

BOARD OF ZONING APPEALS

September 15, 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 and Mr. Horacek. Also in attendance were the Law Director, James Lyons; the City Planner, Russ Schaedlich and the Secretary, Tina B. Pomfrey.

MINUTES: The minutes of August 18, 2011 was 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. He also informed the applicants that because the Board does not have all five members in attendance, the 3 members that are present must vote unanimously in the affirmative for a variance request to be granted. All applicants are entitled to ask that their request be tabled until the next regularly scheduled BZA meeting.

NEW BUSINESS

REFUSAL NO. 2207

APPLICANT: Gary J. Peters

DISTRICT: R-1 Single Family Residential

LOCATION: 1102 N. St. Clair Street

VARIANCE: Section 1127.06 (d) (1)

An application has been submitted by Mr. Gary J. Peters of 1102 N. St. Clair St., requesting a variance to Section 1127.06 (d) (1) of the Painesville Codified Ordinances. Section 1127.06 (d) (1) limits the square footage of a second accessory structure on a property to 300 square feet. The applicant is proposing to construct a 672 sq. ft. pole building. The applicant has an existing garage on his property that is 440 sq. ft. Although the applicant is permitted a total of 2 accessory structures on the property, the proposed structure brings the total square footage of both structures to 1,112 sq. ft.. A variance of 44 sq. ft. is being requested.

Mr. Gary J. Peters, 1102 N. St. Clair St., was present for the meeting. Mr. Peters explained that he has lived at his address for more than 40 years. He stated that he has three cars and a workshop currently in his existing garage and needs a little more space for his woodworking tools. Mr. Peters explained that he will have no mechanicals installed in the new structure; it is planned as a "play room".

Mr. Schaedlich asked if the height of the proposed structure is the same or under the height of the house. Mr. Peters replied yes, it is a similar height of the house. Mr. Schaedlich also asked if the garage would have a single door. Mr. Peters replied yes. Mr. Horacek asked what was to be done with the green shed that currently sits on the property. Mr. Peters stated the shed will be removed. Mr. Horacek also asked if a second driveway is proposed. Mr. Peters replied that he plans on installing a stone patio instead of a driveway.

Mr. Behrens asked the secretary if there was any correspondence from the neighborhood and the audience. There being none, he asked for comments from the Board. Mr. Lyons asked Mr. Peters if his property consisted of a double-lot. Mr. Peters replied that it was a double-lot but was combined in August (2011). Mr. Lyons asked if it was at one time a buildable lot. Mr. Peters stated that it was. Mr. Lyons asked which direction Mr. Peters will gain access to the new structure. Mr. Peters explained that the structure will face Skinner Avenue. Mr. Lyons suggested that if the Board considers granting the variance request, that a stipulation of the request be that if the lots should be combined (if not combined already) with access from Skinner Avenue. Mr. Lyons explained that this condition will prohibit the lot from being sold with just an accessory structure on it.

Mr. Schaedlich added that the square footage variance request is not a huge request and the City recommends approval with the suggested stipulations. Mr. Lewis concurred with Mr. Schaedlich.

Mr. Horacek moved to grant the variance request with the stipulation that the existing shed on the property be removed before building of the new structure commences; that the lots that make up the property be combined if they have not been combined already; and access to the new garage be limited to Skinner Avenue. Mr. Callender seconded the motion. On roll call, Mr. Horacek, Mr. Callender and Mr. Behrens answered yes. Motion carried, 3-0.

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.

Mr. Darrell Knight, 1700 Trinity Road, Madison, Ohio was present for the meeting to represent Orwell Natural Gas Company. Mr. Knight stated that after some thought, he is requesting that the variance be tabled until the next meeting.

Mr. Horacek moved to table the variance at the request of the applicant. Mr. Callender seconded the motion. On roll call, Mr. Callender, Mr. Horacek and Mr. Behrens answered yes. Motion carried, 3-0.

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.

Mr. Knight requested the variance request be tabled until the next meeting.

Mr. Horacek moved to table the variance request until the next meeting. Mr. Callender seconded the motion. On roll call, Mr. Horacek, Mr. Callender and Mr. Behrens answered yes. Motion carried, 3-0.

OTHER BUSINESS

The secretary stated she is trying to set up a Zoning Training Session. She suggested an hour before the next meeting in October, maybe 6:00 pm, might be a good time to meet. Mr. Lyons stated sometimes he has a meeting before the BZA meeting but he will leave his other meeting early to make it to the Zoning meeting.

Mr. Schaedlich stated that Mr. DeLeone requested that he look into other communities fencing requirements and restrictions on corner lots. Mr. Schaedlich said he pulled information on 7 or 8 communities and will share the information with the Board at the next regularly scheduled BZA meeting.

Mr. Schaedlich also asked the Board if they received any information on the Planning & Zoning Workshop coming up in November. Mr. Lewis said he has the information that we could pass on to the Board members. He said it is in Westlake and it is a very good workshop.

ADJOURNMENT

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

Jim Behrens, Chairperson

Tina B. Pomfrey, Secretary