

## MEMORANDUM



**DATE:** July 20, 2018

**TO:** City Manager

**FROM:** Secretary, Board of Zoning Appeals

**CC:** Assistant City Manager/Community Development Director; Building Official; City Planner; City Engineer; Economic Development Director; Clerk of Council; Community Development and Engineering Department Staff.

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The following item(s) were presented to the Board of Zoning Appeals for consideration during the regularly scheduled meeting on July 19, 2018:

**NEW BUSINESS: (Public Hearing):**

**REFUSAL NO. 2316**

**APPLICANT:** Mosaic Properties LLC

**LOCATION:** 374 South St. Clair Street  
(Parcel Number 15-B-005-0-00-011-0)

**DISTRICT:** R-1 Single Family Residential District

**VARIANCE:** Section 1139.04(a)

The City of Painesville has received an application from Mosaic Properties of Mentor, Ohio, proposing a variance to Section 1139.04(a) of the Painesville Codified Ordinances. Section 1139.04(a) states "*no such nonconforming use shall be enlarge or increased, nor extend to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance*". The applicant is proposing a parking addition into the front setback of the property located at 374 South St. Clair Street. A variance is being requested.

**Motion by Mr. Callender, seconded by Mr. Briggs, to approve Refusal 2316 with the following stipulations:**

1. Screening of parking and service area (dumpster) is required through the use of trees, shrubs, hedges, grade changes, fencing and or other visual and acoustical barriers between parking or service areas and housing units;
2. Screening and buffering plans shall be submitted with the site plan for review and approval by the Administrator and City Engineer;
3. Parking area shall be paved with durable and dustless surface; and shall be graded and drained as to dispose of all surface water accumulated within the area;
4. Parking area shall be marked as to provide for orderly and safe loading and unloading, parking and storage of vehicles.

**On Roll Call, Mr. Bartholomew, Mr. Callender, Mr. Briggs, Ms. Aston and Chairperson Behrens answered "no". Motion failed, 5-0.**

**REFUSAL NO. 2317**

**APPLICANT:** Rockwood Manor LLC

**LOCATION:** 378 East Erie Street, also known as 360-382 Rockwood Drive  
(Parcel Numbers 15-A-006-0-00-005, 006 and 007-0)

**DISTRICT:** R-2 Multi-Family Residential District

**VARIANCE:** Section 1137.07(a)(3); 1127.06 (d)(1)

The City of Painesville has received an application from Rockwood Manor LLC, proposing a variance to Sections 1137.07 (a)(3) and 1127.06 (d)(1) of the Painesville Codified Ordinances. The applicant is proposing to increase a parking area at 378 East Erie Street. Section 1137.07 (a)(3) states, "Parking for all multi-family units shall be considered an accessory structure or use and shall be regulated by the requirements for accessory structures". Section 1127.06 (d)(1) requires accessory structures to have a front setback that is the same as the main structure. The front setback is 35-feet. A variance is needed to allow parking within the front setback.

**Motion by Mr. Briggs, seconded by Mr. Callender, to approve Refusal 2317 with the following stipulations:**

1. A landscaping plan for the parking area must meet the requirements of Section 1137.08;
2. Screening of parking and service area (dumpster) is required through the use of trees, shrubs, hedges, grade changes, fencing and or other visual and acoustical barriers between parking or service areas and housing units;
3. Screening and buffering plans shall be submitted with the site plan for review and approval by the Administrator and City Engineer;
4. Parking area shall be paved with durable and dustless surface; and shall be graded and drained as to dispose of all surface water accumulated within the area;
5. Parking area shall be marked as to provide for orderly and safe loading and unloading, parking and storage of vehicles;
6. Parcels comprising the property shall be combined under one parcel number at the Lake County Auditor's Office.

**On Roll Call, Mr. Callender, Mr. Briggs, Ms. Aston, Mr. Bartholomew and Chairperson Behrens answered "yes". Motion carried, 5-0.**

**REFUSAL NO. 2318**

**APPLICANT:** Michael Williams

**LOCATION:** 443 Bank Street  
(Parcel Number 15-B-016-B-00-004-0)

**DISTRICT:** R-1 Single Family Residential District

**VARIANCE:** Section 1139.02(a); 1131.02(a)

The City of Painesville has received an application from Michael Williams, 712 Lucille Avenue, proposing a variance to Sections 1139.02(a) and 1131.02(a) of the Painesville Codified Ordinances. The applicant is proposing to construct a single family dwelling at 443 Bank Street. Section 1139.02(a) states "*the sum of the side yard width on any such lot shall not be less than 30% of the lot*". The lot width is 53.75 feet and requires a total side-yard setback of 16.125 feet. The applicant is proposing a total side-yard setback of 12.06 feet. Section 1131.02(a) establishes front setback requirements. The required front setback is 50 feet. The applicant is proposing a front-yard setback of 35 feet. A setback variance for the side and front yard is being requested.

**Motion by Mr. Briggs, seconded by Ms. Aston, to approve Refusal 2318 as requested. On Roll Call, Mr. Briggs, Ms. Aston, Mr. Bartholomew, Mr. Callender and Chairman Behrens answered "yes". Motion carried, 5-0.**

There being no further matters, the meeting was adjourned.



Tina B. Pomfrey, Secretary  
Board of Zoning Appeals