

6:00 p.m.

Board Members Present: Mr. Lapolla, Mr. Ciraldo, Mr. Brown, Mr. Stoiber, Mr. Heintz

Officials Present: Robert Heydorn, Village Solicitor

Others in attendance: Suzanne Lipan, Administrative Assistant

For the record, the December 10, 2019, sign-in sheet is attached to the minutes

Call to Order

Mr. Heintz called the meeting to order. All members were present.

Minutes will be reviewed and approved at the next scheduled Planning meeting.

2019-31 Mr. and Mrs. Christopher Maclarens, 3062 Randolph Road, Silver Lake Highlands.

Application to erect a 6' board on board fence around the perimeter of the rear yard.

The application and accompanying drawing depicting the location of the fence were circulated to the members of the Commission. It was observed that the location and material for the fence complied with the zoning code. There being no further discussion by the Commission or from members of the community in attendance, Mr. Ciraldo made a motion to approve the application. Mr. Stoiber seconded and the motion was unanimously approved.

2018-38 38 Mr. William Steere, 2986 Silverview Dr., Lot 11, Silverview Estates Reallotment

This matter came before the Planning Commission upon by the applicant for approval of his proposal for remediation of increased surface water resulting from the creation of increased impervious surface created by the applicant's backyard landscape plan. The applicant submitted reports from engineers Joseph Mosyjowski and Dennis W. Stoffer. They opine that the dry well already constructed pursuant to the approved plan, together with the sandy soil conditions of Applicant's lot, will adequately provide for the absorption of additional surface water resulting from the increased impervious surfaces. Mr. Ciraldo made a motion to approve the applicant's plan subject to confirmation by the Village Engineer of the calculations submitted by Messrs. Mosyjowski and Stoffer. Mr. Stoiber seconded the motion. There being no further discussion by the Commission or members of the community in attendance, the motion was unanimously approved.

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Mr. and Mrs. Richard Fry, 2978 Silverview Drive; Letter of November 22, 2019 from Ben Gregory, Zoning Inspector, regarding potential noncompliance with zoning code

Mr. and Mrs. Fry were notified by Mr. Gregory on November 22, 2019 of a potential violation of the zoning code resulting from construction of a wooden deck in the back yard of the property at 2978 Silverview Drive. Mr. Fry replied on November 26, contending that he and his wife had only made repairs to the deck, which was on the property when they acquired it in 2011. He also submitted a photograph from 2008 depicting the deck and expressed his understanding that the deck has been in existence since before 1995.

At the December 10, 2020, Planning meeting, the Commission members and Mr. Heydorn concluded that if so, and if the deck was originally constructed pursuant to a duly issued permit (if required), the deck would constitute a lawful pre-existing nonconforming use.

After discussion, Mr. Lapolla made a motion directing Ms. Lipan to conduct a reasonable search of Village records for permits, if any, issued by the Village in connection with the deck, and to report the results to the Commission at its next meeting. Mr. Brown seconded the motion and there being no further discussion by the Commission or members of the community in attendance, the motion was unanimously approved.

Mr. Heintz observed that the Village bears the burden of establishing the unlawfulness of a prior use, and given the length of time involved in these circumstances, the absence of the record of a permit does not establish the absence of the permit itself.

Mr. and Mrs. Steve Owen 3177 Silver Lake Blvd. Letter of November 22, 2019 from Ben Gregory, Zoning Inspector, noncompliance with zoning code

Mr. and Mrs. Owen were notified by Mr. Gregory on November 22, 2019, of a violation of the Village zoning code resulting from the new construction of a structure in the back yard of their property at 3177 Silver Lake Blvd.

On December 7, 2019, Mr. and Mrs. Owen submitted an application for zoning approval. Pursuant to Section 1133.04 AREA, YARD AND HEIGHT REGULATIONS: ACCESSORY USES, (f) Accessory Uses Proximate to Silver Lake, Crystal Lake and the Cuyahoga River. (1) . . . accessory uses on lots in the Residential district abutting the shoreline of Silver Lake and Crystal Lake shall be located no closer than 40 feet from the property line abutting either lake.

Further, Section (3) states . . . All accessory uses on lots in the Residential District abutting the shoreline of Silver Lake, Crystal Lake and the Cuyahoga River located to the rear of main buildings shall be conditionally permitted uses subject to the approval of the Planning Commission, with notice to neighboring property owners.

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Proposed changes to Chapter 1137 of the Zoning Code, Institutional District

In 2018, Ordinance No. 80-2018 (the “Legislation”) was introduced before Village Council and would change the zoning district of the property commonly known as Silver Lake Elementary School from Institutional to Residential. Pursuant to Section 10.04 of the Village Charter, the Legislation was submitted to Planning Commission for review and recommendation. On April 23, 2019, Planning Commission submitted its review and recommendation to Council. Planning Commission recommended that the Legislation not be enacted and expressed concerns about certain provisions of Chapter 1137. On September 3, 2019, Council resubmitted the Legislation to Planning Commission and asked that its concerns be identified in greater detail. On September 26, 2019, Planning Commission submitted a supplemental review and recommendation to Council, proposing changes to the language of Chapter 1137, and other provisions of the zoning code. Thereafter, Robert Heydorn, Village Solicitor, opined to Council regarding Planning Commission’s review and recommendation as supplemented. Mr. Heydorn’s opinion concurred with Planning Commission’s suggestions as to changes in the language of Chapter 1137, but recommended that the other changes suggested by Planning Commission be held in abeyance pending further study. Mr. Heydorn summarized his report to Planning Commission at the meeting. Several members of the community in attendance expressed views on the future of the school property. Upon consideration, Mr. Ciraldo made a motion, seconded by Mr. Stoiber, adopting Mr. Heydorn’s recommendations requesting that he draft conforming legislation for delivery to Council. There being no further discussion, the motion was unanimously approved.

Proposed Changes to Chapter 1169 of the Zoning Code, Waterfront and Riparian Setback Development Standards

On November 5, 2019, Mr. Heintz circulated a revised proposed amendment to Chapter 1169, further to discussions that have been ongoing in 2019. There occurred a discussion among members of the Commission regarding the proposed amendment. Thereafter, a general discussion occurred, during which a number of views, pro and con, were expressed by Mr. Heydorn and members of the community in attendance. Fred Johnson, Chair of the Board of Trustees of the Silver Lake Estates Trust reiterated the Board’s position that Trust property should not be excluded from what is described in the proposed amendment as the Waterfront Setback. He acknowledged the existence of “significant grey areas” in the event Trust property was so excluded, as, for example disparate application and enforcement of zoning laws between property belonging to the Estates Trust and other property. Members of the community in attendance expressed concerns about the impact of the legislation on activities they regularly conduct on their properties. Members of the Silver Lake Village Tree Commission expressed views regarding the species of trees specified in the proposed amendment. Mr. Johnson asserted that the lakefront properties directly affected by the proposed amendment constitute only 7.5 percent of the property comprising the watershed of Silver Lake, and that as such, the impact of the proposed legislation is borne disproportionately by the lakefront properties. Mr. Heintz said that all of the matters raised

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during this discussion were considered during preparation of the revised proposed amendment. Upon conclusion of this discussion, Mr. Brown made a motion to table the revised proposed amendment until the next meeting of the Planning Commission. Mr. Lapolla seconded the motion and there being no further discussion the motion was unanimously approved.

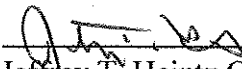
Discussion of Lot 4, Graham Road

On December 1, 2019, resident Polly Bloom inquired of Mr. Stoiber and Mr. Heintz regarding Lot 4, a currently vacant lot for sale on Graham Road between North Dover and Englewood Roads. Ms. Bloom expressed concern that the topography of Lot 4 was such that construction of a residence there would exacerbate surface water runoff, to the detriment of surrounding property owners. After discussion, and after reviewing Solicitor's opinions issued by Mr. Heydorn in connection with this lot in the past, Mr. Ciraldo made a motion that the Planning Commission take no action in connection with Ms. Bloom's inquiry. Mr. Stoiber seconded the motion and there being no further discussion, the motion was unanimously approved.

The next meeting of the Planning Commission will be held on Monday, January 13, 2020, at 6:00 p.m.

There being no further items on the Commission's agenda, and there being no further discussion, the meeting was adjourned at 8:05 p.m.

Approved:



Jeffrey T. Heintz Chairman

Prepared by Mr. Heintz
Reviewed by Mrs. Lipan
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