

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio
July 3, 2008

CALL TO ORDER: 7:03 P.M.

PRESENT: Chairman Charlotte Schryer, Vice Chairman James Michalski, Mayor Robert Weger, Council Representative David Reichelt, Madeleine Smith, and John Lillich

ALSO PRESENT: Building Commissioner Fred Wyss, Assistant City Engineer John Topolski, Architect Bill Gallagher, BZA Representative Frank Cihula, and Clerk Katherine Lloyd

Disposition of Minutes: Minutes of June 5, 2008 and Minutes of June 19, 2008

MOTION: David Reichelt moved to approve the minutes of June 5, 2008 as submitted.
Seconded by Mayor Weger

Discussion:

(Lillich) We need to change the word 'next' on page 5 to 'nest'.

(Schryer) We will make that adjustment.

Roll Call: Ayes Unanimous
Motion Passes

MOTION: John Lillich moved to approve the minutes of June 19, 2008 as submitted.
Seconded by Madeleine Smith

Discussion:

(Reichelt) On page 6 - During a discussion about pole signs, Madeleine Smith asked a question about parking which was part of a prior conversation. Although it is recorded chronologically, I suggest that we either move it into the right section or preface it as she did on the tape with the statement "I want to go back a minute"

(Schryer) We can move it back. We have also had a request to remove the last sentence in the same section.

Roll Call: Ayes Unanimous
Motion Passes

ARCHITECTURAL BOARD OF REVIEW

Public Portion

Public Portion opened at 7:09 P.M.

None

Public Portion closed at 7:09 P.M.

1. George Westerman
Contractor: George Westerman
2496 Red Fox Pass – Enclose Side Shed; Build New Shed – PPN: 31-A-010-0-00-001-0
Plans stamped received in Building Department 6/18/08
In House Review 6/26/08
Present: George Westerman and his wife Ann Chapman

Owner/Representative Comments

- There is an existing barn with an 8 x 16 foot side shed.
- I would like to update the shed and double its size to 16 x almost 17 feet enclosed.
- We will use the siding and color to match the barn and garage doors that will match those already on the barn.

Architectural Comments

- It is a very attractive barn, very traditional in size and shape. You placed the porch in a nice area.
- It looks like you are squeezing the garage door in under the area and that you are dropping the foundations. You are doing things that structurally affect the barn and are making it complicated. Because of that, it looks like you have a squeezed design. *That partially could be my drawing.*
- What is the size of the post to the face of the siding? 8'2". You can't put an 8-foot door in there. *It is a 7-foot Dalton standard. It is smaller than the other two.*
- It is not the aesthetics that bother me. I am concerned about its functioning. If you start digging out, it would undermine your foundations. *There will be no digging. That is on a foundation. Those are on pylons. We have 8-foot to deal with. Therefore we needed a smaller door.*
- Have you considered putting the shed on the back rather than the side facing your house? *No. The existing shed is a roof with stockade fencing around it.*
- We are trying to simplify the design. *That is a simple as we can get it. If we put it on the back, it comes in under the overhang. It would be visible from Eagle Rd. On the back of the barn, we would need to change the roof structure. When it is off to the side, you don't see it from the road. On the side, there are existing concrete 4 x 4's set on the concrete footing. Half of the proposed shed is already there. (Chapman) It forces us to take the lawn and snow machines around the back of the barn with no pavement or walkway. I want to leave it grass.*
- You have to drive on the grass now? *Barely. The driveway goes almost to the shed entrance.*
- Is the Building Commissioner comfortable that the existing posts supporting the roof load and the foundations are capable? *I checked with Andy at CT Consultants. As a result, we have added beefed up double 2x10 beams over the door and two 2x10's to support the existing roof and where the new roof will be 'sistered' on. Down below was changed to two 2x10's to support the remainder of the roof.*
- The quality of the two drawings is different. Did you have help with the second? *After discussion with Mr. Wyss, the second drawing has detail of how I would build it.*
- This door will be smaller? It will be 81-inches as opposed to the 96-inch (door) that is in there. *(Wyss) He put the man door in the elevations because he thought there was need for egress. Chief Harmon says there is no need for egress from a shed. He does not want a man door or windows all along.*

Board Comments

(Lillich) There are no photographs of the back. Is there a door in the back? *No. Have you thought about putting a door in the back so you could drive right through? No, the solid back looks great and is better for security reasons. The side with the existing sheds needs to look better and more functional.*

(Lillich) Are there any doors or windows on the other two sides of the new shed? *The other sides are solid. The fire chief may want a window. You could move the man door to the side facing the house and put a window in this area. We have checked on a window. We could trade the window for a door.*

(Smith) The shed looks like an add-on. *The existing shed looks dilapidated. The stockade fence looks like an add-on. What we are proposing will match and look better. We need more room.*

(Schryer) Changing the door for a window might make it look less crunched. *We agree*

(Wyss) Most barns have needed a shed addition. Aesthetically, what he has developed is what you would see on a gambrel roof barn.

(Lillich) Will you bring the new shed flush with the front of the barn? *No, there will be a one foot overhang all the way around to match what is already there because of the existing 4x4 posts. So we are talking about a window and no man door. Correct.*

(Lillich) Is the exterior stairway the only entrance to the second floor? *Yes. Nothing on the interior.*

(Schryer) This Board will vote on what is actually being built. The window and its dimensions should be drawn in where it will be located. The drawings can be given to the Building Commissioner.

(Cihula) GIS map shows the shed as 16 X 17. The Sketch of the site plan shows 7 x 17. *Those are the proposed and existing sheds. The total of the old and new sheds is 16 foot? 16'2". 17 feet is the total projection out from the barn? Correct.*

MOTION: John Lillich moved for approval with a revised drawing showing that there will be no man door, replacing it with a window, and the revised drawing to be given to the Building Commissioner.

Seconded by David Reichelt

Roll Call: Ayes Unanimous

Motion Passes

2. James M. Mormino

Contractor: _____

36902 Beech Hills Drive – Above Ground Pool – PPN: 31-A-009-I-00-009-0

Plans stamped received in Building Department 6/25/08

In House Review 6/26/08

Present: James Mormino

Owner/Representative Comments

- We are putting in a 30-foot diameter Esther Williams above ground pool. The walls are 54 inches high. The deck is not planned until the following year. A lockable ladder comes with the pool.
- The color is off tan / gray.
- It will be near the neighbor. We already have a written note/approval from the neighbor. It will be 15 feet off the side. The electrics will run from inside my house along the property line

Architectural Comments

- It is good that you have a letter from the neighbor.
- The site plan shows the pool behind the neighbor's house; the other drawing shows it next to the neighbor's house. (Wyss) *GIS shows it more behind the neighbor's house. Good location.*
- Where is the pool equipment? *In the back right corner toward back of property to keep sound down for neighbor and for us (Mormino).*

Board Comments

None

MOTION: James Michalski moved to approve the pool as submitted.

Seconded by John Lillich

Roll Call: Ayes Unanimous

Motion Passes

WORK SESSION

1. Loreto Development Co.

34500 Chardon Rd – Proposed Office Building; Demo old building – PPN: 31-A-006-D-00-001-0

Plans stamped received in Building Department 6/26/08

Plans stamped received by CT Consultants 6/27/2008

Plans Stamped Approved by CT 6/27/2008

Present: Chuck Crowder, Loreto Iafelice, Chuck Szucs

Owner/Representative Comments

- Two picture boards with pictures of the old Sahara bar and buildings around it were shown.
- Described features of aerial photo taken of the old Sid Harvey site (now Plaza 7), Plazas 5 & 6, Plaza 4 behind them, Plaza 3 (L-shaped) on Rt. 6.
- On the Sahara site, we propose to build Plaza 8, a sister building to Plaza 3.
- It will be smaller than Plaza 3. It will be 12,500 Square feet versus 13,500 square feet on Plaza 3.
- Building Plan with front and side elevation discussed.
- We will do through the wall ceramic units around the whole building.
- It will have the limestone coins around the windows and 30-year dimensional shingles
- Half of the building is committed for medical use; rest of the building optioned for similar use.
- Demolition of the Sahara will be once this is approved.
- Landscape plan will be similar to what we have done on the other seven buildings, including the Bradford pear trees. All the green area will be sprinkled.

Topolski

- This is a concept preliminary plan. What are the parking requirements? *(Szucs) This is medical use. 63 parking spaces are required. We have 66.*
- As a redevelopment site, there are certain relaxed requirements. It is on a grade on a hill.
- The storm water management plan was received tonight. A bio-retention cell is planned.
- We need to check the storm sewers in the street to see what is there.

(Michalski) What are you planning to do about the three foot elevation difference on the east side?

That parking lot will blend with the Fazio lot and the other plaza lots.

(Reichelt) That has been discussed with Fazio? It does not affect them. There will be a little dip on the southerly corner.

(Michalski) What about the walls of the building? It will be brick with through the wall ceramic units.

(Michalski) Where is the bio-retention cell? The northwest corner of the property. Run-off from the parking lot goes into the cell. It is about 4-feet deep with a mixture of sands. It is shown on the new plans

(Michalski) Will you have multiple doors and multiple tenants? One group has multiple people under one name. Unused doors will have a blind over them. Doors break up wall outside.

(Reichelt) With regard to the parking spaces, is the medical operation 24/7? No. After hours, will those spaces be available to neighbors' businesses? Yes, as long as they do not affect our business after hours and they keep it clean.

(Smith) From the gas station there is a slope down to Chardon Rd, will there be a slope on this building? Yes, not as steep. Would you consider having recessed plantings to slow the water down? Raised plantings protect the plantings from salt. We are moving our catch basins from the middle of the parking lot to the curb area to catch water before it gets to the road.

(Weger) The sewer catch basins in Chardon Road and the Shell gas station apron have been redone. Once it is paved, the water run-off problem should be alleviated.

(Schryer) Traffic can flow through behind the building? It can flow to Rt. 91 or to Rt. 6.

(Smith) What about the guardrail between the building and Fazio's? It will probably come down.

(Schryer) There are two things that do not meet code. The building sits on a property line and the green space does not meet code. *We purchased this site under the old zoning code.*

(Schryer) Behind Fazio's, there is a 20-foot piece of property that belongs to Fazio which will probably never get developed. It could be considered part of the green space.

(Michalski) It is a buffer to the Dornbeck property.

(Lillich) Do you plan anything that will affect that 20-foot stretch? *No*

(Michalski) With regard to the property line, do you plan to change the property line? *Because we own the property next door and the existing building is on that property line, it made sense to design the new building there. There is plenty of room between the two buildings for fire trucks, deliveries, and traffic. The buildings back up to each other.*

(Schryer) Where are the trash containers going? *They will be tucked in the back next to the air conditioners. We will have the same carrier as the rest of the buildings. Pick up is once a week.*

(Gallagher) Can you show on the drawings where the condensers will be located? *Behind each back door are the condensing unit and the dumpster. Some units do not have a dumpster because of their business.*

(Schryer) They (condensing units) should be on the final plan. The lighting should also be on the plan.

Architectural Comments

- I don't think building on the adjacent property is permitted. Building code will not allow the overhangs to project over the property line, unless you develop an easement. With regard to the condensers, if you sell the building tomorrow to someone else, you could ask that the condensers be removed. *We could get easements for the condensing units if necessary. The way the whole project is set up, nothing can be split off.*
- What type of parking would be required if this was a mercantile establishment? *It would be less. Medical is the maximum per any zoning requirement? Yes*
- Where will the building signage be located? *It will be outside the right of way and offset centered with the building. It will not take any parking spaces. Between the right of way and curb? Yes*
- How big are the dumpsters? *'Two-yarders' on wheels painted to match the building. All the tenants use the same vendor as part of their lease.*
- The two set backs shown on the drawing are part of the development plan? *(Schryer) Yes*

(Topolski) There is a 16-foot highway easement on the south side of the right of the way on page 2 of 5 on the drawings on the location where the signage will be. *The signage will be outside of that.*

Board Comments

(Schryer) What type of light do you plan? *Rudd Lighting will do an engineered design layout. It will be match the other seven buildings. It will not be 'overkill'.*

(Lillich) We have the ability to waive some of the restrictions. Would there be any objections?

(Schryer) We do need a verbal consensus.

(Michalski) We have discussed it thoroughly. I think everyone understands how he maintains his buildings

Public Portion for Work Session

Work Session Public Portion Opened 8:09 PM

Linda Fulton, 2990 Marcum, Willoughby Hill, 44092

Do the 63 spaces include employee parking? *Yes That is enough for the whole building? Yes*

Bill O'Brien, Eddy Road

I think it is a great idea.

Work Session Public Portion Closed 8:12 PM

PLANNING & ZONING COMMISSION

Public Portion Opened 8:12 PM

Public Portion Closed 8:12 PM

1. Loreto Development Co.

34500 Chardon Rd – Proposed Office Building; Demo old building – PPN: 31-A-006-D-00-001-0

Plans stamped received in Building Department 6/26/08

Plans stamped received by CT Consultants 6/27/2008

Plans Stamped Approved by CT 6/27/2008

Present: Chuck Crowder, Loreto Iafelice, Chuck Szucs

(Schryer) We are voting on preliminary plan approval of the building. We have discussed it pretty thoroughly.

(Topolski) My concern was drainage. With what they gave me tonight, I think that can be handled.

Owner/Representative Comments

None

Architectural Comments

No Comments

Board Comments

(Michalski) How can they proceed with the project in violation of code because the building will be on the property line. (Schryer) In the code, we can override it. So we are cognizant of the code issue and by our vote tonight, we are overriding it? *Correct. We have gone over this with the Law Director.*

(Lillich) It would be different if it were a different entity next door.

(Reichelt) Is there a reason these cannot be made all one property? *They are the same owner, but mortgages with the banks are different.*

(Cihula) The section of the new code, 1111.15, that allows the Planning Commission to hear this development, also states that, in approving this, it does not constitute granting a variance. Everything except the sidelines are environmental issues under the new code. The property is not under variance.

(Wyss) I am paraphrasing the last sentence in that section. If you vote in favor of the development, you are not stating it is a variance. You are stating that the plan significantly improves the development of the city to the point where it meets the code by the nature of the development.

MOTION: John Lillich moved to approve the preliminary plan of the proposed office building.

Seconded by David Reichelt

Roll Call: Ayes Unanimous

Motion Passes

Mr. Gallagher dismissed at 8:22 PM.

2. Jack and Kathryn Avcin

Contractor: _____

2807 Orchard – Lot Line Adjustment – PPN: 31-A-008-A-00-013-0

Plans stamped received in Building Department 6/18/08

Plans stamped received by CT Consultants 6/18/2008

Plans Stamped Approved by CT 6/27/2008

Present: Jack Avcin

Owner/Representative Comments

- There is a total of 150 feet. There is a 100-foot lot and a 50-foot lot that has the existing house on it. The garage encroaches on the 100-foot lot by 30-inches.

- I want to make the 100-foot lot into a 90-foot lot; give 5-feet to the 50-foot lot; and the encroachment will be settled. There would be 32-inches from the lot line to the garage building. The house is only 34-inches on the south side.
- I want to make the 90-foot lot into a larger build-able lot.
- I am paying for two sewer assessments. These lots were 'grandfathered'. There is a sewer connection for the property and another sewer connection for the house.
- There were originally 3 lots. One was eliminated already.

(Topolski) This issue began when the sanitary sewers were put in. At that time, he had three lots. To avoid being assessed for three, he gave up one lot and combined it into the 100-foot lot which created a non-conforming situation where his house is. We agree that this is the best solution. He does have one sanitary lateral to service the new 95-foot lot. The remaining issue is the concrete pad for the driveway which will still be an encroachment. If there is a buyer for the new proposed lot, the pad could be cut or removed or an easement granted. *(Schryer) That could be between him and the new owner.* We felt that because it was the city's action that resulted in this situation, the Engineer feels that the lot line adjustment be allowed, even though there are zoning issues that are created.

Board Comments

(Michalski) He is correcting a problem the best he can. Based on the comments of engineer, I have no issue with it.

(Lillich) You did the right thing.

(Reichelt) It makes sense

MOTION: David Reichelt moved to approve the lot line adjustment

Seconded by James Michalski

Roll Call: Ayes Unanimous

Motion Passes

3. L&B Properties 1 LLC

Linda Cappelli-O'Brien

Contractor: _____

29951 Chardon Rd – Minor Subdivision – PPN: 31-A-006-C-028-0

Plans stamped received in Building Department 6/27/08

Plans stamped received by CT Consultants 6/27/2008

Plans Stamped Approved by CT 6/27/2008

Present: Linda Cappelli-O'Brien, William O'Brien

(Schryer) This was approved at one time. The deeds were not filed within the 120 days. Just before that, the City Engineer reviewed it again. The drainage was not in the drawing. Because of the drainage and time lapse, the Board needs to re-approve the project. The previously approved drawing did not show a pool house and a pool which are placed on a property line on these drawings.

Owner/Representative Comments

- I do not know why I am here again. I had an approval but was unable to get the deeds.
- The footprints for the houses are now on the drawing.
- We are not building the pool and pool house now. We were told that we could get a 'recreational variance'. They are not on a property line; this is three lots. I do not want four lots. It is three houses and a pool house.

Board Comments

(Schryer) Your engineer gave us a drawing with four lots, A, B, C, D. We cannot approve it with the pool house and pool on the property line. The drawing needs to be redone without them. *Dan from Polaris told us we should put them on the drawing because we could get a recreational variance.*

(Wyss) In a review of all the drawings stamped by the Building Department, there have been changes on each.

MOTION: David Reichelt moved to approve the plans for the minor subdivision with the provision that the applicant submit the new plans to Mr. Wyss with the pool and the pool house removed.
Seconded by Mayor Weger

Discussion:

(O'Brien) We could go back to the first drawing that was approved that showed just the three lots.

(Schryer) Whatever we vote on tonight, that is what you need to do. If you want three lots, you need to submit a new drawing.

(Michalski) This drawing has four lots, A, B, C, D.

(Cappelli-O'Brien) When is the next meeting? *Two weeks*

(Reichelt) You can always do a lot line adjustment later if circumstances change.

**Roll Call: Ayes Unanimous
Motion Passes**

(Topolski) We do have legal descriptions from the surveyor and plat ready for signatures for the four lots. Their master plan is on file.

(Schryer) We need four sets of the new plans

(Reichelt) When do you plan to demolish the fruit stand? *We are getting permits.*

Unfinished Business

1.) Proposed Zoning Code Changes

Charlotte Schryer suggested that the Board finish the wording for 1133.11 “routine sales” so that a hearing can be scheduled for changes to Accessory Buildings and 1133.11. Additional discussion is anticipated for the other two. Per discussion of the Board, the following decisions were reached:

- 1133.11 The “routine sales of vehicles”: David Reichelt and John Lillich will work on defining the work ‘routine’ and what should be included.
- 1151.06 Pole signs: Postponed for now. They can be discussed in terms of the overall plan as we work on the Master Plan.
- 1111.05 Minor Alterations Review: Tabled for now. If we are to change it, we will need the Law Director to look at the terminology and intent. That will also give the Building Commissioner time to look at its applications.

2.) Change the Definition of Lot Size: Frank Cihula proposed a change to eliminate the sentence “measured to the right of way”. It does not affect new subdivisions because it is covered in the Platting Code. It does affect over 200 lots platted to the center line that have been made non-conforming by the new code. They are all 1.00 acres. The new measurement reduces them to less than one acre. That involves several code requirements including calculating permitted accessory building size. This would restore what we had before 2006, but would not affect new subdivisions which are covered under the new code.

(Schryer) Will you write it up and email it to everyone so they can review it before next meeting?

(Cihula) I will email it to the clerk who can forward it to everyone on the Board.

New Business

The VFW Hall will be on the agenda for the Board's next meeting.

Mayor's Report

None

Council Representative's Report

None

Building Commissioner's Report

Willoughby Hills needs a maintenance code to deal with maintenance code issues, especially lawn maintenance for vacant and foreclosed properties. What we have is very general and only relates to the appearance of the property. We have nothing that I can cite and enforce.

(Weger) That needs to go to City Council. They need to devise a minimum maintenance ordinance. The Rules Committee has been discussing it. With foreclosed properties, it is difficult to determine who is responsible for maintenance. Contact Kevin Malecek.

(Smith) There should be something permanent in the rules that apply to everyone.

(Cihula) There was a very well written proposed property maintenance code devised a number of years ago. Council took the residential references out of it, except where they were used for commercial purposes. It is now our Commercial Maintenance Code. It may be a starting point for a Residential Maintenance Code.

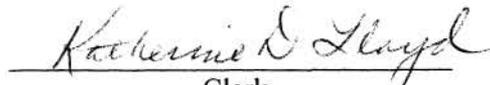
Chairman's Report

None

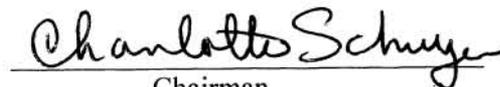
Adjournment

MOTION: David Reichelt moved to adjourn
Seconded by John Lillich
Voice vote: Ayes unanimous
Motion passes

Meeting adjourned at 9:02P.M.



Clerk



Chairman

