

## BOARD OF ZONING APPEALS

June 16, 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, Mr. Horacek and Ms. Waytes. Also in attendance were the Law Director, James Lyons; the Assistant City Manager, Doug Lewis; the City Planner, Russ Schaedlich and the Secretary, Tina B. Pomfrey.

**MINUTES:** The minutes of May 19, 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.

### NEW BUSINESS

#### REFUSAL NO. 2201

**APPLICANT:** Craig Miller

**DISTRICT:** Single Family Residential

**LOCATION:** 502 South State Street

**VARIANCE:** 1131.02 (d) & (e)

An application has been submitted by Mr. Craig Miller, 510 South State Street, requesting a variance of Section 1131.02 (d) & (e) of the Painesville Codified Ordinances. The applicant wishes to construct a roof over an existing front porch at 502 S. State Street. The front setback on this portion of S. State Street is 25 ft. The covered porch will have a front setback of only 21 feet. In addition, the covered porch extends 4 ft. into the front setback in lieu of the permitted 3.5 ft. per section 1131.02 (d).

Mr. Craig Miller, 510 South State Street, was present for the meeting. Mr. Miller stated that he owns this house and lives a few doors down. The property is a rental unit and he has a tenant who would like to purchase the house and would like to have a front porch constructed. Mr. Miller commented that most of the houses on the street already have front porches and he initially came into the Building Department with the completed plans to construct the porch. He was denied the building permit because the porch exceeded the permitted intrusion into the front setback. Mr. Miller said additionally, the porch roof will be upgraded to a standing seam roof, not just a shingled roof. The porch structure will be continuous, a wrap-around. Mr. Miller showed example photos to the Board.

Mr. DeLeone asked if the roof will be continuous and uniform from front and side. Mr. Miller replied yes.

The Chairman asked for comments from the audience. Mr. Anthony Torre, 158 Sanford Street, said he believed the porch addition is a good thing and is in favor of the variance request being granted.

The Chairman asked for the comments from the City. Mr. Schaedlich stated that this is a 6 inch request and once the porch is built, the house will still be in line with the rest of the homes on the street. The City is in favor of the variance request being granted.

Mr. Behrens asked about the awning that used to be on the house. Mr. Miller replied that it was ripped off during a storm.

Mr. DeLeone moved to grant the variance, Refusal 2201, as requested. Ms. Waytes seconded the motion. On roll call, Mr. Callender, Mr. DeLeone, Mr. Horacek, Ms. Waytes and Mr. Behrens answered yes. Motion carried, 5-0.

#### REFUSAL NO. 2199

**APPLICANT:** Orwell Natural Gas Company

**DISTRICT:** Business/Residential

**LOCATION:** 933 Mentor Avenue

**VARIANCE:** 1135.01(a) (3) C

An application has been submitted by Orwell Natural Gas Company requesting a variance of Section 1135.01(a) (3) C of the Painesville Codified Ordinances. The applicant installed a fence that is six (6) feet in height within 20 feet of the public right-of-way. Section 1135.01(a) (3) C states fences within 20 feet of a right-of-way or public street shall not exceed three (3) feet in height. A variance of three (3) feet (fence height) is being requested.

#### REFUSAL NO. 2200

**APPLICANT:** Orwell Natural Gas Company

**DISTRICT:** Single Family Residential

**LOCATION:** 521 Mentor Avenue

**VARIANCE:** 1135.01(a) (1) B

An application has been submitted by Orwell Natural Gas Company requesting a variance of Section 1135.01(a) (1) B of the Painesville Codified Ordinances. The applicant installed a fence within the front setback of the property that is six (6) feet in height. Section 1135.01(a) (1) B prohibits installations of fences taller than 3 feet within the front setback. A variance of three (3) feet (fence height) is being requested.

Mr. DeLeone moved to removed Refusals 2199 and 2200 from the table. Ms. Waytes seconded the motion. On roll call, Mr. DeLeone, Mr. Horacek, Ms. Waytes, Mr. Callender and Mr. Behrens answered yes. Motion carried, 5-0.

Mr. Paul Lehtonen, 190 Stratford Road, Painesville Township, was present for the meeting. He is the Operations Manager for Orwell Natural Gas. Mr. Lehtonen stated that at the last meeting there were questions asked that he could not answer. A letter was written to the Board from the Operations Engineer answering as many questions asked by the Board that he could. Additionally, Mr. Lehtonen added that also present is Orwell's Technical Engineer, Mr. Chris Domonkos, who could answer questions regarding the meter stations.

Mr. Behrens stated that the letter that was written by the Operations Manager didn't address the specific questions that were asked during last month's meeting.

Ms. Waytes asked if there are copies available of the Federal regulations regarding the installation of the metering stations. Ms. Waytes said the letter does not really answer any of the questions that were asked by the Board.

Mr. Behrens stated that he had particular questions regarding how moisture reacts with piping and why the metering stations are necessary.

Mr. Domonkos of Orwell Natural Gas, 8503 Mardon Drive, Russell, Ohio, stated that there is steel piping in the ground before the vault. The metering and regulation stations are copper. With moisture and changes in atmospheric pressure, the connection can become corroded which can over-pressurize the meters. They could then fail like the systems did in Fairport Harbor. Columbia Gas has reduced the amount of metering stations in the ground in the past 10 years from about 70 to 20 this year. Additionally, servicing meters in a vault is a safety issue for Orwell employees. Two to three employees are needed to service a vault plus rescue equipment, in case something bad does happen. Mr. Domonkos stated that his greatest concern is the safety of the crews in the manhole. Mr. Domonkos added that there is no fence height specified in current Federal law. It only states that unauthorized personnel should keep out.

Ms. Waytes said she believes the bigger issue is the installation of the metering stations. Ms. Waytes asked if the only type of containment of the metering stations is by fencing. She wondered if it could be contained by some type of box.

Mr. Callender commented that nothing in the letter says that the metering station can't be pushed further into the setback of the yard that it is placed in.

Mr. Behrens asked Mr. Lyons what was discussed at the last meeting, since he was not present. Mr. Lyons explained that prior to reviewing this issue for last month's meeting, he had seen the metering station at the YMCA before the fence was installed and wondered what it was. Since it is on commercial property, the metering station blends into the landscape a little better than the proposed installation on the residential lot next to Lake Erie College. Mr. Lyons explained that the residential installation has a greater impact on the surrounding properties, and believed it could be regulated under our Zoning Code. Mr. Lyons also stated that although an affiliate of Orwell Natural Gas purchased the residential property and gave approval to Orwell for installation of the meter, it is his opinion that the meter should be installed only on commercial property and set back farther from the right-of-way. He also explained that when utilities are located in the right-of-way, they cannot be regulated by the City. When utilities are located on private property, they could be regulated by the Zoning Code.

Mr. Horacek asked if Orwell was issued a permit to install the meters.

Mr. Schaedlich explained that the City Engineer approved the installation of the meters, as is customary. He explained that utilities generally do not need permits for installation as they are located typically in the right-of-way, but they are always reviewed first. When the meter was installed, issues were raised and it was determined that variances were needed for the fencing around the meters. At the last BZA meeting, it was determined that this subject need further review.

More discussion ensued. Mr. DeLeone moved to table Refusal 2199 and Refusal 2200 until the next meeting. Mr. Horacek seconded motion. On roll call, Ms. Waytes, Mr. Callender, Mr. DeLeon and Mr. Horacek and Mr. Behrens answered yes. Motion carried, 5-0.

## ADJOURNMENT

There being no further business, the meeting was adjourned at 8:20 p.m.