

**CITY OF MENTOR-ON-THE-LAKE
PLANNING AND ZONING COMMISSION**

April 3, 2017

The regular meeting of the Planning and Zoning Commission for the City of Mentor-on-the-Lake, Ohio was called to order by Mr. Boomer on April 3, 2017 at 7:00 p.m. in the Community Room of City Hall, 5860 Andrews Road.

ROLL CALL: Ms. Cason
Mr. Johnson
Mr. Sweeney
Mr. Boomer
Mr. Sheldon

ALSO PRESENT – Mr. Brent Moore, Zoning Inspector
Mayor Eva
Jim Lunder, Kevin Bittner, Desirea Thompson,
Paul Morris, Council Representatives

APPROVAL OF MINUTES – March 6, 2017

MOTION by Mr. Boomer, and seconded by Mr. Johnson to approve the minutes of March 6, 2017 as submitted.

ROLL CALL Ayes Ms. Cason
Mr. Johnson
Mr. Sweeney
Mr. Boomer
Mr. Sheldon

MOTION CARRIED 5/0

OPEN PUBLIC HEARING: Conditional Use Permit - Yager's Auto & Marine to operate an auto & marine service along with boat storage. A set of recommendations were given from the city administration and fire department. Mr. Moore stated that they are requesting a copy of their lease agreement, and written permission from the land owner to store boats as well as except liability for any violations. They are requested to have only 15 boats for storage, seasonal only. They are required to have 8 feet between gunwales, and no storage within 150 feet of residential property. Boats must be 25 feet from the edge of the road. All parking storage must be on an approved parking surface, such as stone, asphalt, or concrete. They need 8 vehicle parking spots, as required by the square footage of their building. There is to be nothing blocking the exit or entrance ways. Yager's must be in compliance by July 1, 2017.

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Mr. Johnson asked, since this is in the business district that we are looking to apply as a yacht club district. Mr. Moore mentioned that we are going to use the Yacht club district along with Blystone's Conditional Use Permit, which is also in this district as well. The yacht club district was sent out as a way of reference.

Jim & Todd Yager were present to represent Yager's Auto & Marine. Jim Yager spoke of seasonal boat storage, which he can have as many as 80-100 boats. There can be 5-10 boats leave in one day and then that many will show back up again, especially during spring. Spring and fall are the busiest times. The 15 boat storage will not work for them. They use the storage to keep the business going through the winter time, because most of the business is the marine service. If they only store 15 boats, this would not allow them to sustain the business. The boats that are there are mostly there during the winter time. They currently have 92 on the property. For the most part they are just there for the winter time. In the summer they may only have 10-12 at any given time. They come and go constantly. Some boats that have major repairs may take a few weeks to complete. Many people don't always pick them up right of way; they may sit for an additional week or sometimes two, depending on the customer.

Ms. Cason said the questions and concerns are about the 100 boat storage, more than the fluxing of boats in and out during the repair season. Todd Yager said these are the same rules that they have had since they opened 30 years ago. He mentioned that Chief Cunningham set parameters for them to follow and they have not changed anything in the way they have done business. Ms. Cason asked if we have record of what Chief Cunningham set down, and was there a prior permit? Mr. Moore said that the fire department issued a permit back in 1985. They had storage for boats that were 30 feet or larger and the distance between the gunwales were 8-10 feet. The 20-29 foot boats were 6-8 feet apart for separation, and 19 foot boats or less were 6-8 feet apart for separation. A copy of the permit was issued in November 5, 1985. There was never a renewal for this permit. A conditional use permit was never issued; these were recommendations from the fire dept. They had applied for a conditional use permit, and no one ever appeared at the meeting. There is no existing permit.

Mr. Moore said that they went off Blystone's conditional use permit which allows them to have 5 boats for the ½ acre property. Yager's has 1.5 acres so that is how they came up with the recommendation of 15 boats for storage. That is 5 per half acre. The amount recommended is not within the residential area. Ms. Cason asked for any further questions or thoughts to be added. Mr. Andy Rose, who resides at 8027 Linden Drive, shared his thoughts. He appreciated the stipulation of the approved surface to park the boats on. The majority of the boats are either on grass or dirt. There are some tucked in between the trees in the woods along the Park Street side. He mentioned that if you look at the business district, it specifically calls out that all work must be done in an enclosed shop. In driving by, he can't believe with the size of the building that he can fit boats in there for repair, which would tell him that he is doing the repairs outdoors. This would be contradictory to what the ordinance states. Mr. Rose asked that the board make that a stipulation as well. Ms. Cason referenced the section that Mr. Rose was

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talking about is 1258.02(C) 6. Mr. Boomer shared that Mr. Rose is correct that this should have been in place 10 years ago, with chemicals and the EPA. It is unfortunate for Mr. Yager that it has to be this way. He agrees with Mr. Rose. Jim Yager asked what chemicals you would be referring to. Mr. Boomer spoke of sanding. Jim Yager said there is no sanding being done. Fiberglass work was mentioned, which Jim said is all done in doors. It is all done by EPA regulations. It is no different from if you owned a boat and you painted it. It is the same thing. Any marina that stores boats outside, people are working on their boats. We follow all the EPA regulation. Todd Yager asked about Mentor Harbor Yacht Club, does it apply to them as well? Mr. Boomer said it applies to everyone. Jim Yager then asked if every boat that Mentor Harbor Yacht Club works on has to be indoors. Jim Yager also asked about Cal's, does every car have to be worked on indoors? Ms. Cason mentioned that they dealt with Cal's last month. He mentioned that Cal's and Blystone's do work outside; he said that that is not realistic. Mr. Rose said that he did not bring this up from an EPA stand point. People change the oil in cars, and people work on boats. This is strictly something that is outlined in the ordinance specifically for the Business District. If it is something that needs to be changed, then it will need to go before council. Council will have to amend it to lift that restriction to allow for work to be done outdoors. The point Mr. Rose was making is that is what the ordinance says.

Todd Yager mentioned that the field along Lakeshore is an approved surface. It is gravel and crushed asphalt. The grass has grown up through it. Mr. Moore asked if they had a copy of a lease agreement. Jim Yager said no, it is strictly an oral agreement. They are working on getting something right now. It was done with a handshake 32 years ago. The landlord is well aware of what their intentions were and what they are now. She knows what they are doing. Mr. Moore mentioned that they need to get written permission. Jim Yager said that they are currently working on this. Ms. Cason mentioned that there are 2 items on the recommended list that they do not have, which means that they won't be able to deal with the matter at hand tonight.

Ms. Cason asked, if there was fuel in the boats. Jim Yager said yes. Jim Yager said that most of the time he recommends that the boats come in with less than ¼ tank of fuel. Most of the boats sitting there have no gas in them. There have never been any incidents. Ms. Cason said it is still a concern being that close to residents. Jim said that no one is allowed to come in and work on or fuel their own boats; it is not permitted because it is a safety issue. All boats are stored with the least amount of fuel in them as possible. It is better to be stored with nothing in them. Ms. Cason mentioned that the chemicals of concerns would be whatever happens to be left in the tanks. Ms. Cason's concern is that there are a number of the recommendations that are being proposed were also recommended back in 1985, which it did not mention a number back then. While Ms. Cason mentioned she appreciates that they have been in business a long time, she is sure that there was not compliance back in 1985 and there was no permit. They have to treat it as if it is for a new permit.

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Mr. Sweeney asked about some sort of security with that many boats. Jim Yager mentioned that they could go to the police department and see that there have not been many issues. Mr. Johnson asked how far the boats are currently from the road. Jim Yager replied about 18 feet from the road. Mr. Johnson also asked the distance between the boats and then Jim Yager responded 6-8 feet apart. They have tried to comply with the rules and guidelines that were set for the last 30 years. He is not sure how they never got a permit and how nothing was ever said before this time. They have always tried to abide by the rules. There was never a number put on the amount of boats allowed.

Ms. Cason asked what a gunwale is. Jim Yager responded with it is the broadest span of the boat. Ms. Cason mentioned she was having a hard time seeing 8 feet, granted that the picture is from top down. The picture was an older one. Mr. Yager mentioned that there was 1 or 2 years when they had a lot of boats on the property. He currently has about 80 on the property with blue covers for storage. Mr. Sheldon was hesitant to add a number of boats, due to the fact that the boat size can change depending on the client, but the footage makes sense from a safety stand point. The number of boats can limit the business. If they had all larger boats it would limit the number as well. The largest boat would be no longer than a 30 foot, but he has a few larger. There is a large 32 foot and a small 32 foot. It's hard for people to understand unless they see them. Mr. Moore asked with the limited space he has what would you allow him. Mr. Boomer asked Mr. Moore if he had checked on the space in between. Mr. Moore's response was that Ms. Bartone drew it up as close as she could to the 8 feet. Mr. Moore stated that he had not been down there. Mr. Johnson asked if there were any boats currently within the 150 feet from a residential area. Mr. Moore's response was yes and pointed it out on the photo. It would be between Mario's Lounge and the church. The few in the wooded area, Jim Yager stated he can move them so as to comply. The ones in between the bar and the church he was not aware that they could not be there until he received the paperwork from us. Ms. Cason said that it is hard to put a number of 15 boats as recommended, yet we don't have the ability to come up with a number. Mr. Moore mentioned that we granted Blystone's 5 boats for having a 1/2 acre lot. That's how we came up with 15 for Yager's having 1.5 acres. We are trying to keep them all the same. Mr. Moore said that if the commission grants more, then we are ok with that. Ms. Cason mentioned that they agreed on a number with Cal's as well, although a car is not a boat they allowed 20 cars for about a half-acre. Mr. Moore stated that they need to see all the vegetation gone on the approved surface, so that they can see the approved surface.

Ms. Cason mentioned because there are a few outstanding issues, they can't vote to issue a permit. Mr. Moore is asking to table this until there is written permission and a copy of the lease. Ms. Cason stated they would like to see these recommendations followed as close as possible. The one in question is with the number of boats. Once we have a clear definition of what is cleared and appropriate on an improved surface, we may be able to look at a tally. However, if it is not improved then we could not count it in the estimate. If we set a range, probably at the top end, it would be up to you if you do less. Mr. Moore asked how many boats he was seeking to store. His response would be

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80 and still be able to make a living. Ms. Cason mentioned that it is still a large number and that we would have to see if the math would even come close to working with the 8 feet between the boats.

Mr. Rose stated that Yager's business is at 7790 Lakeshore, but he is also doing business on other parcels. Mr. Rose recommends that the Conditional Use Permit encompass all the parcels that they are currently using. He recommends that the commission incorporate the other parcel numbers that don't have physical addresses. We will ask Mr. Moore to adjust the application to work with Mr. Yager. Ms. Cason is guessing that once we have the lease, we may want to reference the lease as well to show the parcel that is owned and the parcel Mr. Yager leases. We need to make sure this is clear.

Ms. Cason stated, that we will table this until such time that we hear from Mr. Moore that we have the lease agreements and they are able to get a better idea based on his inspection, and what is in fact an approved surface. We can then bring it up again to take a look and see what the calculation is. Mr. Yager asked if he has to have a copy of the lease, they can't go with the oral lease that they have. He said that he can have a letter that the landlord accepts that they have an auto and marine repair. Ms. Cason stated that they need to see some sort of agreement, and that the landlord is liable for the boat storage and whatever happens on the property.

Mr. Sweeney was asked Mr. Moore about the picture and the residential area on Park street going north. Todd Yager mentioned that it is mostly swamp area and they don't use that. Would it change anything if they had a fence up? Mr. Moore stated that the recommendations came from the Yacht Club District. Blystone's is surrounded by a Garden type district. It is not residential. Mr. Yager is open to any suggestions, but asking for some leeway so they can make a living. Ms. Cason stated that in the Yacht Club District there is a screen from public view by an ornamental fence or landscape enclosure, but not in the business district. Todd Yager mentioned that Blystone's is different from them, they do not do winter storage. They have a conditional use permit for storage, but they don't use it. They require more area for parking cars. Mr. Sheldon asked Mr. Moore if he had any recommendations from the Fire Chief in reference to the boat storage and the distance of boat storage in a wooded area. Mr. Moore then stated that the Fire Inspector was the one who came up with the recommendations according to Ohio Fire Code. Ms. Cason mentioned that this will be tabled until they hear back from Mr. Moore stating the written acknowledgement from the owner was received.

Diane Faehnrich of 7723 Salida Road requested a fence variance. A copy of the permit application was submitted for all to reference. Ms. Cason asked Ms. Faehnrich to describe what she was requesting. Ms. Faehnrich stated that in the rear of her property is Aqua Ohio and that they have an 8 foot fence. She is asking to allow her to put up an 8 foot wood fence along their fence on her property. Mr. Moore mentioned that a few years ago he spoke with a few members of the commission in reference to a permit for a 6 foot fence not impeding past the house, and was told to go ahead and approve the permit.

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This was a 6 foot fence from the Aqua Ohio fence to the edge of the building line. She was

required to come here for the variance. Ms. Cason mentioned that they were here only to talk about the 8 foot fence. She asked how high the Aqua Ohio fence was. Ms. Faehnrich stated it was 8 foot plus the wire on the top. Mr. Moore asked if she was putting up a board on board fence. She mentioned that she is trying to stop some of the vibration. They use a trackhoe which has done a lot of damage to the houses on the street. She mentioned if you look at google maps, she actually lives next to a sink hole. She has all kinds of cracks and damage to her plaster. She has spent a lot of money. She is hoping to stop the vibration and the damage.

They already have an 8 foot fence there. Vance Nails who lives directly behind her spoke to the fact that he was told that it would be 15 feet from Chagrin. Mr. Moore stated that he did not say that and that it is 11 foot 8 inches. Rocky Nails stated that it is exactly 11 feet and if she puts an 8 foot fence up they would not be able to see to get out of their driveway. Mr. Moore mentioned that she is not putting an 8 foot fence there. She is requesting to put an 8 foot fence along the side of Aqua Ohio. Rocky Nails stated that if she puts up a 6 foot fence, according to the ordinance 1252.11. In front yards or corner lots, a vision impairing fence is not allowed. Mr. Moore asked Mr. Nails if his car was parked up against the edge of the road, and you have two cars side by side, would that one car not be vision impairing. Mr. Nails response was no because you can see through it. Rocky Nails read that a vision impairing fence cannot be more than 2 feet in height. Mr. Moore answered again with, you are correct. Rocky Nails then proceeded to mention that she is a corner lot, and how can they see to get out of their driveway.

Ms. Cason referenced that we are talking about the 6 foot fence. She then asked Mr. Moore how far the fence is currently extending beyond the house. Rocky Nails showed pictures to the commission, so they could see the distance of the fence from the edge of their house. He proceeded to let them know about his teenage kids starting to drive and how difficult it would be for all of them to back out of the driveway. They have an SUV and once they get to the edge of the fence, the back end of the vehicle is already in the road. Ms. Faehnrich shared with the commission that the reason for the fence is because they are driving on her property. She also showed pictures to the commission and that there is no longer a hill there. They destroyed the dirt. They even have pictures of it. She said the reason for this fence is to help keep the noise level down. She mentioned that it's like living next door to Painesville Speedway. They are constantly revving the car engines until late hours.

Mr. Sheldon asked if there is an ordinance in regards to where the road starts and where the fence can be or has to stop for visibility. Mr. Moore stated that it can't be in the right of way, which is why it was stopped at the edge of the house. The house can't be in the right of way. Ms. Cason went back to the original 8 foot fence between Aqua Ohio and Ms. Faehnrich's property. Ms. Faehnrich is looking for a variance from the allowed 6 foot fence to an 8 foot fence which matches what Aqua Ohio has in chain link.

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A MOTION by Mr. Sweeney and then a second by Mr. Johnson to approve the 8 foot fence.

ROLL CALL Ayes Ms. Cason
Mr. Johnson
Mr. Sweeney
Mr. Boomer
Mr. Sheldon

MOTION CARRIED 5/0

Mr. Sweeney asked if it was going to be an independent fence and not attach to the current fence of Aqua Ohio. Ms. Faehnrich replied with it will be right next to it, with a gap in between.

CLOSED PUBLIC HEARING:

COUNCILS REPORT: Mr. Johnson shared that the appropriations have been approved. They still have the issue of discussing the poles that need to be put in the public right of way by utility companies. On the agenda as well is possibly a cat ordinance. In terms of cat colonies, similar to what Mentor has done. Ms. Cason asked what that ordinance would be. Mr. Johnson said if it's done like Mentor it would involve registering cat colonies, working with Mentor community cats and other rescue groups to maintain the colonies. Ms. Cason asked if this would define how many cats you can own. Mr. Johnson stated that it's basically to register, and for chap neutered release programs, so that the colonies are not getting bigger. This is only in the beginning discussion stage. We are considering changing the amount of insurance and bonds for contractors that are registering with the city, to make it more in line with Mentor. It has not been revised since 1977.

Mayor Eva mentioned that Lake Health approved us for an \$11,000.00 grant. Mr. Bittner explained, it is the newest and latest for patient monitoring.

OLD BUSINESS:

NEW BUSINESS:

ANNOUNCEMENTS AND SETTING OF MEETINGS: May 1, 2017

MEETING ADJOURNED – 7:51 pm by acclimation

APPROVED 5.1.2017
Date


Chairman

ATTEST Bill
Planning and Zoning Clerk