



City of Willowick
PLANNING COMMISSION

Monday, March 11, 2024 at 7:30 PM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

MINUTES

Call meeting to order

Chairman Carden called the March 11th, 2024, Planning Commission meeting to order at 7:30pm.

Pledge of Allegiance to the Flag

Roll Call

PRESENT

Chairman Mark Carden
Mr. Houry
Mr. Hren
Mr. Foisel
Ms. Raymond
Mr. Loncala

ALSO PRESENT

Law Director Landgraf
Councilman Phares
Councilwoman Antosh
BZA Member Phil Yarleets

ABSENT

Mr. Fortney

Approval of Minutes

Planning Commission Meeting Minutes - February 12th, 2024

Motion made to approve the February 12th, 2024, Planning Commission meeting minutes by Mr. Foisel,
Seconded by Mr. Houry.

Voting Yea: Chairman Carden, Mr. Houry, Mr. Hren, Mr. Foisel, Ms. Raymond, Mr. Loncala

Planning Commission Minutes November 13th, 2023 - to vote previously tabled

Motion made to approve the November 13th, 2023, Planning Commission meeting minutes by Mr. Foisel, Seconded by Ms. Raymond.

Voting Yea: Chairman Carden, Mr. Houry, Mr. Hren, Mr. Foisel, Ms. Raymond

Abstain: Mr. Loncala

Development & Plan Review Committee

None.

Rules Committee

None.

City Engineer's Report – Mr. McLaughlin

None.

Law Director's Report – Ms. Landgraf

None.

Architectural Review Board

None.

Community Reinvestment Area – Mr. Carden

None.

Public Hearings

None.

Public Portion

Public portion was open and closed at 7:33pm with no public present.

Remarks – Old Business

None.

Remarks – New Business

Ms. Raymond asked Chairman Carden if the board would be open to starting the Planning Commission meetings moving forward at an earlier time, then 7:30pm? Chairman Carden advised that we briefly talked about it at a previous meeting and there was a general consensus that the board could move the meetings earlier. There was some discussion regarding the times that would work for each board member. Law Director Landgraf is going to check the ordinances regarding the start time of Planning Commission moving to 6:30pm, to see how it reads and then we will revisit this at a future meeting.

There was some discussion regarding the next Planning Commission meeting being held on the day of the solar eclipse. The board determined due to that reason and the inability of the full board to be present, the next Planning Commission meeting scheduled for April 8th, 2024, is vacated.

Chairman Carden advised the board that Councilman Phares brought these ordinances to the board for discussion regarding revisions/consolidations of these ordinances.

Discussion regarding the revision of Codified Ordinance Chapter 1167 - Air Conditioning Units

Chief Brennan advised Chairman Carden that he provided a copy of the ordinances to the board. Chairman Carden asked what the purpose of bringing these ordinances in for review, he asked if the purpose was to change, consolidate or streamline them? Councilman Phares stated that these ordinances for review are due to these items being repeats seen at the Board of Zoning Appeals meetings. Law Director Landgraf stated that the intention is to take a look at these ordinances, as these are the ordinances most often seen at Board of Zoning Appeals and very often are granted, therefore when you have an ordinance that the appeal is being granted, you should take a look at the ordinance to make it more consistent with what the application reflects. Chairman Carden asked if there was information regarding the appeals that are being granted, Chief Brennan stated that he does. He stated that a lot of times when applicants request a permit for an a/c unit, it is for the side yard, he understand why that is in the ordinance. He provided an example regarding why the ordinance for a/c units read rear yard. He advised that he would like to add something to this ordinance in regard to generators, he would like to group them together as they are now becoming more prominent. Chairman Carden asked if side yard units have been granted, and Chief Brennan advised there has been and provided an example in the city where it has been granted. There was some discussion regarding the distance from structure, lot sizes in the cities, moving units into different locations such as mounting it on the roof of a home. Mr. Foisel stated that the issue he sees in removing the 15-foot rule, he stated that is in place due to tight lot sizes. He said keeping this ordinance in place for that reason is important. He also believes it is a good idea to add generators to this ordinance and defining a generator. Chairman Carden stated that in this case the idea would be to keep the ordinance in place with the addition of generators. Law Director Landgraf advised that is correct and indicated the board would want to look at changing the title to be more inclusive of the generators. Mr. Houry asked if we would want to also include solar panels, Chief Brennan stated that the building department has been seen promptly in the last year with receiving about 6, they have all been mounted in the back, but he would suggest making that ordinance its own. Mr. Foisel asked if there is an ordinance that solar panels currently fall under, there was some discussion regarding solar panels and what the submissions have been for, the zoning requirements and the need for them to have their own chapter.

At this time there will not be any changes to Chapter 1167. The board will look into adding generators to this ordinance as well as creating a chapter for solar panels. Law Director Landgraf asked if there is any consideration with sub section "c" giving the Housing and Building Inspector discretion if it is within so many feet to approve these without the need to go to BZA for a variance. This would help with a faster approval process for the person submitting the permit that requires a variance. She advised many people have to go to BZA and they are just replacing the a/c unit that was already there and that requires them to have to go to BZA or if an applicant is very minimally outside the ordinance with regards to distance. She asked if the board would like to give the Housing and Zoning Inspector the administrative authority to approve those instead of having to have to wait up to a month to get that permit. The board believes that would be a good idea and there was some discussion as to why it would be a good idea and where the discretion would be. The board can agree to put something at the end of the ordinance that would give Chief Brennan the authority to make minor approvals and have similar discretion as Board of Zoning Appeals without having to go the formal variance route. There was some discussion regarding the number of variances that are granted for a/c units. Mr. Yarleets (member of BZA) stated from the audience what he would like to see Chief Brennan have the flexibility that if a person would like to have their a/c unit on the side yard but maintain a distance, that Chief Brennan can approve that without the need to go to BZA, at this time nothing is permitted in the side yard. There was some further discussion

regarding discretion, lot depth, and distances. Law Director Landgraf advised that no decision needs to be made tonight.

Chairman Carden stated that we will continue this discussion over the next few meetings.

Discussion regarding the revision of Codified Ordinance 1165.05 Double Fencing

Chairman Carden stated that this ordinance seems straightforward, there should be no more than one fence on a property line. He asked if the city has been getting variances for double fencing on a property line. Chief Brennan advised that we have, there was some discussion regarding the difference reasons for the submittals of double fencing. He stated that we want to look at taking this ordinance out or allowing for Chief Building Inspector to have some discretion regarding the approval. Chief Brennan asked Councilman Phares if he could touch base on the reasoning that he brought this to the Planning Commission, Councilman Phares stated that while he thinks it's a good idea to give discretion to the Housing and Zoning Inspector, we want to look at if allowing double fencing, leaving enough room in between the fences for maintenance. There was some discussion on how to maintain in between the fences with a gate for access, discussion regarding how the current ordinance reads as well as some of the variances that have been approved. Ms. Raymond asked for some clarification, there was some further details provided as to why the neighbor wouldn't want a new fence and why they may be okay with a new fence. There was also some discussion regarding property lines and who is responsible for the property lines, the way the ordinance reads, is that it is the property owners responsibly to know where their property line is. It was mentioned that there is an issue in the city where a resident had a fence put on her property, a survey was not required for the person installing the fence. It was asked if a survey should be a requirement and now, she has her neighbor's fence almost a foot onto her property. Chief Brennan asked how she knows the neighbor's fence is on her property, it was advised that she had a survey done. The survey however was after the fence was already put up and now the matter is in court. Councilman Phares stated that he doesn't believe we can require a homeowner to spend upwards of \$800.00 for a survey. It was asked from the audience what another \$800 is when the person is already spending a lot of the fence itself. Chairman Carden asked Chief Brennan if variances have been granted for double fencing and Chief Brennan stated that is correct. He asked what the reasons they were granted were, there was some further discussion regarding the reasons the variances were granted, mainly distances in between the fencing. Mr. Foisel believes that on this ordinance that there are too many variables and should remain in place, Chairman Carden agrees, the board touched back on property lines, surveys and the difference between property line surveys and surveys when purchasing a house. The board took a look at Codified Ordinance 1165.06. It was mentioned from the audience by a BZA member Phil Yarleets that 80% of the requests that go to BZA for double fencing are because the new homeowner wants to install a new fence and the neighbor doesn't want to have their fence removed. There was some discussion regarding the ordinance regarding maintenance of fencing.

It was asked of Chief Brennan if the current way the ordinance reads if he has some room for judgment on double fencing. They reviewed the ordinance again as well as property line information, maintenance between two fences. As well as property maintenance and why this ordinance is in effect. Law Director Landgraf stated to consider that not every property in the city is square.

There was some discussion regarding Codified Ordinance 1165.04. Law Director Landgraf stated that the board needs to define what a property line is, property line determination needs to be defined with regards to double fencing. There needs to some guidance given. Ms. Raymond asked if relative to double fencing, if getting a survey would solve the problem. Chairman Carden stated that would be the best first step and it is not currently required.

Chief Brennan asked to go back to Chapter 1167.04 "c" stockade fencing. He stated that a lot of times people want privacy, and they are installing vinyl fencing throughout and have to come get a variance for vinyl fencing that are solid. The ordinance currently reads the fencing needs a 1/4" gap to not be considered solid. We get alot of variance requests for solid fencing. Chairman Carden asked if any of them have been denied, Chief Brennan stated that BZA grants the variance for solid fencing. Mr. Yarletts stated that BZA approves about 50% of them, he said generally the board tries to negotiate with them the 1/4" gap and some will and some won't. Chairman Carden asked if the 1/4" spacing is required due to safety? Mr. Yarletts stated there are two reasons one having to do with the wind and the other which is rarely brought up is the fact of a criminal being able to hide in a back yard and when the police are searching with a 6' high solid fence, they would be unable to be seen. Mr. Yarletts stated that his suggestion would be to get some feedback from the police department about solid fencing. He stated that what he would like to see of solid fencing would be the solid 5' with the lattice along the top allowing the ability to see over it if needed. Chief Brennan stated he looked at the ordinances for surrounding cities such as Willoughby, they have some pictures in their ordinance of what is permitted, they are also looking into solid fencing ordinance changes. There was some further discussion regarding safety, post depth holes, and law enforcement's needs to see over the fence.

Chairman Carden stated that we will continue this discussion over the next few meetings.

Discussion regarding the revision of Codified Ordinance 1165.07 Fences in front yard, Side yards and on corner lot; proximity to sidewalks

Chairman Carden asked Chief Brennan if there anything specific he would like to have discussed regarding this ordinance? Chief Brennan stated that this ordinance as far as fences in front yard, side yards and on corner lot, if you look at front yard fencing it talks about ornamental fencing, it says it can be 10' from the house, 3' height and it's an ornamental fence and it pertains to the width of the dwelling. As far as corner lots, Chief Brennan stated that he would probably leave that in the ordinance because corners lots, side yard all vary throughout the city and provided an example of 8' away from sidewalks on some streets side yards. He would suggest leaving that ordinance for that reason. Chairman Brennan stated that he put together a definition and would like to add 1133.16 so it would help anyone that reads the ordinance under fencing, it gives the definition of what front yard means, rear yard, side yard so he would like to add that into Chapter 1165, at the beginning so everything is clearly defined. There was some discussion regarding where to put the definitions to make it clear and easy. Chief Brennan stated the definition can be listed under cross reference. Mr. Foisel stated that he believes it is duplicative as it is defined in an ordinance for a reason, in a clear spot, that's why it is defined in Chapter 1133. He believes that we will make it more duplicative by adding definitions elsewhere, that's why it is in Chapter 1133, we can put a single reference line, "see 1133 for the definition". He stated that's why the codified ordinance for every state is written that way because it is clear, it gives them back right to them, while he understands people want that when they come in for the fencing packets having the requirements, the definition can be given still but the applicant will have to do some research for that definition in writing. Chairman Brennan stated that we can put it under cross reference.

This ordinance will be revisited again at a future meeting.

Adjournment

Motion made to adjourn the March 11th, 2024, Planning Commission meeting at 8:38pm by Ms. Raymond, Seconded by Mr. Loncala.

Voting Yea: Chairman Carden, Mr. Houry, Mr. Hren, Mr. Foisel, Ms. Raymond, Loncala