

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

**July 19, 2012**

**CALL TO ORDER:** 7:02 pm

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

**ALSO PRESENT:** City Engineer Richard Iafelice, BZA Representative Frank Cihula and Clerk Katherine Lloyd

City Architect William Gallagher had the night off because the ABR project was cancelled.

**Correspondence**

- Letter dated July 17, 2012 from Board of Building and Zoning Appeals of the City of Willoughby Hills to Property Owner Re: Case No. 2012-3 Case Postponed.
- **Letter dated July 17, 2012 from Board of Building and Zoning Appeals of the City of Willoughby Hills to Property Owner Re: Case No. 2012-2 Variance for Side Setback**

**Disposition of Minutes** – Meeting of July 5, 2012

**MOTION:** John Lillich moved to approve the minutes of the July 5, 2012 as submitted.  
Seconded by Madeleine Smith  
Roll call: Ayes Unanimous  
**Motion Passes 4 Ayes and 3 Abstentions (Schryer, Michalski, Fiebig)**

**ARCHITECTURAL BOARD OF REVIEW**

Public Portion opened 7:06 P.M.

None

Public portion closed 7:06 P.M.

1. Joe Conti

Contractor: Blossom Homes LLC

**2880 Fowler – New Residential Dwelling – PPN: 31-A-006-H-00-019-0**

Plans stamped received by Building Department 6-30-12

Plans stamped reviewed by Building Department 7-13-12

Plans received by CT Consultants May 31-12

Plans approved by Ct Consultants 6-15-12

This project was pulled from the Agenda for tonight's meeting at the owner's request.

**PLANNING COMMISSION**

**Public Portion opened at 7:07 P.M.**

None

**Public portion closed at 7:07 P.M.**

1. Royce Properties

Contractor: N/A

**36470 Maple Grove Rd –Single Family Residential Subdivision – PPN: 31-A-012-E-00-001-0**

*Plans stamped received by Building Department 6-14-12*

**Present: Brian Osborne, Maple Valley Estates, LLC**

(Schryer) This project is back for review because they changed the original plan that was approved in 2011. We have a new Preliminary Plan for review.

**Owner/Representative Comments:**

- Color pictures of the entrance and a plat drawing showing the 19 lots were distributed.
- The subdivision will have 19 one acre lots off Maple Grove Road. In 2011, the original preliminary plan was approved but the project was put on hold. Now we are moving forward because of improvement in the housing market.
- There are a few changes to the original approved plan
- Lots 2 through 18 are unchanged
- Sublot A (outlot) in the front will become a buildable lot after the existing old house and three barns are taken down.
- The detention pond is moved to the south to allow for septic to be place out front for Sublot A.
- A new septic design for Sublot A and Sublot 1 has been approved by Lake County
- City water and other utilities are in place.
- The new Landscape plan kept the same color and concept but was moved with the detention pond.
- Entrance will be the same. The sign will have barn stone with white fencing.
- There will be landscaping along western edge by the church for screening of the church entrance and property.

**City Engineer's Comments:**

- There few substantive changes from the previous plan, other than the front area.
- The hydraulics of the detention basin is the same but the basin itself is shifted. Originally, the Board was concerned about security and safety when the pond was closer to the nearby home. PVC fencing around the basin was planned at that time.
- Salability of the properties due to the pond shift needs further discussion.

(Osborne) The detention basin had been on one subplot with a fence along the lot line. The new basin is on two lots. Builders regard the pond as a water feature and an asset for those two lots. Fencing directly around the basin would lessen desirability of the lots. The two future owners would provide better monitoring than that of the previous plan. There is a fence in the front. A fence could be run on Sublot A and down Maple Grove and up the eastern lot line of Sublot A. *(Iafelice) This is a wet pond. Storage is the free board above it. It will have a fountain and circulating air.*

- Grading for the pond goes up to the right of way (ROW) on the proposed Maple Hill Road. Perhaps it could be landscaped along Maple Hill Road, rather than fencing. Fencing around Sublot A along Maple Grove and/or Maple Hill might be a good idea.

(Lillich) Will you have temporary fencing around the pond until there are residents occupying both lots? *(Osborne) We would be open to that.*

(Smith) Will there be negative impact on the church during the project? Will members have access to their church? *(Osborne) They currently have two access points off Maple Grove Road. The western access will continue during construction. The original agreement with the church called for the eastern access to be removed and replaced with two access points off Maple Hill Road.*

o Block A: It is not in the interests of the City to have the devil's strip for the future. By technicality, it is a substandard lot. Future development of the property which is less than 5 acres is inhibited by access to the road. Block A could be reserved to Sublot 18. Once the project is accepted, is built and Maple Valley LLC is gone, the City would be responsible for maintenance of the road. There could be legal issues regarding access of future owner or sub-divider to that church property.

(Michalski) So this Block A with a two foot devil's strip is church property, not Sublot A? *(Osborne) Correct. Any future development of the church property should be part of the HOA.*

o The City Law Director feels that language about future access and future development of that plot should be incorporated in the HOA and be part of the deed restrictions. That plot should be required to be part of the Maple Valley HOA. Property owners would want that plot restricted in a similar manner.

(Schryer) Block A is not in the HOA right now. *The church property is not.*

(Michalski) Why does the devil's strip exist? *(Iafelice) That property would have access to the new road because it is not part of the new development. They may not object to removing it.* (Osborne) I will check with my counsel. We need to protect the other property owners. *(Iafelice) We can research it further.*

(Michalski) I have a couple questions.

- o The pond seems larger in the new plan. *It is a different shape.*
- o In Note 2, it says 'to be supplied by the owner'. Who is the owner of the fountain? *It would be maintained by the HOA. A separate meter will be installed and billed to HOA.*
- o Sublot A shows 2 curb cuts, one on Maple Grove and one on Maple Hill. (Wyss) The new 2006 Code may have a restriction on curb cuts on a circular driveway onto two ROWs. This will be researched further. (Cihula) There may be a limit on the separation between the two.
- o This pond will be consistently wet. With whom does ownership reside? *(Osborne) Ownership will reside between two lots. However, there will be legal mechanisms to allow for maintenance, access and easements by the HOA. The pond will be placed on both property deeds but the two property owners are not responsible for pond and equipment maintenance. Easements and maintenance responsibility will be to the HOA*

(Iafelice) They have prepared Declarations and Covenants, as they did last year. Assessment from each property owner will be payable to the HOA for maintenance, drainage

(Schryer) That includes the front sign and landscaping in front area by drive.

(Michalski) Who has access to the pond? Can these two owners prevent the other owner from accessing the pond? (Osborne) *Access easement is for the benefit of the city and the HOA. Will the other owners know that the pond will be private property, even though it is maintained by the HOA? The property owners would have liability for the pond? The pond is for benefit of every one from a drainage standpoint. There could be issues in the future.*

(Fiebig) There is a situation in Pine Valley with maintenance of a pond. Two neighbors maintain the pond. The HOA is no longer functioning.

(Osborne) The City could do maintenance and assess property owners via their taxes.

(Michalski) This pond is about two-thirds of an acre. *Yes.*

(Iafelice) The name of the Preliminary Plat still says ‘Royce Properties’. It needs to be changed to Maple Valley, L.L.C. *Yes, we will do that.*

**Board Comments:**

(Michalski) Drawing L.1 shows ‘ex house’. That is what will be demolished? *Yes.* With the existing house being there, this would not be the final landscape plan. *The existing house is shaded in. The black rectangle represents the new floor plan. They are considering a deck off the back facing the pond.* So this is the real landscaping around the signage and the pond? *Yes.*

(Schryer) Lot A would be able to back out onto Maple Hill Road which is a side street. Why is it necessary to have an extra curb cut from the circular drive onto Maple Grove Road? *That was a builder recommendation. It could be an option.* (Michalski) We do not know if it is legal yet?

(Michalski) What if Sublot A does not sell? (Osborne) *At this time, we plan to build Sublot A first as a model. We will consult with the Building Commissioner and City Engineer about building Sublot A before the road is put in. We would use it as a sales center to pre-sell some lots in the subdivision. If the lot and home do not sell, the builder will be responsible for it.*

(Michalski) What does it mean if the devil’s strip is removed? (Iafelice) *It reverts to the ROW of Maple Hill Road.* (Weger) Future re-development should be in the plat. (Osborne) *The church would need to agree to any deed restriction.*

(Smith) Who would maintain the devil’s strip if it were to remain? It does not seem to be in the City’s best interest to keep the devil’s strip.

(Schryer) We talked about a fence to the East. The house on the adjoining property seems close to the property line. (Michalski) That owner is not here tonight. He may have opinion on fence or trees.

(Michalski) Right now the key issues are whether we allow two curb cuts and written language in the plat regarding elimination of the devil’s strip.

(Wyss) Curb cuts would be covered by the Building Commissioner.

(Davis) Will there be a temporary fence around the pond during construction?

(Iafelice) For the record the board is looking at security along Maple Grove Road, the east side and landscaping.

(Osborne) Would a silt fence suffice for temporary barrier? (Iafelice) That’s stormwater prevention. A silt fence is necessary anyway. It would serve both purposes.

**MOTION:** John Lillich moved to give preliminary approval to the Preliminary Plan for the Single Family Residential Subdivision at 36470 Maple Grove Rd as presented with strong encouragement that the devil’s strip in Block A be removed and that any future development of the church property be included in the Home Owner Association  
Seconded by David Fiebig  
Roll call: Ayes unanimous  
**Motion passes: 7/0.**

**MASTER PLAN**

Master Plan was approved.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**MAYOR'S REPORT**

None

**COUNCIL REPRESENTATIVE'S REPORT**

None

**BUILDING COMMISSIONER'S REPORT**

None

**CHAIRMAN'S REPORT**

None

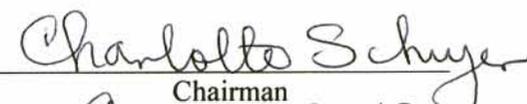
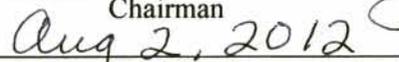
**MEMBER'S REPORT:**

- John Lillich reported that the historical marker for the Pleasant Valley Bridge was stolen. Surrounding area has been searched and a police report was made. Frank Cihula added that the historical marker for a Gates Mills bridge was stolen in the past few weeks. Sale at recycling is suspected.
- Frank Cihula reported that the Pleasant Valley Bridge is being featured by the Historical Alliance as *the* historical feature of Willoughby Hills.

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

**Adjourned at 7:53 pm.**

  
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Clerk

  
\_\_\_\_\_  
Chairman  
  
\_\_\_\_\_  
Date