

BOARD OF ZONING APPEALS

December 15, 2022

CALL TO ORDER: The Board of Zoning Appeals met on Thursday December 15, 2022, at 7:00 PM in Courtroom 1 of City Hall.

Chairman Briggs asked the Secretary to call the roll. Members in attendance were Mr. Briggs, Ms. Aston, and Mr. Dunay. Also in attendance were Assistant Law Director, Joe Gurley; consultant Rita McMahon, and City Planner Phoenix Buathier.

ACTION ON MINUTES OF PREVIOUS MEETING:

Chairman Briggs indicated the Board had a set of minutes from the previous meeting that required action by the Board. Chairman Briggs asked for additions or corrections to the minutes of the Board of Zoning Appeals Meeting of November 16, 2022. Chairman Briggs asked for a motion. Motion by Mr. Dunay, seconded by Ms. Aston, to accept the Board of Zoning Appeals Meeting Minutes of November 16, 2022. Chairman Briggs asked the Secretary to call the Roll. On Roll Call, Ms. Aston, Mr. Dunay, and Chairman Briggs, answered "yes". **Motion carried, 3-0.**

OLD BUSINESS: None

MEETING PROCEDURE AND SWEARING IN:

Chairman Briggs explained the procedures for the meeting, and then swore in those who planned on speaking for or against the variance request. Additionally, Chairman Briggs explained that the Board of Zoning Appeals has the right to adjourn the meeting to deliberate, if needed, and then return to resume the meeting. In addition, representatives of the City Administration are present; Mr. Gurley, the City's Legal Counsel, and Ms. Buathier the City Planner.

Chairman Briggs explained that the meeting is being recorded, and informed the applicants that the results of the meeting will stand as an official public hearing. He asked the applicants if they agree to the meeting procedures. He also explained that two members of the Board were absent, and that it takes three "yes" votes to pass a motion. Chairman Briggs then told the applicants that they had the right to postpone their hearing until the next month when there would be more members present. The applicants in attendance agreed with the meeting procedures.

NEW BUSINESS/PUBLIC HEARING ITEMS:

Chairman Briggs moved to the first item on the agenda. He asked the secretary to read the application for Refusal No. 2393.

Refusal No:	2393
Applicant/Owner:	Josephine Green
Location:	147 Lusard St
Parcel Number:	15-B-005-0-00-015-0
District:	R-1 Single Family Residential District
Variance:	1119.01(a)(4) and 1119.04(c)

An application has been submitted by Josephine Green, requesting a variance to Sections 1119.01(a)(4) and 1119.04(c) of the Painesville Unified Development Code. A variance to section 1119.01(a)(4) is requested to permit an accessory building, garage, within the 15 foot front setback of a side street on a corner lot. A 3-foot setback is proposed; a variance of 12 feet is requested. Variances to section 1119.04 (c) are requested to permit the accessory structure, garage, at a 2.5 and 3 foot side yard setback in lieu of the 5 foot required. Variances of 2.5 feet and 2 feet are requested.

Mr. Dale Green, of 147 Lusard Street stated that the situation should have never happened. He explained that they hired a contractor who didn't apply for the appropriate permits, and tore their garage down. He stated that they have since hired a reputable contractor, and are currently trying to adhere to what the city requirements are.

Ms. Josephine Green, of 147 Lusard, then spoke. She stated that the property is shaped unusually, and that they are trying to find a way to put the required garage up on the property, but that the shape of the property makes it difficult. She stated that they had assumed that their original contractor had taken care of any permits that were necessary, and that they were unaware that they had done anything wrong until they received violation a letter from the city.

Mr. Green stated that the only way he thinks they can put the garage up, is to move it closer to the house.

Mr. Dunay asked if the new proposed garage was on the site of the former garage.

Mr. Green answered that it was. He explained that the old garage was in bad shape and falling down.

Chairman Briggs asked what their original plan was.

Mr. Green answered that the original contractor was going to build an addition and a garage, but that he didn't pull any type of permit.

Mr. Briggs asked if a new garage was always part of the plan.

Mr. Green answered that it was.

Mr. Briggs asked the secretary if there had been any correspondence in the matter.

Ms. McMahon stated that there had been no correspondence.

Chairman Briggs asked if anyone would like to make a motion.

Motion by Mr. Dunay, seconded by Ms. Aston to approve the request as written.

On Roll Call for the motion, Ms. Aston, Mr. Dunay, and Chairman Briggs answered "yes" **Motion carried 3-0.**

Refusal No: 2394

Applicant: Accel Sign Group Inc.
Owner: Consolidated Investment
Location: 33 South St. Clair St.
Parcel Number: 15-B-001-B-00-033-0
District: B-3, Business District
Variance: 1127.11(a)(1) & 1127.11(b)(6)

An application has been submitted by Accel Sign Group Inc, requesting a variance to Sections 1127.11(a)(1) & 1127.11(b)(6) of the Painesville Unified Development Code. They are requesting a variance to 1127.11(a)(1) to permit a secondary wall sign on the south building elevation, which is not the primary building frontage, and a variance to 1127.11(b)(6) to permit a monument sign at 4.7 feet from the South St. Clair Street right-of-way. A five-foot setback is required.

Jack Harnick, of Accel Sign Group spoke on behalf of the request. He stated that it was a matter of like for like and that they were updating the existing signs.

Ms. Buathier stated that the contractor isn't required to get a variance for the monument sign because they're just doing a face replacement of the existing sign. They are required to apply for a variance for the wall signs because they're taking the existing signs and replacing them with different ones. She went on to explain that she suggested that they apply for the monument sign as well, so that in the future if there is any issue with the sign and need to replace it, they can do so without issue.

Mr. Briggs asked for clarification. He stated that as he understood the variance request, and that Dollar Banks signs conformed with the previous version of our sign code. That the current sign code had been updated, and the signs were no longer in compliance with code.

Ms. Buathier stated that that was correct.

Mr. Dunay stated that the building was in the Historic Review District, and asked if the proposed changes had been reviewed.

Ms. Buathier stated that it had been reviewed, and that the board was ok with the request signage.

Chairman Briggs asked if there had been any correspondence.

Ms. McMahon stated that no correspondence had been received.

Ms. Buathier stated that staff recommends approval of the requests due to the location being appropriate, the signs were preexisting, and the overall sign area size is not increasing. That the requested variances are minimal.

Motion by Ms. Aston, seconded by Mr. Dunay to approve the request as written.

On Roll Call for the motion, Ms. Aston, Mr. Dunay, and Chairman Briggs answered “yes” **Motion carried 3-0.**

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD OF ZONING APPEALS:

None

ADJOURNMENT

Chairman Briggs asked if there was any further business the Board should address. There being no further business, the meeting was adjourned.

Tara Baumgartner, Secretary

Ryan Briggs, Vice Chairman