

**Meeting of the Planning Commission
Monday, March 8, 2021 ~ 6:00 p.m.**

Board Members Present: Mr. Brown, Mr. Ciraldo, Mr. Lapolla,
Mr. Stoiber, Courtney Zimmerman
Board Members Absent: none
Officials Present: Mr. Bob Heydorn, Solicitor
Council Members Present: none
Village Staff in Attendance: Suzanne Lipan, Marsha Schultz, Lora Wilmoth
Others in Attendance: Michael Thorson, Jacob, Jill, & Noah Sadon, Judith & Joseph
Spiros, Suzanne & Ralph Garrett

For the record, the March 8, 2021, sign-in sheet is attached to the minutes. The Zoom meeting credentials were made available for the public to join. All attendees joined via Zoom.

Call to Order

Chairman, Mr. Stoiber called the meeting to order. Five members were present. Mr. Stoiber confirmed a quorum was present. Mr. Stoiber welcomed everyone to the virtual Zoom meeting of the Planning Commission. The Zoom meeting credentials were made available for the public to join.

Approval of Minutes

Approval of the minutes from February 22, 2021.

Mr. Brown made a motion to approve the Planning Commission minutes from the February 22, 2021, meeting. Mr. Lapolla seconded the motion. Roll call was taken. All members signified their approval by saying aye. Motion carried. The minutes were approved.

Application Review

Plan No.: 2021-011

Mr. Timothy Doxey, 2821 Church St., Land: Parcel 57-01420, Lot #14; SV lot 14 E of Church St., House: Parcel 57-01421, Lot #14; E of Church St.

Application to approve a lot/parcel consolidation for parcels 57-01420 and 57-01421. Mr. Doxey owns both lots prior to the request. The consolidation was discussed at the TABLED meeting on November 23, 2020 meeting where Mr. Doxey had submitted application for an additional garage on the properties. Mr. Heydorn, Solicitor offered a legal opinion for the Commission. Mr. Heydorn indicated that a lot/parcel consolidation would be in the best interest of Mr. Doxey prior to the garage request. It was noted that the original application for Plan No 2020-051 requested a

Meeting of the Planning Commission
Monday, March 8, 2021 ~ 6:00 p.m.

conditionally permitted use for adding a utility garage 336'±12' x 28' x 10' on 4' x 6' with movable beam skids, color selection was chestnut, and MIC was included.

There being no further discussion by the Commission, Mrs. Zimmerman made a motion to approve the parcel consolidation of Parcel 57-01420 and Parcel 57-01421, both owned by Mr. Timothy Doxey. Mr. Brown seconded. Roll call was taken. All members signified their approval by saying aye. The motion carried. The consolidation of the parcel lot plat was approved. The Commission noted that the Chairman is the only signature needed for the document.

Plan No.: 2021-003

Michael & Linda Thorson, 2863 Lakeland Pkwy., Lot #297, all, 296 W 5Ft, Silver Lake Estates

Application to erect a new 17' x 22' kitchen/living addition above existing garage, to erect a new 21.6' x 26' two-car garage at grade. MIC was included. Approved engineer plans are included. The Commission must officially accept the approved plans prior to the permit process.

The Commission noted that Plan No 2021-003 was placed as pending at the meeting on February 8, 2021, awaiting approval from the Village engineer. It was discussed that Mr. Thorson requested the engineer to include additional appropriate storm water storage (just in case) there is a possibility the family would decide to install a hot tub in the future. Mr. Thorson made note that he understands that he must return to the Planning Commission to submit application of such hot tub, noting that a hot tub is considered a conditionally permitted use, which will require notification of neighbors.

There being no further discussion by the Commission, Mr. Lapolla made a motion to approve the report from the Gary Rouse, Village engineer referencing Plan No. 2021-003. The motion included the condition of notifying Village Hall when the project is staked out. Mr. Ciraldo seconded. Roll call was taken. All members signified their approval by saying aye. The motion carried. The project was approved.

Plan No.: 2021-012

Mr. Ryan Bowers, 3170 Silver Lake Blvd., Lot #24, all/Silver Lake Estates, Contractor: Kennedy Fencing

Application to erect wooden steps attaching to the front porch. Install fence railing onto the porch. Six steps: Rise is 8-foot. Run is 10.25-foot. Total: 8' x 4' in size. Fence railing: two 6' length x 5' height sections. The wrought iron color is Florida Bronze, a dark grey/black color. Note: Work was completed without application. Before and after pictures were included.

There being no further discussion by the Commission, Mr. Lapolla made a motion to conditionally approve Plan No 2021-012 with the condition that the color of the stain for the

Meeting of the Planning Commission
Monday, March 8, 2021 ~ 6:00 p.m.

steps must be submitted for approval prior to the permit process. The motion includes the condition of notifying Village Hall when the project is staked out. Mrs. Zimmerman seconded. Roll call was taken. All members signified their approval by saying aye. The motion carried. Plan No 2021-012 was conditionally approved.

Plan No.: 2021-006

Jacob & Jill Sadon, 3071 Harriett Rd., Parcel: 57-00459, Lot #131 & 132, all, Silver Lake Heights Sub Div.

Application to install a 7' x 7' Nordic Encore MS hot tub with locking cover. The hot tub to be placed upon an 8' x 8' decorative gravel area. MIC was included. Pictures were included. The request is a conditionally permitted use. Neighbors were notified. The Village received no correspondences as of 03/05/2021 regarding the request.

The Commission discussed locking cover of hot tub. Mr. Sadon confirmed that the hot tub will be always locked, unless in use. Mr. Sadon will return to the Commission when ready to erect a small privacy panel around the hot tub in the future.

There being no further discussion by the Commission, Mr. Ciraldo made a motion to approve Plan No 2021-006 as a conditionally permitted use hot tub with a locking cover and to notify Village Hall when the project is staked out. Mr. Lapolla seconded. Roll call was taken. All members signified their approval by saying aye. The motion carried. The Plan No 2021-006 was conditionally approved.

Plan No.: 2021-013

Judith Spiros, 3130 Dover Rd., Parcel: 57-57-00513, Lot #321, S 50 FT on Dover, Parcel: 57-00512, Lot #322 all, Silver Lake Estates

Application to partially reconstruct a deck that had been removed in the Fall of 2020. The deck will be 16' x 11' using treated lumber and using a medium brown in color. There will be no railing on the deck. MIC was included. Pictures were included. Note: The previous deck was resting on a retaining wall which was rebuilt in Fall, 2020. Resident is not reconstructing the deck that extended (out) over top of the ravine. Resident will use the existing mounts to connect to the house and to extend to the area where the retaining wall used to be standing with no railing. The Commission questioned how far the deck will be in adjacent to the ravine overhang or drop off and are concerned with no railings. The color medium brown is the color that will be used on the deck to blend in with the color of the house. The resident said they will not use any footers. The Commission discussed the safety issue at length. Mr. Heydorn asked that the Village reach out to Summit County to confirm the rules regulating a railing in this situation.

There being no further discussion by the Commission, Mr. Ciraldo made a motion to conditionally approve Plan No 2021-013 noting the Commission strongly recommends a railing

Meeting of the Planning Commission
Monday, March 8, 2021 ~ 6:00 p.m.

for safety and to notify Village Hall when the project is staked out. Mr. Brown seconded. Roll call was taken. All members signified their approval by saying aye. The motion carried. The Plan No 2021-003 was conditionally approved.

Plan No.: 2021-008

Ralph & Suzanne Garrett, 3065 Randolph Rd., Parcel: 57-01377. Lot #259, 260 all, Silver Lake Highlands, Fence Contractor: Northeast Fence & Deck Co., Pool Contractor: Pools by Turf Guys, Bldg. 1: (Shed) Homeowner, Bldg. 2: (Playhouse) Homeowner

The resident's application has four parts. Part A: To erect a 6' x 111' vinyl fence on West side of property. To erect a 6' x 60' vinyl fence on East side of property. Fencing measurement totals 171' with two gates; 4' self-locking gates with spindle accent (photo included) and one standard 5' self-locking gate. The color of vinyl fence is wood tone; named weathered blend. MIC was included. Pictures were included. Part B: To install an in-ground swimming pool inside of an enclosed backyard (fencing included in this application), with a paved patio area surrounding the pool. The dimension of the pool is 31'.5" x 14' x a gradual depth of 3' to 5'.5". MIC was included. Part C: Bldg. 1/Shed [completed without application] Part D: Bldg. 2/Kids' playhouse [completed without application].

The Commission discussed the application in length. It was noted that there are two structures on the property that were erected without approval or application, prior to construction, i.e., the shed and playhouse. The other items on the application are for an in-ground swimming pool and two sections of fencing to enclose the area of the yard where the proposed pool will be located.

The Commission discussed violations of rear and side yard setbacks for the shed and playhouse. They indicated the violations will require a variance, which will need to be requested from the Board of Zoning Appeals Commission. Currently, the fee for the Board of Zoning Appeals is \$150.00. It was explained that the setback variances will require notification to neighboring residents in a 600-foot radius via U.S. Mail with two meetings in front of the Board of Zoning Appeals.

The Commission explained to Mrs. Garrett that a swimming pool is considered a conditionally permitted use and therefore requires notification to neighboring residents in a 300-foot radius via U.S. Mail with one meeting of the Planning Commission. Currently, the fee for a conditionally permitted use is \$75.00. The Commission made note the original notification to neighboring residents had been postponed due to the Commission's request in clarity with details for the entire projects on the application, including previous constructed items and current application requests.

Mrs. Garrett asked the Commission to consider approving (tonight) a portion of her application items to include erecting the 6' x 111' vinyl fence and the 6' x 60' vinyl fence for a total of 171'

Meeting of the Planning Commission
Monday, March 8, 2021 ~ 6:00 p.m.

of fencing. The Commission clarified her question to request permission to erect a portion/partial section of the proposed fence. The Commission explained in detail that *if* the request to erect the fencing (only) is approved by the Planning Commission tonight, it is in no way a guarantee of approval for any other items on the application. Mrs. Garrett acknowledged the noted concern. It was noted that it may be possible for notification to neighbors to be in a combined letter. The Commission explained to Mrs. Garrett the swimming pool portion of the application will include notification to the neighbors and will be included on a Planning Commission meeting after the resident goes through the Board of Zoning Appeals process for setback variances for the two existing structures (shed and playhouse).

After much discussion by the Commission, Mr. Brown made a motion to table Plan No 2021-008 noting the Commission recommends the resident go to the Board of Zoning Appeals for setback variances regarding the two existing structures on the property totaling less than 492 sq. ft. The request will require two meetings of the Board of Zoning Appeals. Mrs. Zimmerman seconded. Roll call was taken. All members signified their approval by saying aye. The motion carried. The two existing structures (shed and playhouse) on the application for Plan No 2021-008 was tabled. The resident will return to the Planning Commission after going through the variance process with the Board of Zoning Appeals.

There being no further discussion by the Commission, Mrs. Zimmerman made a motion to conditionally approve a portion of Plan No 2021-008 which is to approve only two lengths of fencing with two self-locking gates on the west and east sides of the property, totaling 171' and to notify Village Hall when the fencing has been staked out. Mr. Lapolla seconded. Roll call was taken. All members signified their approval by saying aye. The motion carried. The fencing portion of Plan No 2021-008 was conditionally approved.

Discussion

Plan No. 2020-015 update. Mr. Mark Nykaza, 2890 Hastings Rd., Lot #56 all, Silver Lake Estates, Contractor: Vizmeg -Andrew Cronin.

The Commission requested that Ben Gregory inquire on the progress with Plan No. 2020-015. The application was approved for an in-ground swimming pool and enclosed fencing. However, it appears the pool is nearing completion and there is no fence erected as is required for a conditionally permitted use application. Suzanne Lipan reported to the Commission that the Nykaza family have indicated the fence will be installed within the next two-three weeks, by the end of March. The Commission was very pleased to hear this update.

Dr. Ann Marie Hipsley at 2941 Kent Rd., Parcel: 57-00146, Lot #13 S of Kent Rd.

The Commission was asked to review an inquiry from Dr. Ann Marie Hipsley. No application has been submitted. The resident is asking for guidance only. Dr. Hipsley would like to add a

Meeting of the Planning Commission
Monday, March 8, 2021 ~ 6:00 p.m.

third structure to the property. The structure is planned to be a glassed, greenhouse with some masonry at the bottom section of the structure. Photo examples of the proposed greenhouse were included. The Commission discussed some of the items that will be needed. Mr. Heydorn, Solicitor explained some of the parameters of a home occupation to include not having inventory, cannot have employees, and no one can come to the premises as a client or consumer. The proposed greenhouse would be a conditionally permitted use, could require a setback variance for going over the maximum allowance from Board of Zoning Appeals, does not appear to go over the maximum impervious surface, cannot be used as a business, cannot have inventory, meaning nothing can be sold to others that is grown in or from the greenhouse, cannot grow anything to sell on the property or to sell elsewhere. Needed, but not limited to: Completed application and fee, updated survey of the property to include a true evaluation of current structures, dimensions of all structure with setbacks, materials list, colors. Suzanne Lipan will communicate the Commission's guidance to the resident that a variance will be needed after making application.

Commission Housekeeping

Mr. Stoiber discussed a recent hacking situation that occurred at a Summit County Planning Commission meeting via Zoom. The Silver Lake Planning Commission has decided that the Planning Commission meetings will no longer have a published Zoom link on the Village's website.

- Instead, attendees must register with Village Hall to obtain access.
- Interested attendees will provide Village Administrative staff with an email address to receive the link to the meeting.
- Interested attendees must notify Village Hall before noon on the day of a meeting to obtain credentials to the Zoom meeting.
- Any resident and/or the resident's contractor listed on the agenda will receive the Zoom link.
- Upon entering a Zoom meeting, all attendees will be placed in a waiting room.
- The host of the meeting will verify the attendee (while in the waiting room) prior to giving access to the meeting room.

The Commission discussed the location of upcoming scheduled meetings. The meetings will be on a meeting-by-meeting basis. The Commission made note that they will continue to offer Zoom access for resident/public attendees while the Commissioners may decide to meet in-person in Village Hall.

The Commission discussed that each member is asked to schedule a visit to Village Hall to return the correspondence folders used to deliver the packets to their homes and to sign approved plans from tonight's meeting. It was noted to schedule appointment times through Marsha Schultz, so that in-person social distancing is observed due to Covid-19 pandemic.

Meeting of the Planning Commission
Monday, March 8, 2021 ~ 6:00 p.m.

Commissioners were reminded to do their best to sign the plans by Wednesday so that the permit process can proceed throughout the week.

The Commission offered many well wishes to Marsha Schultz after receiving her resignation letter. Marsha indicated she will be available any time the Commission needs her. Lora Wilmoth will replace Marsha's position with the Village. The Commission made note that Lora was in attendance tonight to begin to get a feel for the flow of the meetings.

There being no further items on the Commission's agenda and there being no further discussion, Mr. Brown made a motion to adjourn. Mr. Ciraldo seconded. Roll call was taken. All members signified their approval by saying aye. The meeting was adjourned at 7:20 p.m.

The next meeting of the Planning Commission will be held on Monday, March 22, 2021, at 6:00 p.m. Residents on the agenda will receive credentials for accessing the meeting virtually via Zoom. The public will have the ability to register to attend the meeting by requesting access by noon on the meeting date.

Approved:



Dennis Stoiber
Chair

Prepared by Marsha Schultz
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