

**MINUTES**  
**Planning and Zoning Commission & Architectural Board of Review**  
**City of Willoughby Hills, Ohio**

**November 6, 2014**

**CALL TO ORDER 7:00 P.M**

**PRESENT:** Chairman Charlotte Schryer, Vice Chairman John Lillich, Mayor Robert Weger, Council Representative David Fiebig, Joseph Zawatski, Christopher Smith and Jonathon Irvine

**ALSO PRESENT:** Building Commissioner Fred Wyss, BZA Representative Frank Cihula and Clerk Katherine Lloyd

Chairman Schryer added part of Chapter 1167 Protected Areas with portions highlighted which was distributed to the Board for the last item on the Agenda

**Correspondence:**

- Memo dated September 29, 2014 from City Engineer Pietro DiFranco to Building Commissioner Fred Wyss RE: 2398 Trailard Dr. – 10x10 Storage Shed in Side Yard
- Chapter 1167 Protected Areas Regulations, Sections 1167.01 through 1167.05
- Memo dated November 6, 2014 from Building Commissioner Fred Wyss to Planning Commission RE: Application for Protected Area Permit for Stephen and Patricia Grace to construct a 10x10 shed in their yard at 2395 Trailard Dr.

**Disposition of Minutes**

**Meeting of October 16, 2014**

**MOTION:** David Fiebig moved to accept the Minutes of October 16, 2014 with correction of minor typographical errors.  
Seconded by John Lillich  
Voice Vote: Ayes Unanimous  
**Motion Passes**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:04 P.M.**

No Public input

**Public Portion closed at 7:04 P.M.**

1.) Kit & Sally Stafford

Contractor: Kit Stafford

38681 Dodd's Landing - Addition - PPN: 31-A-009-M-00-008-0

Plans stamped received in Building Department 10/28/14

Plans reviewed by Building Department 10/30/14

Present: Kit Stafford (owner) and Kurt Kiss (brother-in-law & carpenter)

**Owner/Representative Comments**

- Photos of the existing house were distributed. Samples shown.

- They plan a one story master bedroom suite with bath addition to the side of the house.
- Clay colored vinyl siding will match the existing house. Front will have rough sawn, green colored stained cedar. Shingles will be weathered wood by Certainteed to match the existing.

**City Engineer's Comments (DiFranco):**

None

**Board Comments**

(Schryer) The windows on the house are brown in the back and different in the front. Will all the windows all the way around match the house? *They will be the same style Anderson windows. The existing wall in the rear will be moved out 5 feet.* The large window, the door and the window on the side will be new? *Correct.*

(Lillich) My compliments to the architect on the way he made the roof lines go together. *We are still working on the saddle.* Have them put ice guard all the way up. *We plan to. It is a beautiful house. We will match everything. The roofline going over the garage will be the same as the roofline at the ends of the house. Then we'll have the peaks in the center.*

(Schryer) It is very nicely done.

(Smith) It is great. You are matching all the way around. You are matching the brick on the foundation.

**MOTION:** John Lillich moved to approve the architectural plans for the Addition at 38681  
Dodd's Landing as submitted  
Seconded by Joseph Zawatski  
Voice Vote: Ayes Unanimous  
**Motion Passes 7/0**

2.) Michael Makarich

Contractor: Michael Makarich

2581 River Rd. – Pole Barn - PPN: 31-A-011-0-00-007-0

Plans stamped received in Building Department 10/29/14

Plans reviewed by Building Department 10/30/14

**Present:** Michael Makarish (owner) and Michael Robert Makarish (son)

(Wyss) Quick explanation of the calculation sheet in the packet is needed. The program in our computers runs the calculation for Accessory buildings based on 600 square feet. We added the 360 to the 960. It permits 1156.02. His Pole Barn as presented is allowed but he has a 320 square foot accessory building already on the property. He will need to get a variance or tear down the existing accessory building or make the new building 320 square feet smaller.

**Owner/Representative Comments**

- They distributed two sets of pictures with a representative barn superimposed on the property plus pictures of the house and property without the barn and pictures of the next door neighbor's barn to the south.
- Building will be 24x48 with height of 12 feet.
- There will be 10 x 16 foot roll up doors on the east & west ends of building.
- It will have pole barn construction with cantilevered wood trusses
- Siding will be red vinyl. It will be trimmed in white with black sheathings.
- There will be no electrical or plumbing: it is a storage building.

**City Engineer's Comments (DiFranco):**

None

**Board Comments**

(Lillich) Will the red vinyl siding be horizontal or vertical? *Horizontal.*

(Schryer) What about the windows and the trim? *They are single pane divided as shown with a 1-2 inch trim.*

(Smith) Will you do any type of work in there? *Storage, I might use it for woodworking in the future. The existing shed may come down eventually but it is not planned within the next year.*

(Schryer) Does that mean you would make this building? I would ask the City to grant a variance to allow the building as planned

(Lillich) This Board cannot grant a variance. You would need to go to the BZA.

(Schryer) This Board approves the building but we need to know that it will fit zoning.

(Wyss) He could get a conditional approval. I would not give a permit unless he tears down the existing shed or makes the intended barn smaller.

(Fiebig) If you plan a woodworking shop, you would need electrical service? *It is not in the budget right now. If you did, would you run underground? Yes. Do you have enough space in the panel in the house? Yes. Red is a traditional barn color. This 'jumps' off the page. It is a rendering. I 'photo shopped' in a picture that I found on the internet that most closely resembled my intent. The shade of red might be a little different. Is the house brick? Yes. It is a brown brick. I feel that we should include electrical at least for lighting? I do not have the budget. Right now I want to get the structure up. I am a structural engineer by profession.*

(Smith) Since you plan to use horizontal siding, would you consider using brown or earth tone color? If you used red, people usually use T-111 vertical siding. *I was using the barn next door as a guide. It looked like they used horizontal. It is a dark red. Would try to match that color? I am open.*

You would not get the aesthetic. Horizontal siding is more residential. The barn would 'read' as a bright red outbuilding building. That's why I would encourage you to consider a darker brown. The neighbor's barn actually looks like a carriage style home. *They had horses in there in 1976. Its aesthetic 'reads' like a carriage style home.*

(Lillich) The barn will be very visible from the street. *It is just a picture to show the intent.*

(Schryer) It could blend with earth tones of the house which has also has white trim.

(Smith) The neighbor's barn looks very ornate and very nicely detailed.

(Lillich) It may look like a commercial building.

(Schryer) You could come back next meeting with colors and more details. *I just engaged the contractor.*

(Wyss) If he chooses to go for a variance, the earliest would be the following one.

(Cihula) The next BZA meeting will be December 9<sup>th</sup>. Deadline to apply is November 18<sup>th</sup> because of Thanksgiving.

(Lillich) Anything we did tonight would have to be pending the BZA decision. You will have time for determining a compatible color to present to this Board.

(Schryer) We could just postpone it.

(Smith) I would rather see it postponed. 1156 square feet is as big as a house. We require homes to have a certain aesthetic to them. I would like to see more definition on the detail and a decision on the color. I recommend a postponement.

(Fiebig) I concur with that.

**MOTION:** John Lillich moved to postpone the decision on the Pole Barn at 2581 River Rd. until the applicant is ready to return at his discretion.

Seconded by Christopher Smith

Voice Vote: Ayes Unanimous

**Motion Passes 7/0**

**PLANNING COMMISSION**

**Public Portion opened at 7:35 P.M.**

No Public input

**Public Portion closed at 7:35 P.M.**

1.) Stephen & Patricia Grace

Contractor: Same

**2398 Trailard Dr. – Protected Area Permit – PPN: 31-A-010-C-04-011-0**

Plans stamped received in Building Department 10/16/14

Plans reviewed by Building Department 11/3/14

**Present:** Stephen & Patricia A. Grace

(Schryer) The applicant will be going to BZA for placement of the shed in the Protected Area. We have a Memo from the City Engineer with his recommendations. The Building Commissioner will provide more details. The section from Chapter 1167 in the Code from Chairman Schryer explains Protected Area and waiving this. They really wanted a 10x12 foot shed but that put them out of their range.

**Owner/Representative Comments**

None

**City Engineer's Comments (DiFranco):**

Memo dated September 29, 2014 from City Engineer Pietro DiFranco to Building Commissioner Fred Wyss RE: 2398 Trailard Dr. – Storage Shed in Side Yard

**Building Commissioner's Comments (Wvss):**

- This is a large undertaking when you first need to get through Chapter 1167. We worked backwards because the whole impetus of 1167 in this regard is that it is in the flood plain. 100% of the Trailard area is protected.
- We considered it from the FEMA standards and flood plain standards with the thought that if it would pass FEMA standard, it would also pass flood plain standards.
- The City Engineer concurred.
- FEMA has a guidance memo printed in 1993 for 'small, insignificant development in a flood way of the Chagrin River'. It specifically says that a 10x10, 100-square foot shed, anchored according to flood zone guidelines for any accessory building with flood openings, can be considered an 'insignificant structure to be built'.
- The original guidance is that whenever you build anything in a flood zone, if you can put it in the 'conveyance shadow' of an existing building that protects it even more.
- Email was sent to Christopher Thoms, ODNR asking whether placing the shed in the conveyance shadow would allow the additional 20 square feet. His response: You cannot go backwards because FEMA guidance is a higher standard for flood plain management, not the actual standard itself. You would typically put a structure in a conveyance shadow. Their guidance holds that the structure should be 100 square feet.
- The Graces agreed to lower the square footage of the shed to 100 square feet.
- We determined that placing the shed within the shadow of the Graces' home would provide a larger shadow than putting it in the shadow of their neighbor's existing garage. They would need a variance for either location because the only viable place to build it is within 3 feet of the side lot line.

- They are applying for a variance.
- There was concern about whether they would also be requesting a variance from the Protected Areas Ordinance. Since the Building Commissioner and the City Engineer have both advised that the Planning Commission waive the requirements of 1167, they would not need a variance for that.
- If the 1167 provisions are waived, it [the waiver] would not even need to be conditional on the BZA variance.
- Memo from Building Commissioner dated November 6, 2014 discusses additional details.

#### **Board Comments**

(Schryer) As it was explained to me, it is almost as though BZA could not do their job until Planning Commission waives Chapter 1167 Protected Area.

**MOTION:** John Lillich moved to waive requirements for the Protected Area Permit Chapter 1167 of the Codified Ordinances of Willoughby Hills at 2398 Trailard Dr. so the owners can proceed to the Board of Building and Zoning Appeals (BZA) for a variance.  
Seconded by David Fiebig

#### **Discussion:**

(Fiebig) I want to thank everyone involved for the thorough review. It was quite a bit of work. Further, if there are provisions in the Ordinance that are difficult or need to be looked at, make a suggestion for Council review.

Voice Vote: Ayes Unanimous

**Motion Passes 7/0**

#### **UNFINISHED BUSINESS**

None

#### **NEW BUSINESS**

None

#### **MAYOR'S REPORT**

- We have a new superintendent in the Service Department. His name is Mark Grubiss. He is a City resident. Please welcome him.
- Clover is making progress. They have their plumber and sewer lines are being dug.
- There is interest in the other property zoned SCR at Bishop and Rt. 90.

#### **COUNCIL REPRESENTATIVE'S REPORT (Fiebig)**

- Ordinance 2014-62 Addresses did pass Council. Thank you for all the work done on it and thank you for approving it.
- The Road Levy passed.

#### **BUILDING COMMISSIONER'S REPORT**

- We have another elevated house coming. A gentleman who owns a property on Trailard was granted a variance for his septic tank by Lake County. Last week I told you about the new law, 3701-29-06 [Effective 1/1/2015] General Provisions and Prohibitions with no septic permitted in the floodway. The State did tell Laura Kunz that she could issue a variance. He secured a variance from them. He is working with an engineer to get the house sited. The same FEMA guidance discussed today allows for a house left 90% open. If it satisfies H&H, he would get a Permit and the house would be reviewed for Architectural.
- The Chagrin North Buildings 1, 2, 7 & 8 were foreclosed upon again. They are up for sale. There is a developer interested in Buildings 1 & 2 next to Clover. They are clarifying zoning questions.

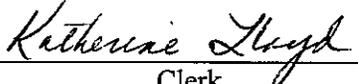
There is a possibility of retail and food on the 1<sup>st</sup> floor. One or more apartments upstairs are under discussion. It could be a good synergy with the Clover apartment building.

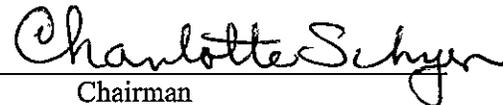
**CHAIRMAN'S REPORT**

None

**MOTION:** David Fiebig moved to adjourn.  
Seconded by John Lillich  
Voice Vote: Ayes Unanimous  
**Motion Passes 7/0**

**Adjourned at 7:55 P.M.**

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman

Date Approved 1-15-2015