

CITY OF MENTOR-ON-THE-LAKE
PLANNING AND ZONING COMMISSION
May 7, 2018

The regular meeting of the Planning and Zoning Commission for the City of Mentor-on-the-Lake, Ohio was called to order by Ms. Cason on May 7, 2018 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- Mayor Eva
Brent Moore, Service Director
Desirea Thompson, Council President
Jim Lunder, Council Vice President

APPROVAL OF MINUTES – April 2, 2018

MOTION by Mr. Boomer, and seconded by Mr. Johnson to approve the April 2, 2018 minutes as submitted. (Note: typing errors corrected on original document)

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

MOTION CARRIED 3/0

OPEN PUBLIC HEARING

CLOSED PUBLIC HEARING

COUNCILS REPORT: Mr. Johnson briefly spoke about the Business District Review. He mentioned that each member received a copy and that they would like them to review it over the next 30 days. It will be discussed later during new business.

The charter levies will be on the ballot this year. Council passed them unanimously. They also passed an ordinance for the removal and trimming of trees. They are looking to change the business license fee to \$10.00 and making it a business registration.

Council is also looking to adjust the watercraft noise ordinance, making it relatively enforceable. What is written right now, requires equipment that we don't have. It has issues, and council is trying to make it somewhat enforceable. They are amending ordinances relating to ditch maintenance, snow removal and landscaping. Landscapers and Snow Removal Contractors are not going to be required to register. Everyone who does will need to follow rules such as no blowing of snow or debris in the ditches, drains, storm sewers, and or roads. This is for home owners, and or contractors. This was previously listed as contractors. We want it to apply to all. These items are on the agenda for tomorrow night's meeting.

Mr. Boomer asked for verification on the Landscaping Contractors. Mr. Johnson stated it will also apply to Snow Plow Contractors as well, only General Contractors will need to be registered.

OLD BUSINESS: Residential District Ordinance Review Changes, proposed by Al Buescher date: April 8, 2017.

Ms. Cason stated that her intent is to go through the document in as much detail as possible, if there are any questions, and then it can be discussed. The commission will review and decide whether to send it to council and the ordinance committee.

Mr. Buescher spoke about the changes that he made. He just went through the document and cleaned it up. The changes are 1244.05 (c) (2) (c) area regulations. There was some discrepancy in the existing code as to whether the lot coverage percentage could be varied or not. Mr. Buescher covered the variance powers of the board to help clean the verbiage up. The second was to clarify the coverage limit ratio under 1252, residential code. He knew he would be addressing it in the authority. He also wanted to attempt to reduce as much as possible the reference to September 14, 1955. That's a magic date. He assumed that was the last time a large lot was platted and approved by the City, anything prior to that fell under old ordinances. He wants to get rid of this. What is important is that the city on any date approved a development plat, which was filed with the county. It could be any date; the fact that the city approved it means that it is warranted. The date is regardless. He wants the city to keep in mind that we are recognizing the right of property owners to use their properties according to the approved use. With that being said 1252.08 (f) is still important. It use to have two paragraphs and he tried to clean up this area of Sept 14, 1955 verses clarifying whether a parcel has been platted and approved. He has combined both paragraphs, no need for both paragraphs in 1252.08 (f). Those two paragraphs raised an issue about the coverage limit ratio. Is it maxed at 30 percent? The BZA board has no authority to offer a variance. That 30 percent cover ratio only applies to vacant lots; it does not apply to lots with dwellings on them. Mr. Buescher is proposing a 10 percent variance authority by BZA to the lot coverage limit for non-conforming lots to the current ordinances.

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Ms. Cason asked, you can do 10 percent today and you are proposing they could do another 10 percent. Mr. Buescher replied that it is not identified today. In 1252.08 (f) it could be argued that a non-conforming lot, the coverage could be in excess. It's just not clear. There are going to be some slight changes. He is proposing that the city identifies a 10 percent variance applicable to the coverage limit that does not meet the minimum lot required of the current ordinance.

Section 1244.05 Variance Powers of the Board

Ms. Cason asked in section (b) (3) that we strike or injurious, not sure if it is needed. She will leave that to the ordinance committee to make that determination. It may be grammatically correct, but in legislation they would put or, because otherwise it can be construed as and.

Section (c) (1) Specific Limitations- No questions asked, just a lot of clean up.

Section (c) (2) Variations from area regulations- Ms. Cason mentioned that this is where Mr. Buescher had some questions.

Mr. Buescher stated that he added the restriction of not allowing the bulk area. Ms. Cason stated there is no bulk area and there is no authority. She finds it interesting, because usually we don't have restrictions written like this. She understands what they meant and she doesn't have a problem with them. Mr. Buescher stated just some more clarity to this area.

Section (c) (2) (c) Ms. Cason read and had some questions. The board may permit a variance up 10 percent in any residential district, which does not meet the minimum lot area. A board can only grant a variance if the lot itself does not meet the minimum, which is under the two schedules as conforming, non-conforming is what exists. They could then get a variance up to 10 percent. Mr. Buescher asked if 10 percent is applicable, he went back and looked at the local areas. Mentor goes anywhere from 25-35 percent. He looked at the size of lots in comparison to Mentor on the Lake. We go to 40 feet and they go down to 50 foot lots. They allow 35 percent with a 50 foot lot. He knows this can be a sensitive issue, and has been in the past with sticking to the 30 percent. He thought the 10 percent variance would get us to where we would want to be. He felt this was a good compromise. It would be consistent across the board, easy to enforce.

Section (c) (3) Variations from yard regulations – Ms. Cason stated that essentially a variance not to exceed 20 percent in the yard regulations.

Section A- No change except he took out by virtue of.

Section B- Mr. Buescher just reworded this section. Ms. Cason felt this was fairly clear.

Section (c) (4) Variations from height restrictions - Mr. Buescher added (c) for clarification. Ms. Cason asked if this is where you bring in the flag pole. Mr. Buescher stated that is further on in a different section.

1252.04 Area, Yard & Height Regulations

There is a current schedule, with some gaps in it. This schedule was created to make it easy to follow and to be easily read by anyone. The blue section was added as an explanation. Mr. Buescher also added a reference section to this table; this would help anyone be able to get clarity on what exactly they are doing and where to reference other areas of concern. Ms. Cason stated that the maximum lot coverage is 30 percent.

Ms. Cason asked, if we use maximum lot coverage anywhere? Mr. Buescher stated that they use that under accessory buildings, the maximum to lot coverage. It is in both areas.

Mr. Buescher continued discussion with the commission about this section and the specifics. He said in blue under each district the property owner in fact could build a 2 car garage in their back yard if that's what it worked out to be.

Mr. Buescher also wanted to make note that under conforming lots, the city plan depth use stay in. He stated that all the numbers work. The City plan depth used is not an ordinance. This would be for Brent or BZA to be able to read it more easily, without any question. He continued to explain the schedule and his thought process. Ms. Cason asked what his source for the numbers and calculation? He said that he has gone through the City and just worked up the number to make them work with being appropriate and practical.

Mr. Moore asked Mr. Buescher if he changed the minimum side set back and then the cumulative side yard in District B as well. His response was that it was his attempt to try and be consistent, given the increase width of 80 feet verses 60 feet. This would affect Maplewood. All other districts are 60 feet. Mr. Buescher stated that he did increase in Districts A-1/A-2 the rear lot lines. We don't identify parcels that are adjacent to Lake Erie, on this table under accessory buildings.

Non-conforming Lots - No questions on this section

1252.05 Amplification of Area Yard and Height Schedule-which refers to schedule one.

(a) Front yards – Ms. Cason asked if there are areas that the right of way is not the center line. Mr. Buescher stated that there are parcels that are shown on plat maps that are described in two different ways from the right of way line, which is the edge of the right of way. It is shown to the center line of the road. Ms. Cason stated that it is clearly looking at the street right of way line, which is not the pavement edge or the center line. Mr. Buescher stated that in every case the ordinance is 40 feet from the right of way line. It is shown different ways on different plats. Mr. Moore mentioned that they measure the width of the road, then divide it in half and start from that point to whatever the distance is. The center is always the center, the street always moves. The street is not always on the right of way line.

The illustration is of a typical lot, which Mr. Buescher has included a few different things. He suggested an area for illustrations later on in this document. He would separate that into a section for lot set-backs, and projections in the yard. Ms. Cason suggested that he keep the illustrations with the section that it is describing. Mr. Buescher stated that his plan was to incorporate the illustration section and reference the sections that go along with it. Ms. Cason suggested letting the ordinance committee figure this area out.

(b) (c) (d) No changes

(e) Rear Yards – This is all in the schedule, it should all tie back. Mr. Buescher asked that we cross out to the nearest point of the prevailing rear wall or façade of main building. Please cross out as measured to the nearest point of the prevailing rear wall or rear projection feature under section 1252.10 (c). Mr. Buescher mentioned it was not necessary.

(f) Minimum distance between habitable buildings – Ms. Cason asked if there was going to be 10 feet between buildings. It will be contiguous, 5 feet on each side. Ms. Cason asked if it should say dwelling or building, what about a shed. Mr. Buescher talked about new builds, additions and re work situations. This is consistent with the National Fire Code.

(g) Accessory Buildings in Single Family Districts – This was very well written, no questions.

1252.06 Supplementary Area Regulations for Residential in any District

No changes, just some simple clean up.

1252.07 Illustrations of Area and Yard Regulations in Single Family District

This section was deleted and will be replaced with Illustrations.

1252.08 Supplementary Yard Regulations for Residential Buildings in any District

Section (a) and (b) were combined. They had the same language. Cannot claim your neighbor's lot provides space for you, or combine lots and sell a piece

(b) Driveways in Side yards – Completely new section, no questions.

(c) Side Yards on Corner Lots – No questions

(d) Modifications – Removed subsection (f) below

(e) Front Yards of Partially Built up streets – Some clean-up of the language. Mr. Buescher added that in no event shall the front yard setback established by this provision be reduced more than 12 feet. He noticed that in surrounding communities they limit the amount. He would defer this to Mr. Moore on how applicable on some of the very shallow lots, such as over on Twilight. The 12 feet may not even be enough. There were some communities that were 12 feet and some were 10 feet. He chose to go with the larger measurement. If a lot is that shallow, it should be exempt and covered under (f).

(f) Exemptions – Mr. Buescher suggested to eliminate the date of September 14, 1955 and just replace it with verbiage referring to if a lot has been platted and approved. Ms. Cason suggested referring this to the Ordinance Committee. There is more clarity with the date, leave it as is.

(g) Isolated Parcels Prohibited – no questions

(h) Settled Use of insufficient lots – Mr. Buescher stated that he had looked at the legal defense, and the courts seem to attach the reasonable time period to land owners, with proper notification for use of the property. Mr. Buescher is looking at the non-conforming lots that have not been developed in 21.5 years, the matter then becomes settled. The benefit for the new settled use to either providing more open space if you own the parcel next to you or the potential benefit to adjacent properties. You can recognize a financial return by selling that piece of land. These are for parcels under 40 feet.

1252.09 Planned Unit Development of One-Family Dwellings

No proposed changes to (a) or (b)

1252.10 Yard Projections Schedule

Mr. Buescher stated that we could put an X in the Front Yard A-1, A-2/B-E in the first and second story horizontal wall features, and also an X in wall mount portico, awnings.

1252.13 Supplementary Height Limitations

This is the flagpole reference. No changes.

1252.14 Resident Space Requirements

Clean up and clarity to this section.

1252.15 Location Accessory Buildings

- (a) No changes
- (b) Clean up and clarity to this section
- (c) (d) No changes

(e) Ms. Cason asked about the change from 5 feet to 25 feet. Mr. Buescher stated it's only to lots that are on the shore line.

1252.16 Temporary Shelters

No Changes

Considerations

Mr. Buescher wanted to clarify what is a structure. He stated that you can have a concrete patio, concrete driveways, paver patios, but a wood deck patio is not considered a structure. He was saying that he shouldn't be forced to do a paver patio. He wants to get away from the type of structure, and get more generic to what is applicable as being a structure. What gives us the authority to control property, his response was adequate light and ventilation. It is a matter of elevation of what you are doing. Ms. Cason asked about adding a definition section, her concern was to not over write the Ohio Revised Building Code. Do they define structure?

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Mr. Buescher mentioned that he and his wife wanted to put in an in ground pool, but it's a smaller lot and it affects the size of house he can build. He doesn't think they have that authority based on the authority given by the State of Ohio. Ms. Cason felt this was a good example to this section. Mr. Buescher stated that it is a structure and that firemen would not be able to get through there.

Ms. Cason thanked Mr. Buescher for his work on this document and the clarity.

MOTION by Mr. Sweeney, and seconded by Mr. Boomer to accept the proposed ordinance changes and refer them to City Council for further consideration.

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

MOTION CARRIED 5/0

NEW BUSINESS: A proposal to eliminate the Office District and the single Business District and merge them on to one set of rules where they have Business District 1 and 2. Business District 1 will be primarily the west side of Andrews Road and then Business District 2 will be the east side of Andrews Road. The previous Business District Ordinance listed the various permitted uses, but didn't list everything that would be acceptable. It will be more of a schedule and much easier to follow, requiring Conditional Use Permits for things in Business District 1 where you are butting up against properties. The only residential areas that will be allowed in either of the Business Districts are the apartments for the elderly (ARTARP). They would allow a primary use structure with a condo on top and a business on the bottom. Apartments would not be allowed in the Business District. There are existing apartments, if they did burn down, they would not be able to be replaced as apartments. They are requiring buffering and screening between Business and Residential. Item will be tabled until the next meeting.

ANNOUNCEMENTS AND SETTING OF MEETINGS: June 4, 2018

A MOTION to adjourn by acclamation by Mr. Johnson and a second by Ms. Cason.

MEETING ADJOURNED – 8:20 pm

APPROVED June 4, 2018
Date

[Signature]
Chairman

ATTEST [Signature]
Planning and Zoning Clerk