZATION OF OFFICERS

Mr. Horacek nominated Mr. Behrens as Chairman of the Board of Zoning Appeals. Ms. Waytes moved to close the nominations. On roll call Ms. Waytes, Mr. Bartholomew, Mr. Horacek and Mr. Behrens answered yes to close the nominations. On roll call to vote for Chairman, Mr. Bartholomew, Mr. Horacek, Ms. Waytes and Mr. Behrens answered yes. Motion carried, 4-0.

Ms. Waytes nominated Mr. Horacek as Vice Chairman of the Board of Zoning Appeals. Mr. Bartholomew seconded the motion. On roll call Mr. Horacek, Ms. Waytes, Mr. Bartholomew and Mr. Behrens answered yes to close the nominations. On roll call to vote for Vice Chairman, Ms Waytes, Mr. Bartholomew, Mr. Horacek and Mr. Behrens answered yes. Motion carried, 4-0.

There being no further business, the meeting was adjourned at 7:48 p.m.

Jim Behrens, Chairperson

Tina B. Pomfrey, Secretary