

6:00 p.m.

Board Members Present: Mr. Lapolla, Mr. Ciraldo, Mr. Brown, Mr. Stoiber, Mr. Heintz
Officials Present: Bernie Hovey, Mayor, Robert Heydorn, Village Solicitor
Council members present: Jerry Jones, Chairman, Matthew Plesich, Tim Nichols
Shade Tree Commission: Marcia Mandala, Beth Schlupe, Polly Bloom, Hank Gulich
Others in attendance: Suzanne Lipan, Administrative Assistant
Numerous residents in attendance - Sign in sheet is attached to the minutes

Call to Order

Mayor Hovey called the 2020 organizational meeting of the Silver Lake Village Planning Commission to order and asked for a roll call vote.

All members were present.

Mayor Hovey administered the oath of office to re-appointed Commissioners Louis Ciraldo and Brian Lapolla.

Mayor Hovey asked for a motion for the appointment of a Chair of the Commission for 2020. Mr. Stoiber nominated Mr. Heintz; Mr. Ciraldo seconded the nomination. There were no further nominations and Mr. Heintz was unanimously elected Chair of the Planning Commission for 2020.

Mayor Hovey turned the meeting over to Mr. Heintz, who asked for nominations for Vice-Chair of the Commission for 2020. Mr. Brown nominated Mr. Stoiber; Mr. Lapolla seconded the nomination. There were no further nominations and Mr. Stoiber was unanimously elected Vice-Chair of the Planning Commission for 2020.

Mr. Heintz then asked for nominations of two members from the Commission to serve as members of the Citizens' Housing Committee. Mr. Stoiber nominated Mr. Ciraldo and Mr. Lapolla; Mr. Brown seconded the nomination. There were no further nominations and Mr. Ciraldo and Mr. Lapolla were unanimously elected to serve as members of the Silver Lake Village Citizens' Housing Committee for 2020.

Mr. Heintz then asked for a motion adopting Robert's Rules of Order for use by the Commission as may be necessary. A motion to that effect was made by Mr. Ciraldo, seconded by Mr. Brown and unanimously adopted.

Mr. Heintz then turned to the business agenda for the meeting.

Mr. Stoiber made a motion to approve the Planning minutes from the December 10, 2019, Planning meeting. Mr. Brown seconded and all members signified their approval by saying aye.

6:00 p.m.

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

On December 9, 2019, this matter came before the Commission based on the Zoning Inspector's discovery that a wooden deck in the backyard of the property may have been constructed without a permit. Mr. and Mrs. Fry offered evidence that the deck pre-dated their acquisition of the property and that the deck constituted a lawful pre-existing nonconforming use. If so, no permit would be required for its repair. The Commission determined to investigate the history of the deck and the matter was tabled pending completion of that investigation. Ms. Lipan reported that after a diligent search, no prior permit for the deck could be found among the Village records. Mr. Heintz reported that Mr. David Hunter, whose family owned the property at 2978 Silverview Drive prior to Mr. and Mrs. Fry, recalls that the deck was in place at the time the property was acquired by his family. As a result, Mr. Heintz asked for a motion that in view of the absence of any evidence that the deck was constructed without benefit of a permit, the deck be deemed a lawful pre-existing nonconforming use and this matter closed. Mr. Ciraldo made a motion to that effect, seconded by Mr. Stoiber, and the motion was unanimously adopted.

Mr. and Mrs. Steve Owen 3177 Silver Lake Blvd. Letter of November 22, 2019 from Ben Gregory, Zoning Inspector, noncompliance with zoning code; Now Plan No. 2019-Construction of a "tree-house" in the back yard of the property, 50 feet from the shore of Silver Lake.

Mr. and Mrs. Owen were notified by the Zoning Inspector 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. On December 7, 2019, Mr. and Mrs. Owen submitted an application for zoning approval of the completed structure. 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 the main building shall be conditionally permitted uses subject to the approval of the Planning Commission, with notice to neighboring property owners.

Neighbors on either side of, and across the street from the property were in attendance and expressed no objection to the structure. It was pointed out, however, that at 50 feet from the lake shore, the structure violates the 70 foot riparian setback currently contained in Section 1169.04. Given that Section 1169.04 is currently under review and possible revision, Mr. Heintz asked for a motion tabling the Owen application pending completion of the review and revision process. Mr. Ciraldo made a motion to that effect, seconded by Mr. Lapolla, and the motion was unanimously adopted.

6:00 p.m.

DISCUSSION

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. A discussion of the November 5 draft occurred at the Commission meeting on December 9, 2019. Mr. Heintz began this evening's discussion by expressing the Planning Commission's appreciation for the input of the Shade Tree Commission to. He observed that the proposed revisions to Chapter 1169 were primarily driven by the illogical result dictated by a literal reading of the current ordinance, when applied to the Steere application last year. As a result, the proposed revisions are primarily a zoning matter, not directly Village law regarding tree removal. Thereafter, Mr. Heintz circulated a newly revised proposed ordinance. Mr. Heintz summarized the latest revisions. First, he noted that all property owned by the Silver Lake Estates Trust and by Crystal Lake is in the Park and Recreational Use District governed by Chapter 1135 of the Code. On the other hand, residential properties around both lakes are in the Residential District, governed by Chapter 1133. The newly revised ordinance takes these distinctions (which have been part of the Codified Ordinances for more than 30 years) into account in determining what uses are permissible in the different districts. The newly revised ordinance was circulated to those present and a general discussion then ensued.

At the conclusion of the discussion, Mr. Heintz asked that comments or questions regarding the proposed legislation be submitted to the Commission between January 13 and the Commission's next meeting on January 27. He further advised that at the meeting on January 27, the proposed legislation (in a format prepared by Mr. Heydorn so as to comport with the remainder of the Zoning Code) will be discussed and a vote taken on whether, and if so how, to transmit a proposed ordinance to Village Council for its review.

The next meeting of the Planning Commission will be held on January 27, 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 7:05 p.m.

Approved:



Jeffrey T. Heintz
Chairman