

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

April 3, 2014

CALL TO ORDER 7:00 P.M

PRESENT: Chairman Charlotte Schryer, Vice Chairman John Lillich, Mayor Robert Weger, Council Representative John Plecnik, John Davis, Joseph Zawatski and Christopher Smith

ALSO PRESENT: Commissioner Fred Wyss, City Engineer Pietro DiFranco, BZA Representative Frank Cihula, Economic Development Steve Roszczyk and Clerk Katherine Lloyd

Correspondence:

- Email dated 3/31/14 from Daniel Lark, Lake County General Health District RE: 2390 Pine Valley
- Email dated 3/31/14 from Chairman Schryer re: Zoning Code Review.
- Email dated 3/26/14 from Fred Wyss, WH Building Commissioner RE: Cross Access placed in 1137.06

Disposition of Minutes Meeting of March 20, 2014

MOTION: John Lillich moved to accept the Minutes of March 20, 2014 as presented.
Seconded by Joseph Zawatski

Discussion:

Chairman Schryer noted a correction at the bottom of page 1. "Chardon Road" will be corrected to read "Bishop Road".

Voice Vote: 5 Ayes and 2 Abstentions (Weger, Fiebig)

Motion Passes 5/0

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:04 P.M.

No public input.

Public Portion closed at 7:04 P.M.

1. Wendy Luck

Contractor: JM Designs

2390 Pine Valley Drive – Exterior Covered Patio - PPN: 31-A-017-D-00-035-0

Plans stamped received in Building Department 3/27/14

Plans reviewed by Building Department 3/27/14

Present: Jerry Salupo, JM Designs

(Schryer) The letter in the packet clarifies the question of whether they had a permit to move the septic system. They did have a permit.

Owner/Representative Comments:

- Proposal is to put a rear extension on the house which will be a patio with a roof. It will have decorative columns to match the house.
- Roof area is approximately 30 x 30 feet. Patio area is about 40 x 35 feet. The columns, stone and siding will match the existing house. Pictures of the Existing house were distributed.
- Roof will have dimensional, driftwood color shingles to match the house which is about 6-7 years old.
- The cultured stone at base of columns will match the stone on the front of the house. Columns will be framed with azak in a prairie look.
- Siding around the soffit will be clay colored with white trim to match the house.

(Smith) I have a question about the pitch of the roof. Usually with asphalt shingles you do a 4:12 pitch or less. Even with the whole roof done with ice guard, it is still less than a 2:12 pitch. Will the shingle company warranty their shingles? *We have already discussed that. It has 100% ice guard and exposure to the weather. It should not be an issue. We are matching the same pitch coming off the gables. Not on the back side. It is 1 ¾ pitch. I have never seen a shingle company that will warranty under 2:12. You should check on that and make sure the homeowner is aware. This is what the homeowner wanted.*

City Engineer's Comments (DiFranco):

No comments.

Board Comments

(Fiebig) Is there a gutter on the front? Splash block? *There is gutter on all three sides. We will put splash blocks out there.*

MOTION: David Fiebig moved to approve the Exterior Covered Patio at 2390 Pine Valley Drive as submitted.
Seconded by John Lillich
Voice Vote: Ayes Unanimous
Motion Passes 7/0

PLANNING COMMISSION

Public Portion opened at 7:13 P.M.

No public input.

Public Portion closed at 7:13 P.M.

No Pending Projects

ZONING CODE REVIEW

Public Portion opened at 7:13 P.M.

No public input.

Public Portion closed at 7:13 P.M.

1.) Cross Access Connection 1137.06; a vote to add this to the Zoning Code and to send it to Council.

Since last meeting we have worked on this document. It has been fitted into 1137. We removed things like typos, repetitions and the quotation marks from 40 feet. The 'where as' format is now in the first paragraph. We will clarify with the City Attorney what "Public Notification Notice of Affidavit" means. Is that terminology appropriate for this jurisdiction? The last two pages have the Cross Reference listings in Section 1153.07 and Section 1153.11. In #3, "required" was changed to "recommended". In #6, the "first zoning certificate" was changed to "final site approval". In that same paragraph, the phrase, "first certificate of use occupancy" was changed to "insurance commercial certificate of zoning. In #7, "plat" was changed to "deed restriction".

(Lillich) I think everything is there that we have discussed. The flexibility for planning is written into it.

(Fiebig) The word "Cross Access" needs to be written consistently throughout the document. We should take out the hyphen. On the last page in the blue highlighted part, there are some extra words. They are not necessary.

(Wyss) Because this is a document, we should capitalize "Easement" in #7 so it reads "Cross Access Easement".

(Schryer) Those corrections will be made. If members of the audience want to read it, it is in the blue Public Book.

MOTION: John Lillich moved to approve the Cross Access Connections 1137.06 as corrected this evening and as added to the Zoning Code and send it to City Council for their review.
Seconded by Christopher Smith
Voice Vote: Ayes Unanimous
Motion Passes 7/0

2.) 1133.04 Setback Requirements; a vote to update language and send to Council.

This is a correction from "buildings" to "dwellings".

(Fiebig) Can we clarify where this came from?

(Wyss) It was brought to my attention during an issue about variances that this was always intended to mean the dwelling itself, not the garages that was precedent for setback. There are two verbiages in the Code itself. It should be consistent

MOTION: John Lillich moved to approve verbiages changes to Section 1133.04 Setback Requirements and send it to City Council.
Seconded by Mayor Weger
Voice Vote: Ayes Unanimous
Motion Passes 7/0

3.) 1345.01 to 1345.99 Number Plan; to accept updates and send to Council.

There were several comments that came back from Council. I think there was confusion between the two paragraphs which discuss buildings (1345.03) and mailboxes (1345.04). I consider 1345.03 and 1345.04 to be a safety issue. 1345.03 A building needs to have building numbers on it. This section has been updated for the requirements as of today. 4-inch Building Numbers is the current standard in

the International Property Maintenance Code. All future houses will have a house number because it is a requirement of Section 319 of the Ohio Residential Code. There is a correction on the last line: "halve" will be changed to "half". 1345.04 States that the mailbox needs letters and numbers on both sides. It does not say what size. We are not telling people what size to use. There is better visibility with the mailbox than the post. It should be on both sides for people coming from opposite directions. Mailboxes are different sizes which affects size of letters. Measuring from and definition of the "street line" was discussed. Changing the definition to 'pavement edge' was suggested. Pavement is obvious to everyone. Decision to leave it unchanged. 1345.05 This a correction regarding duties. The Clerk of Council used to do all this. Now the Clerk does one item and the Building Commissioner does the rest. There is one additional change. In this section, numbers are assigned by the "Building Commissioner". Down further, he is referred to as "Inspector of Buildings". That will be changed to "Building Commissioner".

This was already sent to Council once [Sent March 22, 2011]. It has been waiting for additional business to schedule a hearing.

MOTION: Christopher Smith moved to send Sections 1345.01, 1345.02, 1345.03, 1345.04, 1345.05 and 1345.06 to City Council as amended.
Seconded by Mayor Weger
Voice Vote: Ayes Unanimous
Motion Passes 7/0

4.) 1133.11 (c) (6) Electric Fence; an up or down vote to accept Electric Fence.

Everyone has the information provided by the Building Commissioner and all the other study materials. Nothing has been written up until the Board reached a decision on whether we want to make a change.

(Lillich) No issues have been reported to the Building Commissioner. It seems to working the way it is. I think we should leave it the way it is.

MOTION: Mayor Weger moved to adopt **1133.11 (c) (6) Electric Fence.**
Seconded by John Lillich
Voice Vote: 6 Nays and 1 Aye
Motion declined 6/1

MOTION: Mayor Weger moved to reconsider the vote.
Seconded by John Lillich
Voice Vote: Nays Unanimous
Motion declined 7/0

5.) A vote to continue working on Animal Husbandry and other animal business issues and add to the Code as a conditional use.

There had been a suggestion that we work on it because there have questions about chickens and livestock. Whenever there are calls, the Building Commissioner has an email to send out that deals with all the issues. We have ordinances like 'Animals running at large', noise and shed. We do not have to vote on this unless we plan to continue.

There was no motion to continue.

6.) A vote to continue working on an Overlay District for the City.

Consensus was to continue working on it. Need a 'game plan' for future. Plan is to put together an outline. Several members volunteered to do research. It is for areas that make sense demographically or geographically to allow other uses. All would be considered on an individual basis on their own merits.

MOTION: John Lillich moved to continue working on Overlay Districts for the City.
Seconded by Joseph Zawatski
Voice Vote: Ayes Unanimous
Motion Passes 7/0

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

- Pre-sale inspections of homes. I want to propose presale inspection of the sewers, septic and culverts. We are seeing increasing failure of sewers and septic systems. There is infiltration into the sewer system. It is very important that we monitor them and keep up with them. I plan to ask Council to work on criteria, like a sewer test, dye test. It would be a safeguard for new people coming into the City
- School [old Eaton property]. We had a meeting at the school. It was well presented. The inside of the school is well kept. The school system has purchased the property for \$3.8 million which included all the technology and furniture. There is a lot of space to grow into. In the 2015-16 school year, they will start with the 3rd through 5th grades. They plan to add one grade per year after that. It will be good for our residents to have a school. School systems are installing a radio system which connects to all the dispatchers in the county. That system is being installed in the Willoughby Hills dispatch. WH will get notices from whole county if there a shooting.

(Fiebig) This is still a magnet school? *Yes, it is a magnet/stem school for the whole Willoughby-Eastlake area. It is a school in our locality. Do we know yet who the other tenants might be in the building? There was talk but right now it is just the school.*

COUNCIL REPRESENTATIVE'S REPORT

No Report

BUILDING COMMISSIONER'S REPORT

- Clover Development handed in a check for over \$244,000 to the Legal Department yesterday for their sewer tap-in fees. They also paid the \$56,500 for Recreational Impact fee. We have three complete sets of plans to review. The City Engineer has them. Clover Development is moving forward.
- Sewer Inspections. The Building Department clerk is researching Wickliffe occupancy permits. The zoning occupancy permit is about \$40. They have a separate dye test fee (\$275). We could charge \$250, similar to our regular inspection fees. Fee could be based on whether it is a septic or 'sewered' property. We would look for infiltration of the sewers and manholes. We would also inspect to be certain that houses have not illicitly connected to the sewers. Some people have connected sump pumps and downspouts to the sanitary. Sometimes unpermitted work has connected to the wrong pipe.

- Rental Inspections. The City has many rental properties. Currently, the Zoning Administrator has access through the Building Ordinance to inspect properties that have 3 or more units. There is a fee.
(Lillich) Yesterday the Supreme Court ruled that City inspection of single-house rental properties is not legal. I believe the case was from the Dayton area.
(Wyss) There are many jurisdictions in NE Ohio have very strict rules and licensing.
- Green Shamrock Builders. A preliminary plan for a new subdivision was passed out. Green Shamrock Builders is working with Mr. Riggins on Dodd Road to purchase his 32 acres and develop 11 lots. City plans to relocate the pavement on Dodd Road should not affect this very much because there is a lot of right of way.
(Lillich) I am disappointed because there was hope that the 52 acres owned by the Riggins could have been a prime area for Conservation Development when it went up. Piecemeal of part of the 52 acre property could lead to another development. *We have had conversations about this. If homes are clustered together, something needs to be done for septic or sewer. He did mention that the family wanted to keep the remaining acres with orchards that still produce. There are other lots owned by family members that have not been built on.* There is a gas well is located in the middle of a lot. Should there be a maximum of 50-foot to each lot line? *There is no minimum restriction for building a new house next to an existing gas well. I checked with ODNR. The only thing would be if there was a restriction in the original agreement when the well was built. That well is not producing.* So things will not be 500 feet apart.

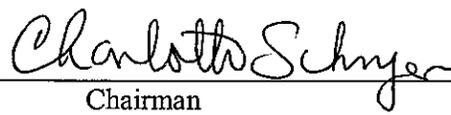
CHAIRMAN'S REPORT

John Lillich will chair the April 17, 2014 meeting.

MOTION: John Lillich moved to adjourn.
Seconded by Mayor Weger
Voice Vote: Ayes Unanimous
Motion Passes 7/0

Adjourned at 8:06 P.M.


Clerk


Chairman

Date Approved 4/17/2014