

Joint Work Session of the Planning Commission and the Board of Zoning Appeals
Thursday, April 07, 2022 ~ 5:00 p.m.

Board Members Present: Mr. Brown, Mr. Lapolla, Mr. Stoiber, Mrs. Zimmerman,
Mr. Ciraldo, Mr. Anderson, Mr. Hachat, Mr. Thorson, Mr.
Chmielowicz
Board Members Absent: Mr. Kramer
Officials Present: Bernie Hovey, Mayor
Village Staff in Attendance: Lora Wilmoth
Others in Attendance: See attached sign in sheet

Call to Order

Chairman of the Planning Commission, Dennis Stoiber called the meeting to order. 9 members were present from the two Boards.

Discussion

Mr. Anderson created a list of suggestions that the Board of Zoning Appeals wanted to discuss during the meeting.

Mr. Anderson stated that their first set of concerns deal with the processes and communication between the two Boards. The Planning Commission will send someone to the Board of Zoning Appeals and then the Board of Zoning Appeals will send that person back to Planning. Once that has happened the Board of Zoning Appeals does not usually hear the final outcome. Mr. Anderson suggested having a paper trail for each project so that both Boards are aware of what is happening.

Mr. Anderson stated that after the plan is approved it goes to the building inspector and most of them do not even know the inspector's name. He asked who the building inspector is.

Mayor Hovey stated that Summit County handles the building inspections.

Mr. Stoiber stated that our Zoning Inspector is Ben.

Mr. Anderson stated that there is a gap in information once the plan goes to Summit County because they do not know if Summit County has been made aware of the variances that have been granted and any conditions those may have. How will the Boards know that what they have approved is being taken care of? How can this be communicated? Should a paper trail be set up to pass back and forth?

Mr. Thorson mentioned that in the past there have been people who were denied a variance and yet they went and did it anyway. He stated that there needs to be someone on the enforcement end.

Mr. Stoiber stated that the Mayor handles the enforcement side of things.

Mayor Hovey asked if the minutes from the meetings are shared amongst the two Boards.

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Mrs. Wilmoth stated that when a planning item is being sent to the Board of Zoning Appeals, she will include the minutes from the Planning Commission meeting in their email so that they have background information on what is headed their way.

Mayor Hovey stated that he thinks all the Planning minutes should be sent to the Board of Zoning Appeals and all Board of Zoning Appeals minutes should be sent to the Planning Commission. He also thinks that it would be helpful for at least one member of the Board of Zoning Appeals to attend the Planning Commission meetings and vice versa to aid in communication between the Boards.

Mr. Stoiber stated that he has already started giving Mr. Anderson notice when a planning item seems like it will be sent to the Board of Zoning Appeals so that he or another member of the Board of Zoning Appeals can attend the Planning meeting. He also stated that Ben should check to make sure that the variance is being followed since most variances that are granted are area variances.

Mayor Hovey stated that Ben is aware of the variances when he goes to check the projects because there have been times in the past where Mark or Ben have stopped people's work because they are not doing what was approved.

Mr. Stoiber asked if that is only caught when a neighbor calls.

Mayor Hovey stated they he believes Ben and Mark will periodically check the projects that are going on.

Mr. Anderson suggested that a checklist be created to make everyone aware of what step in the process they are on and what still needs to be completed. This way the Board can have feedback from when Ben goes out to check the stakes.

Mayor Hovey stated that if they generate a checklist, it can be given to Ben to check things off.

Mrs. Wilmoth stated that Ben does sign the plan after he has went and checked the stakes to signify that it is good to go.

Mr. Thorson suggested a milestone type checklist to check off as the project is being completed. For instance, checking the foundation once it has been laid. He added that maybe they should have a general checklist, as well as one for those who have received variances that has additional items. He stated that he can try and come up with this checklist to share with everyone at the next meeting. He also wondered how we check the height of a building when a variance is given for such a thing because it is not a simple thing to check.

Mr. Stoiber asked about having a member of the Board of Zoning Appeals attend the Planning Commission meeting.

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Mr. Anderson said that they will try to send a member anytime it seems like a plan will be coming their way. They will take turns with who goes to the Planning meeting.

Mr. Ciraldo added that on the compliance side the zoning inspector could ask Summit County to withhold the certificate of occupancy if the applicant is not complying. However, that is a touchy track to go down. To request that it must be physically verified that there is a violation. Then it must be communicated in writing to the chief building inspector at Summit County. This is just a suggestion he is providing as a means to enforcement.

Mrs. Zimmerman stated that it could be something that is added to the permit that failure to comply could lead to the withholding of certificate of occupancy. It could be used as a deterrent so that people follow the rules.

Mr. Stoiber asked what the applicant gets when they pick up their permit.

Mrs. Wilmoth stated that they received 2 signed copies of their plans as well as the permit. If they have a variance it is written on their permit.

Mr. Thorson suggested giving the residents a paper with their permit, if they have received a variance, saying that their project will be checked throughout the process of building/installation.

Mrs. Wilmoth said she would send out a copy of the permit that is given to the applicant.

Mayor Hovey suggested that Ben be asked to attend the next work session.

Mr. Anderson requested that Mr. Stoiber and the Planning Commission have the applicants stake out their project if they will be heading to the Board of Zoning Appeals that way the Board members can check the location before the meeting.

Mr. Thorson stated that it seems like they should stake out the projects prior to coming to the Planning Commission.

Mr. Stoiber stated that, that is what Ben checks after the approval.

Mr. Lapolla added that they will go check out the property prior to the meeting even if it is not staked out, just to get an idea of the surroundings.

Mr. Anderson moved on to uncertainties and contradictions within the Zoning Code and asked if the Planning Commission had been working on definitions.

Mr. Stoiber stated that the definition of a wire fence needed to be clarified.

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Mr. Anderson stated that a definition the Board of Zoning Appeals has bumped into recently is, what is a legal garage? Also there needs to be clarification as to whether or not car lifts are acceptable.

Mr. Stoiber stated that in the code it is worded as, “each residential building shall have an attached garage, providing a minimum of 240 square feet of area, but providing storage for not more than three private motor cars”. The question then becomes what is considered a motor car.

Mr. Thorson stated that it seems that this part of the code was written so that houses do not have five garage doors. The lots in the Village are small and often face the street. Maybe there could be a garage door height limit rather than limiting if people want to put in a car lift.

Mr. Ciraldo stated that he believes there already is a height limit.

Mr. Stoiber stated that with Mr. Sawyer the problem was not the height but the fact that more than three motor cars could fit in the garage space.

Mrs. Zimmerman mentioned that Mr. Heydorn had clarified whether or not a garage needed a driveway leading to it. The conclusion was that yes, a garage must have a driveway.

Mr. Thorson added the question, what defines an attached garage?

Mr. Stoiber stated that is one of the definitions he has been working on. The language he is working on states that it must connect by at least one door. Any walkway must be enclosed leading to it.

Mr. Ciraldo asked if they changed any definitions would it need to go to Council?

Mayor Hovey stated that the changes would need to be codified. He also asked, in reference to the garage height, would there be a different height limit if someone were to use a lift?

Mr. Ciraldo added that this would eliminate cars being parked in the driveway for long periods of time.

Mrs. Zimmerman stated that it is hard for her to imagine that it would not look awkward from the outside, but if it did not, she would be ok with it.

Mr. Hachat stated that it does not usually change the appearance of the exterior.

Mr. Stoiber asked if it would require higher doors.

Mr. Hachat said it would not, it would just require higher ceilings inside of the garage.

Mr. Stoiber asked that everyone think about this topic, and they will discuss it again at the next meeting.

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Mr. Anderson stated that he believes that Hudson does not allow any garages to face the street. He was not sure when that was added into their code since there are plenty of homes in Hudson with front facing garages.

Mr. Anderson moved onto the next topic which was recreational vehicles. He stated that recreational vehicles are not allowed to be parked outside of the home.

Mr. Stoiber read 1163.07 from the code. He stated that if someone requests to store their RV in the rear yard as specified in 1163.07, letters have to go out to the neighbors. They then take into consideration what those neighbors have to say.

Mr. Anderson asked if garages big enough to store an RV are even allowed.

Mr. Ciraldo said no. Maybe a Class A but never a B or C.

The Commission's agreed that this section of the code should remain as it is.

Mr. Anderson then moved on to the question of what constitutes a legal driveway.

Mr. Stoiber referred everyone to section 1163.06 of the code. He said they need to modify the language to include pavers as an option for driveways.

Mr. Lapolla asked if the definition should be changed to include permeable driveway options.

Mr. Stoiber said that over time the permeable options tend to become impervious.

Mrs. Zimmerman agreed that the word pavers should be added instead of permeable driveway options.

Mr. Thorson brought up the issue of number of driveways or curb cuts allowed per home. How do you determine if it is a singular driveway or multiple, for example a circular driveway?

Mr. Stoiber stated that they do allow circular driveways. When a lot of residents started wanting to add circular driveways, they began discussing maximum impervious cover and added it to the code.

Mr. Ciraldo stated that the Planning Commission addresses the driveways more in a sense of it adding additional hard surfaces to the property.

Mr. Stoiber stated that the definition of a driveway often includes that it connects to a dedicated roadway.

Mr. Thorson asked if it was acceptable to have 2 garages with 2 separate driveways. In the code it states that every garage shall have a driveway.

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Mr. Lapolla stated that he believes the requirement should be based on a set number of driveways and not aesthetics because a number can be more controlled, aesthetics can change from person to person.

Mr. Thorson agreed and stated that in that case the applicant could ask for a variance if they want more.

Mr. Stoiber stated that there is still an issue with the definition because you could have 2 curb cuts and one driveway, for example with a circular driveway.

Mr. Anderson stated that one of the problems with two curb cuts is if someone does a driveway to two different streets, they could create a through street which would be a concern.

It was decided that the members will think about and consider what changes to the code are appropriate for controlling the number of curb cuts and the number of driveways. This will then be discussed at the next meeting.

Mr. Anderson moved on to modifications to the Silver Lake Zoning Code that the members of the Board of Zoning Appeals are not advocating for but simply reporting on based upon requests that they have received. The first is a 40-foot house height.

Mr. Ciraldo stated that this makes sense since more and more people are wanting twelve-foot ceilings.

Mr. Anderson stated that taller houses could affect the sunlight that reaches the smaller homes. It might be beneficial to see what other communities are doing. He also added that maybe it could be based off of the frontage for the property.

Mr. Stoiber stated that rather than changing the code, there is already an avenue to ask for a taller home. That being to go to the Board of Zoning Appeals and ask for a variance.

Mr. Thorson stated that many of the plans for new homes in the Village have 10-foot ceilings and with two floors and the roof pitch you are already over 30 feet.

Mr. Ciraldo added, where do they draw the line for building height to allow for room if someone wishes to get a variance?

Mr. Stoiber stated that the means are already there if someone wishes to ask for taller building height, they will just go to the Board of Zoning Appeals and request a variance.

Mrs. Zimmerman suggested doing the architectural review of projects before sending it to the Board of Zoning Appeals (currently it is done after returning from the Board of Zoning Appeals). That way the applicant doesn't receive a variance and then the Planning Commission decides architecturally they do not like it.

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Mr. Stoiber stated that the issue with doing the architectural review beforehand would be that they do not know if they will receive the variance or not, which could change the plan and thus the architecture.

Mr. Ciraldo suggested that if an applicant wishes to go over 30 feet, they must submit a graphical representation of their elevation.

Mr. Thorson asked if the 30-foot limit should remain the same.

Mr. Ciraldo said yes. If an applicant submits an elevation study and wants to go taller than 30 feet and it makes sense, then they could request a variance.

Mr. Thorson suggested that they also show the properties on either side of the home to compare.

Mr. Anderson stated that they use the front elevation in most cases when there is a sloping lot to determine the height.

Mr. Anderson moved on to the next discussion point which was allowing small accessory structures to be closer to the property lines.

Mr. Thorson brought up an example of a resident whose property backs up to the railway. Nothing will be built back their so why could that individual not put a shed closer to the property line? The Board of Zoning Appeals were able to give him an extra foot or two but that was it.

Mr. Stoiber stated that there could be an issue with that now since they are going to be constructing a trail on the railway. He also added that in those cases where the applicant does not back up directly to another home, they can go to the Board of Zoning Appeals for a variance to be closer to the property line.

Mayor Hovey mentioned that for some residents if they put a shed 10 feet off the property line, the shed ends up being in the middle of their yard. He stated that when a property is fenced in, it seems as though the applicant should be allowed to put their structure closer to the property line.

Mr. Stoiber stated that in those cases the applicant can request a variance from the Board of Zoning Appeals.

Mr. Lapolla added that if you have a bunch of residents who put sheds in the corner of their property and the fences come down it might look weird.

Mr. Thorson said that if you have one shed on either side of a fence that also may look awkward.

Mayor Hovey suggested a subsection to the code where those with fences could put small structures 2 or 3 feet from the property line.

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Mr. Stoiber added that a fence could mean many different things. It could be a solid fence, a chain-link fence, a picket fence, etc.

Mr. Ciraldo stated that if they allow the structures to be closer to the property line, they could notify the neighbors to get their opinion about the placement.

Mr. Hachat stated that the problem with that is the neighbor will not always be the same person over time.

Mr. Brown added that allowing a shed to be closer to a fence would make it more difficult in regard to maintenance of the fence. If something happened to the fence, they would have to go into their neighbor's yard to fix it.

Mr. Lapolla also mentioned that the water run-off from the roof of the structure could be a problem if the structure was allowed to be closer to the property line.

Mrs. Zimmerman suggesting adding a category for small accessory structures.

It was decided that they would keep the 10-foot setback in place for accessory structures, but the Board of Zoning Appeals would look into their ability to grant relief due to hardship.

Next the Commissions moved onto the discussion of garage doors facing the rear or side of the property.

Mr. Stoiber felt that there are too many limitations to make this practical. However, he did mention that this could be a consideration for the Board of Zoning Appeals if someone is seeking a variance for additional garage space.

Mr. Anderson moved on to the next item of discussion, increasing the number of garage bays to four. He stated that the rationale behind that is, people have more cars these days. He also reiterated that he is not advocating for this but simply reporting on requests they receive. He mentioned using lot size to determine whether more garage space is appropriate.

Mr. Thorson stated that there are very few lots in the Village that could accommodate a four-car garage.

It was decided to leave the code at three and handle requests for additional spaces with variances from the Board of Zoning Appeals when appropriate.

They moved on the next discussion point which was the idea of establishing residential zones where special regulations apply. For example, tall zones or four car garage zones. This item did not appeal to any of the members and was decided to amount to spot zoning and not appropriate for the fully built out condition in the Village.

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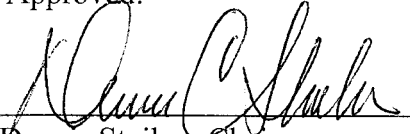
The members of the Planning Commission will add discussions of definitions in the code to their agenda.

The next Work Session will pick up with discussion of the riparian setback.

It was decided to hold another Joint Work Session on Thursday June 2, 2022, at 6 pm.

There being no further items on the agenda and there being no further discussion, Mr. Brown made a motion to adjourn. Mr. Anderson seconded. All members signified their approval by saying aye. The meeting was adjourned at 6:38 p.m.

Approved:


Dennis Stoiber, Chair


Jeffrey Anderson, Chair

Prepared by Lora Wilmoth

