

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

**September 18, 2014**

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

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

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

**ABSENT:** Mayor Robert Weger

**MOTION:** David Fiebig moved to excuse the absence of Mayor Weger for tonight's meeting.  
Seconded by John Lillich  
Voice Vote: Ayes Unanimous  
**Motion Passes 6/0**

**Correspondence:**

- Memo dated September 11, 2014 from Building Commissioner Wyss RE: Work Session for New Proposed Conservation Development PPN: 31-A-005-G-00-031-0
- Memo dated September 11, 2014 from Assistant City Engineer Collins RE: New Single Family Home- 2528 Maple Hill Rd.
- Memo dated September 11, 2014 from Polaris Engineering RE: Concept Plan for Conservation Development – S.O.M. Center Rd.

**Disposition of Minutes Meeting of September 4, 2014**

**MOTION:** Christopher Smith moved to accept the Minutes of September 4, 2014 as presented.  
Seconded by David Fiebig  
Voice Vote: 5 Ayes and 1 Abstention (Lillich)  
**Motion Passes**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:05 P.M.**

No Public input

**Public Portion closed at 7:05 P.M.**

1. Lindy Ritchie

Contractor: Anthony Nero

**29205 White Rd – Garage Addition - PPN: 31-A-007-F-00-003-0**

Plans stamped received in Building Department 9/5/14

Plans reviewed by Building Department 9/5/14

Present: Anthony J. Nero

**Owner/Representative Comments:**

- The detailed drawing requested at the September 4, 2014 meeting was submitted. Details listed.
- On the side view, the large window has been changed to two new windows.
- Samples or descriptions provided:
  - Brick
  - Darker beige for siding, medium beige for trim, light beige for soffits and gutters,
  - Lamps for either side of garage and front door.
  - Shingles will be weathered wood. Whole roof will be done with the addition so everything matches.

**City Engineer's Comments:**

None

**Board Comments**

(Schryer) There is a line drawn through the garage door on the drawing. *Garage doors will have four panels and four windows up top.*

(Smith) Thank for re-doing the drawing and bringing it back with samples.

**MOTION:** David Fiebig moved to approve the plans for the Garage Addition at 29205 White Rd. As submitted.  
Seconded by Christopher Smith  
Voice Vote: Ayes Unanimous  
**Motion Passes 6/0**

2. Michael & Cynthia Gressley  
Contractor: L.H.I Construction, Inc  
**2508 Dodd Rd. – Garage Addition- PPN: 31-A-010-F-00-004-0**  
Plans stamped received in Building Department 8/29/14  
Plans reviewed by Building Department 9/9/14

Present: J.P. Leyda (L.H.I. Construction, Inc)

**Owner/Representative Comments:**

- 432 sq. foot garage bay will be added to the existing garage.
- Photographs of the house were circulated.
- Cupola on top will not be included.
- Siding will match the existing white double-four siding on the house.
- It will have black onyx shingles.
- Windows are white vinyl.
- House is aluminum clad wrapped

**City Engineer's Comments:**

None

**Board Comments**

(Lillich) What is the siding on the existing garage? *It is old wood siding which will be redone with vinyl.*

(Schryer) Does the garage addition have windows or just the man-door? *There are two windows on the existing garage. There will be two new windows on the left elevation of the addition.*

(Smith) What color are the shutters? *Black.*

(Fiebig) There will be two new window and two old-style windows? *We will change out the old windows. There will be four new windows.*

(Schryer) The windows will match the windows on the house? *Yes, the windows on the house are newer. The ones on the existing building are old.*

**MOTION:** John Lillich moved to approve the Garage Addition at 2508 Dodd Rd. as presented.  
Seconded by Joseph Zawatski  
Voice Vote: Ayes Unanimous  
**Motion Passes 6/0**

3. Jeremy & Jacqueline Pfadt

Contractor: Enzoco Custom Homes LLC

**2528 Maple Hill Rd – New Home - PPN: 31-A-012-H-00-015-0**

Plans stamped received in Building Department 9/10/14

Plans reviewed by Building Department 9/10/14

Plans received City Engineer 9/11/14

Plans reviewed by City Engineer 9/11/14

Present: Joe Profeto (Enzoco Homes), Jeremy & Jacqueline Pfadt (owners) in audience.

**Owner/Representative Comments:**

- This new home will be a duplicate of a model home that we already built. Picture circulated to show the colors used. Picture is the reverse of the architectural drawing.
- Septic Approval received. It took 3 ½ weeks due to the fire [at the Health Dept. in Painesville]
- Lake County Soil & Water is under review. Prints were taken there once Septic finished.
- NOI will be mailed in. *(Wyss) We will need a copy.*
- Samples explained
  - ProStone- Vintage wine is the color. We will use actual ledge stone pieces. The ‘easy-fit’ sample here is just to show the color
  - Weathered wood color dimensional shingles by LandMark
  - It will have Tuscan Clay colored shake and vinyl siding, It is a newer product with more realistic look. *(Smith) Is it fluid-applied? I think it is. We have had no fading.*

**City Engineer’s Comments:**

Memo dated September 11, 2014 from Assistant City Engineer Collins RE: New Single Family Home- 2528 Maple Hill Rd.

**Board Comments**

(Schryer) There is nice trim on the windows with white soffits on one side of the house, but none of the windows on the other side are trimmed out. We ask that all the windows be trimmed all the way around. *All around the house, including in the back?*

(Lillich) We ask that all new construction have 4-inch trim on all windows or shutters. *The windows we will use have a pre-applied 3-4 inch trim band around the windows. It is less maintenance. Would that be okay? Yes.*

(Lillich) We also ask that the stone be wrapped 18-24 inches around the corners. *Okay. There are notes on the plans?*

(Schryer) The Building Commissioner made some notes on the plans. Wrapping the stone makes a nice finish. *I would need to be careful by the garage but it will look finished.*

(Smith) Wrapping gives a 3-dimensionality to it.

There is a stone water table band all around the building with vinyl siding above it. But then you have stone above the siding. Stone seems very heavy above the vinyl. Putting shake siding at the top would have a 'lighter' feel. *We did the same thing on the model home*

(Lillich) The prints do not show it but I assume that you are using cultured stone above grade on the foundation all the way around? *Yes. Okay.*

(Fiebig) It is a great drawing but there are no shutters on the middle window in the dormer. *The picture is not the same house.* There is a white border above each window on drawing but not in the picture of house. *(Profeto) The picture was solely for the colors.*

*(Mrs. Pfadt) We want stone on the top rather than the shake. The big front porch balances it.*

*(Profeto) There is a full front porch going all the way across. We have two different fields rather than bring stone down and having the stone line cut off. We have sold this house five times already.*

(Lillich) The drawing does not accentuate it the way the picture does.

(Profeto) Is it okay with the Board to stick with the stone on the top?

(Smith) It is the homeowner's choice. I think it looks top heavy.

**MOTION:** David Fiebig moved to approve the plans for the New Home at 2528 Maple Hill Rd. as submitted contingent upon wrapping the stone 18-24 inches around the corners; windows to be trimmed at least 3-inch trim on the windows all the way around the house, and upon the final of approval of the City Engineer on items 1a and 1c - the Lake County Soil & Water approval letter and the Ohio EPA's NOI (Notice of Intent) acknowledgement.

Seconded by John Lillich

Voice Vote: Ayes Unanimous

**Motion Passes 6/0**

#### 4. William McCrone

Contractor: Conor Services, Inc.

**36880 Skyline Drive – Addition - PPN: 31-A-009-H-00-017-0**

Plans stamped received in Building Department 9/10/14

Plans reviewed by Building Department 9/11/14

Present: Kevin McCrone

#### **Owner/Representative Comments:**

- Photographs of existing home shown. Samples explained.
- All materials will match the existing. Weathered Wood color roof is by CertainTeed. Siding is double four Dutch lap.
- The windows are by Simonton; all have transoms. They are 6-7 years old. There will be transoms above the patio doors to match windows in the house.

#### **City Engineer's Comments:**

None

#### **Board Comments**

(Schryer) Are you putting in a patio or having steps down? *No, it is not on the plan. We are taking one out. They are putting one in. We will put in temporary steps or rail across doors for safety.*

(Smith) It looks like there are two different kinds of windows in the existing home.

*The large units are old. The picture window in the kitchen is coming out; it is part of the addition.*

So the new will match. *Yes*

(Schryer) I like the way the transoms match the rest. *It took many tries to get that look*

(Fiebig) A notation on the drawing says 'See'. Should it say Seed'? *Yes*. The drawing also says, 'reconfigure drains for downspouts'. Will they be on splash blocks? *Yes*. Where does the water in the gutter go? *It will come out further than the addition. The addition roof will have more of a pitch. The valleys will drain to the gutter.*

**MOTION:** John Lillich moved to approve the planned **Addition at 36880 Skyline Drive** as submitted.  
Seconded by Christopher Smith  
Voice Vote: Ayes Unanimous  
**Motion Passes 6/0**

### **PLANNING COMMISSION**

**Public Portion opened at 7:45 P.M.**

No Public Input

**Public Portion closed at 7:45 P.M.**

No Pending Business

### **WORK SESSION**

1. John Calabrese

Contractor: TBD

**SOM Center Subdivision – Subdivision-Conservation Development -**

**PPN: 31-A-005-G-00-031-0**

Plans stamped received in Building Department 9/11/14

Plans reviewed by Building Department 9/11/14

Present: Joe Svete (attorney), John Calabrese (owner) and Chuck Szucs (Polaris Engineering)

(Schryer) Public Portion will be after the presentation. This is a Work Session. Nothing that is discussed during this discussion period can be construed as approval or disapproval. It is a roundtable with no final bearing on plans that are coming in.

#### **Owner/Representative Comments:**

- Mr. John Calabrese, a resident of Willoughby Hills, proposes development of the 21 1/2 acre parcel that adjoins his property into 28 residential, fee simple lots as a 'Conservation Development'.
- A Conservation Development would permit a certain density. It saves on the infrastructure and would provide more open space. This development would have walking trails and a pond. It would be unique and beautiful and an asset to the community.
- The Concept Plan of the proposed subdivision presented here has been discussed and revised during several meetings with the Zoning Administrator, Fred Wyss. [See Polaris memo, 9/11/14]. We would like to discuss our proposal and would like to hear the Board's thoughts, suggestions, changes, modifications.
- We originally considered spreading across the entire property following 1-acre zoning but then thought to have open space under the conservation zoning.
- There are sanitary sewers at both ends. We hope to use the one at Rt. 91. No full plan yet.

- There is a stream running through with an existing pond which will be enhanced with an additional pond to help with water quality and detention issues and flooding on adjoining properties. The additional pond will help abate the flooding issue.
- Mr. Calabrese is willing to donate his 2.9 acres on the west side of the freeway that can be used by the City as a conservation property and also to be used as a site for flood prevention and drainage detention ponds, or whatever the City would want.
- In this development, there would be deed restrictions with minimum square footage (1500 sq. ft.) and an Architectural Review Board to ensure that the City would be proud of the architecture
- We meet or exceed the City's Conservation Zoning. Table of data provided in the upper left corner of the concept plan.
- The plan shows 28 lots on 21 ½ acres utilizing the .85 density requirement.
- I may be misreading it, but zoning allows one unit per acres. On 21 acres, we could put 21 homes on this property. But zoning says you only need to use .85, so the number of units would be greater than 21. It is subject to two different interpretations.
- The property already has a natural buffer of trees and vegetation to the north and south on both sides
- The trend is toward smaller lots with less yard to maintain.
- This property has both City Water and Sewers which would permit greater density and clustered Conservation Development.
- Section 1143.01 Conservation Development allows for economic and efficient use of the land and services. It allows flexible spacing to preserve the existing landscape and natural environment.

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

- Memo dated September 11, 2014 from Building Commissioner Wyss RE: Work Session for New Proposed Conservation Development PPN: 31-A-005-G-00-031-0.
- (Wyss) There is a major stream that goes to Rosewood Trail, then to Sublot 19 on Fowler Drive, then through the Rt. 271 culvert and contributes to further flooding in Lamplight. It is a direct connection to Euclid Creek that runs through Lamplight.
- (Wyss) There is another creek running through the rear that is perpendicular. Is it a 'dry' creek? (Calabrese) *It is a swale created by drainage from septic tank run-off from neighbors.*
- (Wyss) Conservation Development calls for .85 units per acre that would be rounded up, per the Code, to 18 units. They are requesting 28 units, which would be 10 units more than the Conservation District allows. This is beyond Equivalency. BZA could review it as a variance.
- (Wyss) Zoning allows one house per acre. In the Conservation District, you are allowed to develop more units per acre by 'clustering'. In order to put more houses per acre, the Conservation District has a 'penalty' for not developing as much of the acreage. A developer can only put .85 units per the total acreage they have for the total development including all the lands that are combined together. You can combine properties owned by other people as long as they are submitted together.
- (Wyss) They have included an additional buffer space of 30 feet on the Marcum side. Code calls for 25 feet buffer. In addition to that, there is a large green space on the south side of the roadway in the center which provides more buffer for the roadways.

**Board Comments**

(Fiebig) Historically, people have moved to Willoughby Hills for one-acre zoning, more open space and less density. That is why the Code is in place. We need to determine what kind of City that we want. This would be a variance from the Code as written. There is the option of having this put on the ballot for residents to vote on it.

(Lillich) Conservation Development was formerly known as 'cluster housing'. That type of development has been used effectively in Vermont to allow vistas and scenic valleys. The last Master Plan Review (2006) was the first time that it appeared in print as a tool to be used by the Planning Commission to maintain a sensitive areas or scenic value. I do not see a reason to apply that tool in this situation. I am concerned about the need to accommodate the natural waterway and water flow in the larger area. That is an engineering problem.

(Smith) Larger lots and few homes would be better for conservation. Even with one acre lots, the stream must be considered in development plan. That is the intent of the Code, not putting more homes on a parcel.

(Lillich) They are requesting 28 units on the parcel.

(Schryer) This plan is the closest to actually meeting the Code. It is still too many.

(Wyss) The narrowness of the parcel makes a fee simple arrangement of 4 units per acre block difficult. You still need a road, a road right of way and various setbacks. They are suggesting a linear configuration of 3 units per acre.

(Fiebig) We can include the three acres on the other side of the freeway? (Wyss) It is the same parcel.

(Cihula) The parcel numbers were never changed after the freeway went through.

(Svete) If Mr. Calabrese is restricted to 18 lots with all the infrastructure -necessary (roads, sewer, water), this would not be a viable project. We need to make a plan that is good for the City and the landowner.

(Zawatski) I am frequently asked about keeping the one-acre zoning. The proposed density is too much.

(Svete) These homes are a minimum of 1500 square feet. They would enhance the property value. We are focusing on 'empty nesters'.

(Schryer) When we did the Code, there was much discussion about how many houses would be on an acre. During Public Hearings, the Conservation District concept was explained to the public.

(Irvine) Do you have a plan for how the Green Space will be preserved? *Part of it will be used for walking trails with ponds. There will be some passive and active usage of this property.* Have you considered a tree study with a description of how it be integrated into the design? *We would consider it but we already have a significant buffer of over 30 feet in most places which would be left untouched in a natural state.*

(Fiebig) The creek that runs alongside the pond would cross the proposed road? *Correct.* You would need to go above that. I like some of the aspects of the plan for detention of water and create an ease for downstream. Have you considered the engineering for that roadway? *That would be more expense. The main thing is resolving the density issue.*

(Lillich) When you factor in the amount of land covered up by the roofs, road and driveways, the detention basin may not be enough. That stream feeds to Lamplight.

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

- The way I read it, the intent of the Conservation Code is not to squeeze more lots onto a parcel of land. That is stated in 1123.01(b).
- For clarification, the 1-acre zoning is a minimum lot size requirement. It is not a density requirement.
- When considering this 21 ½ acre site, we need to subtract the 3 acres (2.9) that are inaccessible on the west side of Rt. 271. You can't get there; so you can't build there. Then we need to subtract 2 acres for the street Right of Way (ROW). Then we also need to subtract about 3-4 acres for the 'sensitive areas'. Looking at the County website, there are a couple wetlands on the property as well as the pond. That leaves 12-13 acres for buildable lots. That would be 12-13 one-acre lots.
- Conservation Development is a great idea. But the intent is to keep the same number of lots.
- We are not comparing 28 units to 18 units. We are comparing 28 units to 12-13 units.

- If this was a single-family development, it would only be 12 or 13 buildable acres for 1-acre lots.

(Schryer) I would like a Conservation District in here. We worked hard to get the Conservation but we also worked hard to keep the density that the public wants. We do not want it to look like a foreign object in the middle of all of this. How this proceeds will be up to the developers, the City Law Director and the BZA.

(Lillich) I do understand the financial aspects. While I am sympathetic, I am also sympathetic to the existing Code and the neighborhood that exists. If this goes to Public Hearing, I know the neighbors will express concerns about property values.

*(Calabrese) Where is the 'wetland'? (DiFranco) The County website shows wetland area on the back where the open space is proposed. (Calabrese) When they did the survey for the sewer, they declared it a 'wetland' because everyone's sewage was dumping on my land. Now, the land is dry. I do not think I have any wetland on my land.*

(Lillich) Wetlands can be perfectly dry. A soil scientist would need to take soil samples and look at the vegetation to determine if it is a wetland. *(Calabrese) It was my intention to do something with my land that would benefit me and the City.*

*(Svete) Let's see what we can do. We appreciate knowing where we stand and what the Board would be interested in. I hope we can compromise on the number of lots.*

**The applicants left the meeting.**

**Public Portion opened at 8:24 P.M.**

Frank Cihula, 35060 Dixon Rd.

The City Engineer covered many of the points I planned to say. 21 acres does not give you 21 lots. I am concerned about using a piece of property to calculate a subdivision that is detached by about 500 feet by the freeway, ROW edge to ROW edge. How far away is 'attachable'? Using the piece of property on the west side for Conservation makes a problem for someone else on the west side that might want to create a Conservation subdivision. That west piece of the property would then 'belong' to the first conservation development.

I was on the committee with John Lillich and Charlotte Schryer that worked on the Zoning Code. The reason that this is an Overlay on an R-1 District (1-acre per lot) is because 1-house per acre is the principle of it. Conservation would allow a configuration or layout of homes different from what the basic R-1 District requires. Lots would not need to be designated as long as the separation between the buildings is maintained. There could be a private drive which could be more efficient when laying out the number of lots, within the limit. The condominiums have private drives and they manage to maintain them.

#### **Additional Discussion Points from Board**

(Schryer) We need to let the applicants know about the private drive because they did not hear Public Portion before they left.

(Wyss) We did discuss private drives in the meeting. He wants a public road. I have reviewed the Code each time he comes in. We have pared down the number of units proposed. Each time I say 18 units, maybe up to 20. There is nothing in the Code that would restrict use of the detached area. The detached area is part of the parcel. It has the same Permanent Parcel Number. Mr. Calabrese is concerned about paying taxes on land that he is not using. The Auditor has a program for land that is set aside for Conservancy.

(Zawatski) Would it be legal to take 4 of the acres and put in 16 houses on quarter acre lots?

(Wyss) That would be legal in an R-2 District. This is an R-1 District. The Conservation District is R-1 and R-2. It does allow R-2 in R-1. It is an Overlay. We could cluster 4 houses. That would leave 2 not clustered as 'orphans. We could possible even consider 5 clusters of 4 houses.

(Smith) Doesn't it have to meet the intent of the Conservation District? I don't think that the intent is to develop everything as much as you can and have the unusable portions declared 'conservation'.

(Cihula) It allows the use of flood plain in the calculation for planning a home on property that otherwise might not be buildable.

(Smith) You are not supposed to use Conservation to get around the intent of the Code.

(Schryer) I am not sure how much conversation we should have with them not being here.

(Wyss) We are clarifying what has been discussed.

(Schryer) There is a lot of property in area that is not buildable because of wetlands and the stream

(Smith) The intent of Conservation is to take land that is buildable and increase density. That is the new Urbanism.

### **Public Portion closed at 8:38 P.M.**

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

Mr. Smith asked about role of the review board when it has suggestions about design that are not implemented by the applicant. In the past, there was a paid architect on the board who would have reviewed the Code issues. We have a new City Engineer but do not have an architect. The Charter says we can hire an architect. Mr. Smith is here as a board member but not as an architect. He can give his opinion on design. We miss the viewpoint of John Davis. Having a registered architect is a safeguard for everyone. Chairman Schryer will clarify the question of an architect on the board with the Mayor and Law Director.

Mr. Fiebig noted that it is good to review in the Charter, Section 5.23 The Purpose of the Board, especially with newer members. We are here to protect the value, appearance and the use of property. The role of members on board with a trained eye is a value to the board.

Mr. Wyss reminded the board that he enforces two Codes. He reviews and lists items of the Building Code that are noncompliant. The Zoning Code has a few provisions that would affect the appearance of a house. Other than that, the Zoning Code is silent on residential features.

Chairman Schryer stated that items that the board requires must be included in the motion. The recording supports that. The architects in the City came to understand that a complete set of accurate architectural drawings are required.

### **MAYOR'S REPORT**

None

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

The Ordinance that dealt with building numbering had been tabled. A similar Ordinance, No. 2014-62 was re-introduced and has been put on 1<sup>st</sup> Reading. It will go to committee for additional discussion. Some of the verbage has been changed.

Chairman Schryer asked that the Clerk of Council send that ordinance to all of the PCABR. Clerk can also locate it on the website for the Board.

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

None

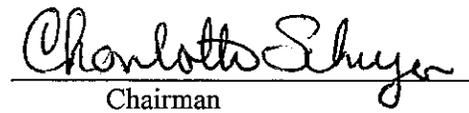
**CHAIRMAN'S REPORT**

Mr. Zawatski plans to attend the upcoming APA Workshop on Friday, October 24<sup>th</sup> in Westlake, Ohio. He will register with Frank Cihula.

**MOTION:** John Lillich moved to adjourn.  
Seconded by Joe Zawatski  
Voice Vote: Ayes Unanimous  
**Motion Passes 6/0**

**Adjourned at 8:55 P.M.**

  
Clerk

  
Chairman

Date Approved Sept 2, 2014