

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio
May 1, 2008

CALL TO ORDER: 7:03 P.M.

PRESENT: Chairman Charlotte Schryer, Mayor Robert Weger (7:24 p.m.),
Council Representative David Reichelt, Madeleine Smith, and John Lillich

ABSENT: Vice Chairman James Michalski

ALSO PRESENT: Architect Bill Gallagher, BZA Representative Frank Cihula
and Clerk Katherine Lloyd

MOTION: David Reichelt moved to excuse the absence of Mayor Robert Weger
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

MOTION: David Reichelt moved to excuse the absence of James Michalski
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

Disposition of Minutes: Meeting of April 17, 2008

MOTION: David Reichelt moved to accept the Minutes of April 17, 2008 as submitted.
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

ARCHITECTURAL BOARD OF REVIEW

Public Portion

Public Portion opened at 7:06 P.M.

None

Public Portion closed at 7:06 P.M.

1. James & Beatrice Shannon
Contractor: Elegant Improvements
2704 Dodd Road – Bathroom Addition - PPN: 31-A-009-0-00-042-0
Plans stamped received in the Building Department 4/14/08
Plans stamped approved in Building Department 4/17/08
Present: Joseph Cindric, Elegant Improvements

Owner/Representative Comments

We want to make an addition for a simple bathroom, nothing fancy.

Architectural Comments

- Do you have photographs of the side elevations? *Yes*
 - This projection is confusing. Please indicate on the photos where you will start and stop the overhang. I want to see if the overhang will be clipped off. *Part of it will be clipped off.*
 - Will you be able to match what is on the other side? I expected the corners to lineup with the other side of the house. *It does not come all the way forward. The valley line is a couple feet back.* The valley should come closer to the corner. My opinion is that it should line up with the front.
 - Will you be able to match the roof and siding? *It should be no problem. It was done just a couple years ago.*
 - On the side elevation (page 3), the rake line does not match; it seems to be intentionally held off 3-4 inches which could be a problem with the flashing. *That's just how it lines up because it is three feet back from the corner.* Your valley line terminates almost at the gutter board. *For both rakes to line up, it needs to be back about 2 feet. Then it would come out almost exactly the same.* You should consider that. Then you can mesh the shingles together without an overlap and it won't look like an add-on. *I have no problem with that, and the homeowner doesn't either.*
 - How big are the overhangs? *Two feet.* All the way around, so they match? *Yes*
 - It is a fine match. They need to work out the details in the field to be sure there are no issues
- (Schryer) What did you both agree on? (Cindric) *He wants this rake line to line up with the existing rake line* (Lillich) The roof line in the front will go all the way across? *Yes*
- (Reichelt) In the absence of the Engineer and a zoning review, I would like to repeat what Frank Cihula said earlier.
- (Cihula) It exceeds the front yard set back requirement by about 1 ½ feet. It is 76-feet 7-inches. The front of the house is 73-feet. It is legally nonconforming but the house predates the Zoning Code.

Board Comments

- (Smith) Are you sure you want windows on three walls in a bathroom? *The windows will be shorter.*
- (Reichelt) It says the crawl space will be 3-inch mud slab. Will it be rough texture? *Yes. It will actually be 3 ½ inches.*
- (Reichelt) The dryer vent comes out in that area, too. *It will be extended out.*

MOTION: David Reichelt moved to accept the plans as submitted taking into account the architect's comments.
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

2. Augustin Jokic

Contractor: Augustin Jokic

29166 Chardon Road – Garage 24 x 30 - PPN: 31-A-008-F-00-034-0

Plans stamped received in the Building Department 4/22/08

Plans stamped received in CT 4/22/08

Plans stamped approved by CT 4/28/08

Present: Joseph Cindric

Owner/Representative Comments

- Pictures of the house and property distributed.
- I am building a garage. The house on the plans is already built.

Architectural Comments

- Does your house have a gabled roof? *Yes* So the design matches the roof.

- What color is the siding and the roof? *All brown - cedar. I would like it to be like the house.* So it will be cedar with a dark brown stain with a brown roof.
- Do you have any trim or casings around the windows and doors of the house? *No*
- Whatever detail is on the house, we would like to see on the garage.
- The garage drawing on page 4 of 5 shows a concrete foundation. Does the foundation on the house have a brick finish? *It is 2 ½ feet of brick on the front and sides and then cedar.*
- The material on the garage needs to match what is on the house. *I was going to put cedar all the way to the bottom.* According to building code, there must be an 8-inch difference between the wood and the ground. That's about 3 bricks high. *Okay. I will do it.*
- We will make notes on the drawings about what we have discussed so the applicant understands what needs to be done. As long as everything is matched, it will be a nice building.

Mayor Weger arrived 7:24 PM

Board Comments

(Smith) What type of detail will be on the garage door? *It will be what is on the drawing.*

(Reichelt) There is a note from John Topolski about the Building Codes issues.

(Gallagher) There are two more issues that must be addressed. According to the Building Code, the foundation depth must be 42-inches below grade. I will put a note on the drawing. There is also a zoning issue. You don't show your side yard setback. The Building Code says it must be 15-feet from your gutter board. If you align the garage with the house, you will be 17-feet back.

(Schryer) We will give a copy of John Topolski's letter to the applicant.

MOTION: Madeleine Smith moved to accept the drawings as submitted.
Seconded by David Reichelt

Roll Call: Ayes Unanimous

Motion Passes

3. John Kordic

Contractor: Marino Capra

2859 Fowler Drive – Porch and Ramp – PPN: 31-A-006-H-00-023-0

Plans stamped received in the Building Department 3/31/08

Plans stamped received in CT 4/28/08

Plans stamped approved by CT 4/28/08

Present: John Kordic and Marino Capra

Owner/Representative Comments

- We want to build a porch in the front of the house over the concrete slab and steps, which can be used again if the porch is removed.
- The porch will have a 16-foot ramp. It is wheelchair accessible.

Architectural Comments

- What color is the house? *Green vinyl siding.*
- With any deck, especially one in the front, we like it to match the house. Have you considered painting or staining it? *I like the color of the wood.* In the future, I would suggest staining it so it lasts longer.
- According to Building Code, you need to have the footings 42-inches below the frost line.

Board Comments

(Smith) You might want to plant bushes to soften the front of the house. *Good idea. I will*

MOTION: John Lillich moved to accept the plans as submitted.
Seconded by Madeleine Smith

Discussion:

(Gallagher) As designed, the project meets the 75-foot set back zoning requirement. If the size is expanded, it will be noncompliant.

Roll Call: Ayes Unanimous
Motion Passes

PLANNING & ZONING COMMISSION

Public Portion Opened 7:42PM

None

Public Portion closed at 7:42 PM

New Business

- Emerald Lake Shopping Center

The Board of Building and Zoning Appeals will hold a public hearing on Tuesday, May 13, 2008 to hear an appeal regarding Deed Restrictions and termination of the Sign Agreement. The owner would like to have the residential deed restriction on the subject property rescinded. The area has since been rezoned as B2. A deed restriction runs with the land and supersedes the Zoning Code. They want to use their property under the terms of the B2 District. This is one of the largest deed restricted areas in the city. They are requesting to rescind the Deed Restrictions. They have also requested that the sign agreement be terminated.

(Reichelt) I will give my comment for the public hearing now because I cannot attend. If a property is in an area zoned a certain way, the zoning should apply to that property regardless of prior covenants. People should be able to use their property the same as other B2 users.

(Weger) I agree with you. A restaurant will cause more garbage than an empty building. We don't want empty buildings in the city.

(Gallagher) What are the deed restrictions that are limiting them? *The total floor area used by restaurants. There are three restaurants. It protects property owners to the rear.*

(Reichelt) They are currently limited to 50 seats in the complex and no outside seating. That restricts expansion.

(Cihula) In order to grant a use variance, the requirements need to be strict.

(Smith) Being too restrictive limits business and revenue to the city.

(Cihula) If you go with a use variance, the use may change as new tenants come in.

Several Board members intend to attend the hearing.

Mr. Gallagher left at 7:52 P.M.

Unfinished Business

- Fishing Area in the Lake MetroParks at the old Nursery

John Lillich reported that the MetroParks has put up a split rail fence to fence off a fishing area.

- Size of Accessory Building in Residential

(Schryer) Is there any other discussion about enlarging accessory buildings on residential properties?

(Reichelt) The size that seems to work is 1000 sq feet. I would like to see us do that. But there are other changes needed in the Zoning Code. Perhaps we should do them all at the same time.

- (Schryer) We do need to have written guidelines in order to vote on it. We can take a page out of Code, cross out what we don't want and add what we do want. Why not 960 square feet?
- (Lillich) That size works with the standard size of construction materials if you are stick building.
- (Cihula) 1024 square feet is the next standard size.
- (Schryer) Going continually bigger will not solve problems. People with larger acreage will go bigger. Should the formula for the proportion of building size in relation to acreage be changed?
- (Cihula) We have found that formulas work better than arbitrary numbers
- (Smith) I speak from personal experience. My neighbor has built several additional buildings which now displace water that comes on my property. Problems arise when you overbuild the lot.
- (Reichelt) If they are attached to the house, they can build as big as they want, except for percentage of lot coverage.
- (Cihula) The original ordinance provided 600 sq ft for an acre and a half. Then it went up fractionally from an acre and a half. After a number of appeals, it was changed to one acre. BZA has a spreadsheet that shows how much you get.
- (Schryer) Regarding the water issue, new garages and accessory buildings are now being analyzed for drainage.
- (Schryer) Regarding percentage of coverage, should there be a limit to how much people can add on?
- Reichelt) There is a formula based on percentage of lot coverage. However, people have been attaching a garage with a little walkway to make it considered 'attached'. Other people who want a detached building have been rejected on basis of size.
- (Cihula) The Building Inspector has determined the requirements in the past. In order for it to be considered attached, you have to be able to pass through from the main building to the accessory building and it must be enclosed on four sides.
- (Smith) There are properties that are grandfathered. If the code changes, should that 'grandfathering' continue with the property?
- (Lillich) The only thing that is grandfathered is the lot size.
- (Cihula) ...and anything that is there previously. Anything new is done by the new code
- (Schryer) The properties at Rt. 6 and River Road are grandfathered. There is still an old sign post left from when the property was commercial.
- (Cihula) There have been maintenance provisions in the sign code for years but they have never been enforced.

Mayor's Report

The interview process for the Residential Building official has just concluded. A decision will be made in a few days. That individual will have all required licenses. Currently, we are using a building inspector from Euclid. Bill Gallagher is our official building official. He does possess the license.

(Smith) I have a comment for the Mayor. The transmission of Council meeting was very clear. The picture, sound, and camera angle are improved.

(Mayor) Dave Reichelt did it.

Council Representative's Report

None

Building Inspector's Report

None

Chairman's Report

None

Adjournment

MOTION: John Lillich moved to adjourn
Seconded by Mayor Weger
Voice vote: Ayes unanimous
Motion passes

Meeting adjourned at 8:05P.M.

Katherine Lloyd
Clerk

Charlotte Schuyler
Chairman

May 15, 2008