

CITY OF MENTOR-ON-THE-LAKE  
PLANNING AND ZONING COMMISSION  
February 5, 2018

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 February 5, 2018 at 7:01 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-** Mayor Eva  
Brent Moore, Service Director  
Jim Lunder, Council Representative

**APPROVAL OF MINUTES – November 6, 2017**

**MOTION** by Mr. Boomer, and seconded by Mr. Sheldon to approve the November 6, 2017 minutes as submitted.

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

**MOTION CARRIED 5/0**

Election of Officers: **A MOTION** by Mr. Boomer to nominate Ms. Cason as the Chair of Planning and Zoning Commission and seconded by Mr. Sweeney.

**ROLL CALL** Ayes Ms. Cason-abstain  
Mr. Johnson  
Mr. Sweeney  
Mr. Boomer  
Mr. Sheldon

**MOTION CARRIED 4/0**

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Election of Officers: **A MOTION** by Mr. Boomer to nominate Mr. Sheldon as the Vice Chair of Planning and Zoning Commission and seconded by Mr. Sweeney.

**ROLL CALL** Ayes Ms. Cason **MOTION CARRIED 4/0**  
Mr. Johnson  
Mr. Sweeney  
Mr. Boomer  
Mr. Sheldon-abstain

Election of Officers: **A MOTION** by Mr. Boomer to nominate Mr. Sweeney as the Representative from Planning and Zoning to the Board of Zoning Appeals and seconded by Mr. Johnson.

**ROLL CALL** Ayes Ms. Cason **MOTION CARRIED 4/0**  
Mr. Johnson  
Mr. Sweeney-abstain  
Mr. Boomer  
Mr. Sheldon

**OPEN PUBLIC HEARING**

**CLOSED PUBLIC HEARING**

**COUNCILS REPORT:** Mr. Johnson shared that committee assignments have been made. Council has voted down the ordinance allowing the part time Fire Chief. They are going to require a full time Fire Chief. The appropriation meeting was held. There have been some adjustments made to the Fire Department budget. The Safety Committee is working on spreading awareness about the speed awareness signs. Ms. Cason asked about the Fire Ordinances. Mr. Johnson replied that there are some that are getting adjusted.

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**NEW BUSINESS:** Residential District Ordinance Review was presented to the Commission by Mr. Al Buescher, Board of Zoning Appeals Chairman.

Mr. Buescher mentioned that he was asked by Mr. Morris to join him at an Ordinance Committee meeting. The BZA board has recently had a scenario that consisted of three consecutive lots that the owner had requested a slight variance on. He then referenced the codified ordinance 1252.07 (a) (b). Those two ordinances would require the owner to combine the three 40 foot lots and make them into two 40 foot lots. The situation was presented as a taking argument. The owner of the lots appeared with his builder and an attorney to present that request. The 11<sup>th</sup> District Court has consistently held that if a lot is parceled and previously approved, you can build on it. Mr. Buescher mentioned that he went to the Zoning Committee and pointed out that the BZA was in a tough spot, based on a previous decision and they didn't know what to do because of 1252.07 (a) (b). He mentioned that you really can't zone away property rights. He felt that BZA needed an answer. He also suggested that they look at the current lay out of the City. This document presented was designed to look at how the City is currently made up and then any future development as well as redevelopment, this document certainly applies as the wish list, the development plan of the City. He recommended rescinding that ordinance and to take another look at 1252.08. Mr. Buescher and the Commission discussed in length about this document and what he hoped to accomplish by presenting this to Ordinance Committee as well as to the Planning and Zoning Commission as well. He also plans to present this document to the BZA board for suggestions as well. This document will bring clarity and make it easy for anyone to read and understand. He asked the board for questions or comments on the first document that he presented. There was continued discussion as he broke down the document into sections.

Ms. Cason asked if this would reduce the minimum street frontage. Mr. Buescher responded with it is debatable. The ordinances state that it has to be 60 feet wide at the buildable line. It does not necessarily say that it has to be that at the street. Ms. Cason asked then why would we add an additional constraint, because it could be 10 feet then if it doesn't say. Mr. Buescher responded with that is why. What is adequate? He mentioned that 10 feet is not adequate. Ms. Cason asked, why? He responded that utilities, sanitary having adequate space, the ingress and egress. He did have discussion about this with the previous Zoning Inspector. He was adamant that it was the 60 feet. There was further discussion among the commission. This document is only suggestions per Mr. Buescher.

Ms. Cason asked where the numbers came from on the document. Mr. Buescher stated they came from his head. This would be a great place to start.

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Ms. Cason asked what the rear yard setback is. She did not understand that. Mr. Buescher explained that to her in detail. She asked if she had a lot and wanted to build, she would have to go back 50 feet and come up 75 feet to build in the middle.

There was discussion about accessory buildings. Mr. Moore mentioned that there is a rear yard setback for accessory buildings. There is some that are 3 feet from the rear and some are 5 feet from the rear. There was further discussion about the document that was presented.

Ms. Cason stated there are cities throughout America where that is not to close together. Ms. Cason asked if there is a reason beside preference. She stated that their job is to maintain safety and the environment in the community. Mr. Buescher said that the city is only concerned with the health and safety issues, not economics, not market analysis. There was further discussion among the commission.

Mr. Buescher is trying to get it something uniformed that is legally defensible, which he feels is very important.

Mr. Buescher mentioned that a 35 foot lot is not adequate to do anything with. His recommendation would be to consider an ordinance that would merely note that anything less than 40 feet would be for the use of adjacent property owners. Mr. Moore mentioned that the city had two and that they sold them to the adjacent properties. Mr. Buescher that the gradient is something unique that he came up with that directly identifies what it is they are trying to do. If a 2 to 1 ratio is too much then you go 2.5 to 1.

Ms. Cason mentioned that anytime you go away from a standard, then you open yourself up to potential law suites. The gradient could be applied to all districts. Ms. Cason asked why is the max ratio to lot coverage with the accessory buildings different from max lot coverage. Mr. Buescher replied that the maximum lot coverage is 30 percent. There was further discussion between the commission and Mr. Buescher.

Mr. Buescher mentioned that he really appreciates the schedule that he has created. It is very easy to read and understand. It will allow folks to be able to understand the specifics, and not have to look in different areas of the codified ordinance book; it will be all on this schedule.

Mr. Boomer mentioned that he doesn't know enough about this subject, to even ask a decent question.

Mr. Buescher mentioned that Mr. Boomer would be a great candidate. When the final project is complete, he should be able to understand it. That is his goal.

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There was discussion among the commission about non-conforming lots. Mr. Moore mentioned a lot on Chestnut Street being 65 feet wide by 45 feet deep. The resident questioned if this lot would be buildable, if he demolished the home and rebuilt it.

Mr. Buescher presented a new document, which is called February 5<sup>th</sup>. This is a revised and updated version. He explained some of the changes that he made on the new document with the commission. There was continued discussion.

Ms. Cason asked what the commission's role in all this is. Mr. Johnson replied that the commission would make recommendations to Council. Mr. Buescher stated that this document should be the work of the commission, BZA and the Zoning Committee. Mr. Buescher stated that he was trying to compile the opinions from each of the committees to then come up with a final document to present to Council for review. Mr. Moore stated that it would go through the commission first and then we would vote to send it to Council.

Mayor Eva suggested that the board take some time to digest this document then schedule another meeting in March and then invite Mr. Buescher back for discussion. The Mayor said that the board needs to think about the document that was presented, decide whether this would work or not. He mentioned to think about conforming lots, non-conforming lots, vacant and even existing lots, even with structures on them. For example, the home on Pinehurst is a straight up colonial. What if it was foreclosed on and it had to be demolished and a buyer wants to put up the same exact house. Mr. Moore mentioned that it was under the Fire Insurance. We have calls all the time about this very thing. The Mayor mentioned this is where we could start getting into some legal issues, like with the previous matter with Mr. Kaim. This would say that this is what use to be there and now we would say that you can't have the same thing. Mr. Buescher mentioned he has the same scenario. He has a house he will be demolishing.

Ms. Cason mentioned that there is something different about building on an existing foundation.

Mr. Sweeney asked what if they lost their home to a fire and had to demolish, would they have to go by the new guide lines? Mr. Buescher stated he would push the new guide lines. His reason would be for the city to have a plan, because the only plan is the original one to the city, if it would apply evenly through all the districts. It would be very enforceable, no one would be penalized. There has to be a plan. Mr. Moore mentioned that if his house burnt down, he would go to court if he was told that he could not build the same house again. The Mayor mentioned that if he was to leave the foundation, he would not have the expense of adding a new foundation. This is a matter for Mr. Lyons to look at. Mr. Buescher mentioned that the code does define if a building is damaged more than 50 percent it has to be demolished and start from scratch.

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Ms. Cason mentioned that she really appreciates this document, especially because it is really laid out and very clear.

Mr. Sweeney asked how many homes are being built in the city.

Mr. Buescher mentioned that he has 50 foot lots, and he knows that he could build on them but he won't.

Mr. Buescher mentioned the previous situation that BZA had with Mr. Kaim. They could have gotten him on the minimum distance between habitable dwellings, which is a fire regulation. It is so buried in the ordinances that they didn't even think. It is 1252.09 (b). It does state in there it has to be 20 feet for habitable buildings, but it is in a section that is for unit development on planned streets. He feels this should be addressed. This is another item that he is trying to identify in this document.

Mr. Moore mentioned that there are not many more lots in the city that have adjoining lots.

The Mayor mentioned that he really likes this document. When you go through what we have, it very hard to follow, the charts that Mr. Buescher put together is very easy to read and understand.

Mr. Buescher asked the board to spend some time going over the February 5<sup>th</sup> document he presented. Mr. Buescher mentioned that BZA is going to meet and that he plans to have one more meeting with the Ordinance Committee. He then will put together a document and then submit it to this board.

The board thanked Mr. Buescher for all his hard work on this document.

Ms. Cason asked the board to continue to go through the document, and if there are any questions to go through Mary and she will forward them to Mr. Buescher. The board will hold another meeting next month and discuss it further. The biggest pieces are to come up with thinking through any exceptions. Some of that discussion is have something that is all pervasive, have we created a problem we didn't think about before. Some of it is just personal approach. Ms. Cason mentioned that we don't want to over regulate, you want gain consistency. Mr. Moore stated he is ok with consistency. As far as houses being to close, one individual should not be the judge of that. Ms. Cason mentioned that it is stylistic choice. This could be a lay out and a cleanup of this particular ordinance. Ms. Cason questioned the design regulations. We have not been a community that strayed into the design pieces.

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The Mayor mentioned how he liked what was presented. If he pulled up what we currently have, he would not be able to tell what he could do or not do. This is very difficult to follow. If he had a schedule like what was presented it would be very clear and able to understand. Mr. Moore stated we need to be a zoning friendly city.

Mr. Moore asked when do we want to submit and what to the Law Director for review. Ms. Cason mentioned that she feels that the board needs to go over it all and to have another discussion before presenting anything to the Law Director. Mr. Sweeney asked if the Law Director has been approached on any of this information presented. He has not.

The Mayor mentioned that what Ms. Cason suggested was a good approach. Look at this document and present to Mr. Lyons any exceptions that we may think and then let him decide if it needs to be tweaked according to what he has seen in the past. Ms. Cason mentioned that a lot of the numbers were Mr. Buescher's best guess, based on his thought. Mr. Moore appreciated the thought behind the document. Ms. Cason mentioned that we have to get to the details. The next step would be to get through the details to come up with some recommendations to present to the Law Director, then to Council. This will be looked at this next month.

**ANNOUNCEMENTS AND SETTING OF MEETINGS:** March 5, 2018

**A MOTION** to adjourn by Ms. Cason

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

**MOTION CARRIED 5/0**

MEETING ADJOURNED – 8:12 pm

APPROVED 3.5.2018  
Date

  
Chairman

ATTEST Bill  
Planning and Zoning Clerk