

**Minutes of the Planning Commission
Sheffield Lake, Ohio
January 19, 2012**

The regular meeting of the Planning Commission was held Thursday, January 19, 2012. Chairman Jancura called the meeting to order at 7:03 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Guenther, Wells, Erdei, Belaska

Absent: McClelland (excused)

Attending: Mayor Bring, Law Director Graves, Councilman Elliott, Zoning; Rinderknecht

*Mayor Bring swore in Scott Jancura to service for the
Planning Commission for the City of Sheffield Lake, Ohio*

**Motion by Erdei/Second by Wells to nominate Scott Jancura for Chairman. Yeas All.*

MINUTES: *Motion by Erdei/Second by Guenther to approve the May 19, 2011 meeting minutes as presented. Yeas All.

CORRESPONDENCE: **None.**

REPORT FROM COUNCIL REPRESENTATIVE: **None.**

REPORT FROM ZONING BOARD OF APPEALS MEMBER: **None.**

PRESENTATIONS: **None.**

OLD BUSINESS:

City zoning study – Law Director Graves advised the city zoning study that is under consideration is really only focused on various spot zones throughout the city and try to make them more in conformity. It doesn't have any sweeping changes to the zoning districts. Chairman Jancura stated not sweeping but we were trying to clean up R1, R2/B1, B2 and clean that up. Law Director Graves stated in limited spot zoning situations. Chairman Jancura advised I don't want to exceed our authority or what is put before us. Law Director Graves advised the Commission would not have to wait until Council acts on all the proposed zoning changes to make a recommendation or to consider zoning changes in regard to manufactured homes and mobile homes.

Manufactured/Mobile Homes – Law Director Graves advised I have my file on it. Chairman Jancura asked is there anything else that we have left to do on it. Law Director Graves recalled we ran into this problem when the house burned down on Abbe Road and the individual decided to replace the existing structure with a mobile home. Chairman Jancura asked a manufactured home or just a mobile home? Law

Director Graves answered I think it is technically a mobile home and there are several differences between manufactured homes and mobile homes. The only limitation that we have that would potentially apply is new construction that has to be a minimum of 1500 square feet. This was a non-conforming situation where the house that burned down was smaller than that so he was allowed to rebuild smaller than that. The state has preempted local communities from any restrictions or regulation in the building code of mobile homes or manufactured homes. We cannot require additional foundation requirements or anything, the state has taken that over completely. The one area that the city still retains some authority over is the zoning and we could if the city so chose limit mobile homes or manufactured homes to certain zoning districts or basically prohibit them in any zoning district in the city. That is where the discussion left off as it has been a long time. We haven't really looked at this issue in probably 6 months I would say. Chairman Jancura advised my position still is that the differences are not subtle between manufactured housing and mobile homes. Mobile homes has wheels, it got moved there – we can define that. A manufactured house – you can have a 5000 square foot house, a manufactured house at the end of the day is going to be stronger, better and just as good looking as a stick built house. That is my opinion, I mean manufactured housing – there is a reason I am sure that the State of Ohio has wanted to preempt that. Member Erdei stated if we don't allow them in the city, we would have to make sure that we are going to allow manufactured homes because I have worked in them and then not allow for the mobile homes? Chairman Jancura stated we could set up a mobile home zone and define what a mobile home is but as far as manufactured housing – I think that is anywhere you can build a stick built house in any residential district. Member Guenther stated I think there shouldn't be a zone for mobile homes. Law Director Graves advised keep in mind again as I do have sections of code from I believe it was North Canton – they differentiate between mobile homes and permanently sided manufactured homes and you could do that as well. Again either way they are going to have to comply with the minimum square footage unless it is a non-conforming situation. But some of the double wide could exceed the 1500 square feet, so they could possibly build that.

NEW BUSINESS:

Resolution#1-12 proposed zoning change; accessory buildings/structures - Councilman Elliott advised this was actually brought before us by Dave over an incident that happened last summer. So I think it is more appropriate that he gets us started and I can brief you on what my committee decided. Law Director Graves recalled just by way of background, we had a situation that I am sure that many of you remember and this is in regard to a boat house that was constructed next to the Community Center. There was great conflict over this accessory building and it didn't fall neatly within any of our existing ordinances. We have section 1383 which talks about storage sheds and so forth, metal sheds and storage sheds and that has specific limitations regarding the size and location. Then you have section 1133 which is the

R1 zoning district which has different standards for accessory buildings. It doesn't have a specific size – 12 X 16, it just says no more than 30% of the rear yard. So a number of questions came up as to whether this really qualified as a storage building, we don't differentiate in our code between storage, recreational or otherwise. We don't define accessory structures such as; pavilions, carport kind of things, there is other accessory structures that you might find that people have in their yard – decorative things, landscaping type things. We don't really define any of that, so I think in regard to that situation the whole size issue we just had to kind of ignore it and say well we really don't have consistent code to enforce. Ultimately that structure had to be removed because it was built spanning 2 property lines and the owner was unwilling to convey the lots and get it consolidated on 1 lot. There are a number of questions regarding accessory buildings in the city. I did a real quick outline here; 1383 and related sections and 1133 could be sort of combined or take the language out of there and then create a new section which I would propose to be 1151.06 which would be much more comprehensive and specific in regard to accessory structures and accessory buildings. Some of the issues that are before us in crafting this code; currently the City of Sheffield Lake only allows 1 accessory building – you can have 1 shed, 1 out building of any kind. If you want an additional accessory building, you have to come to Zoning Board of Appeals and seek a variance and I know that some people have actually expressed objections to that and thinks that maybe that should 2 – that we should allow 2 accessory buildings, not limit it to 1. That is the question, do we want to keep that or change it. Should there be different standards for different types of accessory buildings, should we limit the size of storage buildings but maybe expand that for recreational type buildings. If someone wanted to have more of a boat house or pavilion or something like that. Define accessory structures as opposed to accessory buildings, again I think there is a lot of times people have accessory structures in their yard that they may not really be a building per say. Perhaps some exclusions, non-enclosing landscaping – historically the city has not considered a non-enclosing landscaping gazebo type thing as an accessory building and if it is relatively small and doesn't enclose the city has looked upon it as landscaping – not as a functional accessory building and not counted it toward that one. But that is just something that has evolved over time as a policy, it is not written anywhere and maybe that is something that should be clarified. Pool; some people have enclosures around like a pool filter or a central air unit and these type of things could be excluded as accessory structures. Define the parameters; 1383 says they can be no larger than 192 square feet/12 X 16/only in the rear yard/no more than 12 feet tall and 3 feet from the lot line. 1151 says they shall not exceed 30% of the rear yard or 35% accumulative of the lot so there is different standards there. Exclude private garages which under 1151.02 they talk about that and then 1133.02 they talk about the garage cannot exceed the height of the dwelling. So that would be an exception from the storage shed and then perhaps different standards for different zoning districts; if you wanted to allow certain size accessory structures in R1 and then maybe different in R2, R3. I

am not making any recommendations on any of these things, I am just pointing out some of the issues to talk about and to consider going forward and try to clean this up and make a recommendation to City Council for a comprehensive ordinance on accessory buildings and structures. Councilman Elliott stated so basically in a nutshell like Dave said the only thing in the ordinance that defines an accessory building is basically a shed and one of things that I wanted to do was eliminate the word “shed” because basically some of the new stuff out there you got multi-purpose buildings that could be considered recreational and also storage. We discussed this for 6 months and Dave felt it appropriate to bring it to you for a recommendation. Basically you have different size lots throughout the city so it is really not fair to tell somebody that might have 2 acres, well you can only have 1 accessory building and basically confine them to the same person that may have a smaller size lot that only has room for 1 accessory building. Basically there is a lack of definition between what a recreational building is and a storage shed. So once you put a storage shed in and you want to put a gazebo in or anything decorative like that there is no definition in the ordinances that states you can do that. But you can either do nothing or make recommendations to us. Law Director Graves advised just to underscore this, Chapter 1383 is titled metal sheds and accessory buildings, so you would think that it apply to all types of accessory buildings but then if you look at definitions it says “for purposes of this Chapter a storage shed means any building you used as an accessory building for a single family residence that is not used as a private garage”. So any accessory building that is not a private garage is a storage shed. For example like the situation we had last summer, that was not a storage shed but we were applying this because it says a storage shed is any accessory building – it is not a garage. Then if you go to the R1 residential it says an accessory building may not exceed 30% of the rear yard. So it could clearly under 1133 be much larger than 12 X 16 just so long as it didn’t exceed 30% of the rear yard, so which section do we apply. Chairman Jancura advised I can understand the confusion and I can also personally say that depending on if you have a 2-acre lot and you need a lot more storage for bigger lawn equipment and everything 12 X 16 can be pretty cramped. I don’t near 2 acres and my shed is full to the brim so I can understand that. Member Erdei stated if we make sure that we split them like for storage and for recreational and then take off after that. Simplify it to where storage will have so many units and then recreational like full houses or whatever. If we draw the line right down the middle and categorize each one then I think it would be a lot easier for the people to understand it. Chairman Jancura stated that is true and then it begs the question you can storage shed and you can have a pool house, you can have more than 1 accessory building on your lot as long as you are under the 30% - is that what you are thinking? Member Guenther stated I think you should be able to have 2 separate buildings – you could have a recreation and a storage shed. I don’t think anybody should be able to have 2 or 3 sheds on their property but I think 1 of each would be sufficient instead of limiting it to 1 building on a property. Member Erdei stated the gazebos and everything, if somebody wants to beautify their property than I am all for it. You can’t

exclude them from like gazebos, so they are not in the category of like a car port or anything. Member Wells stated those are not closed in, they are open. Member Erdei concurred right, it is like a covered shelter to enjoy your backyard and entertain. Chairman Jancura stated you could have one of those open things that has vines going around or holly or what have you and I don't see how that should be in the same category. Councilman Elliott advised this is similar to what was discussed in Ordinance. The problem is like I said a lot of these structures are multi-use structures, one side may be for storage and then you have like an extended portion that is like a porch. Like it or not that is 1 structure, so the problem is how do you define that structure. One of things that I wanted to get away from, I wanted to keep it simple. Something that the average resident throughout the city could look at and say okay this is what the city wants. I wanted to get away from the percentage of yardage definition because somebody is going to look at that and say I don't get it. I really wanted to keep it simple, something that someone could look at and understand. Member Guenther advised on the percentage of yard, you may have someone who has a 2-acre yard and if they want to build a shed that is 35% of their yard – do we really want them building this monstrosity on a side street on a corner lot? Councilman Elliott advised we were discussing that for 6 months and that was one of our blocks that we kept coming to was you don't want somebody building this big monstrosity but at the same time the homeowner has rights. So how do you balance that and make fair for a person that has a small yard versus somebody that has 2-acres. Member Erdei stated plus if you have somebody who is building something that big on their property, what if the neighbor only has a little chunk of land and he is looking out his back window and he sees this monstrosity of a storage she or a garage or whatever you want to call it but wouldn't that be in Zoning for a building permit? Councilman Elliott advised the ordinance is basically written restrictive to everyone regardless of where you live in the city, so basically everybody that lives within the city are held to the same restrictions which is why I think Dave brought it up and said maybe we need to bring this to Planning and get your take and all this. Mayor Bring advised I think the last thing we want to do is see a ton of sheds and buildings all over throughout the city but we do have on any new lot you can before the Board for a variance and you get a 70-foot and you can build a house. We have 35-foot lots and you put a couple of those together and those are 70-feet and we are allowing that to build but most of the new developments that we have which are very few but those are 90-foot lots so they have a little bit more room. Then you get on the lake and from the back of my house to the lake there is 250-feet so there is plenty of room to do things like that but I also have 130-foot to the front. So along the lake, just like we ran into the situation over there on Abbe Road – it is non-conforming. So that is all for your consideration and will come into the process of you looking at things like – okay can they put a building over here. We also have a height restriction for garages and sheds, that has come up several times in the Building Department. If you have a ranch house and you want to build a 2-story garage they are not going to allow you to do that because it can only be

the height of the existing house and that is something I would like to see Ordinance go back to also because if you go down Lake Road and I know I keep bringing up Lake Road but if you go down you see a lot of very nice garage 2-story cottage style. The other thing that we want to do in putting these buildings up also offers the opportunity to get clutter out of peoples yards. Again you are on the right track and you are looking at maybe 1 or 2 buildings but like Mr. Guenther said you have a recreational building that you can put stuff in but you also have to have a place for lawn equipment and also you have some houses that have basements and some that don't. So that is all things that you have to think about in your discussions. Councilman Elliott advised this discussion would exclude garages, those do not count here. Member Guenther asked what is a boat house considered; recreation or storage? Councilman Elliott advised right now that counts as your storage shed or 1 other structure. Like I said I wanted to get away from the terminology of shed because that is just too broad. Member Guenther asked is a shed considered going to Home Depot and buying one of those plastic sheds and slapping it up? Councilman Elliott answered that is a shed and then you can go up and basically build something that is smaller than a single car garage and that is still a shed. So I wanted to get away from the terminology of shed because it is just too broad. Chairman Jancura asked did Ordinance consider a normal maximum of the 12 X 16 but then have some sort of sliding scale depending on your acreage where that number can go up? Councilman Elliott advised that is where you get into the percentage of your lot versus the percentage of your square footage or your building. Chairman Jancura stated so you would still be restricted by the size of the lot and the 30% in the rear yard but let's say you had an acre in your rear yard, you could have some sort of a sliding scale where if you have 1/2 an acre, etc. Councilman Elliott advised once you get bigger it is considered a garage, a shed has to be a certain size and once it extends and gets bigger in size it is termed a garage? Chairman Jancura asked at what point is it termed a garage? Law Director Graves answered any structure over 12 X 16, if we were following 1383 you would not be able to build an accessory building in excess of 12 X 16 unless it was a private garage. It has to clearly be a garage or you can't go beyond that but as I said we are going to have a hard time enforcing that when we have a conflicting provision under 1133 that says your accessory building just can't exceed 30% of your rear yard and can't exceed 12-feet in height. Councilman Elliott stated which is another thing in my belief if it is unenforceable – if you cannot enforce it, it is not worth the paper it is printed on so why waste your time. So I think you can see our problem, we are pulling in different directions and I think we just wanted you to clarify and what your intentions were. Member Wells asked has anyone looked at the ordinances of contiguous city's or townships to see what they have and whether they have something that would be better. Member Guenther advised I think what we should do first of all is delineate what is a storage shed or structure versus a recreational building and move from there for how many. Chairman Jancura advised you are not going to solve it all at once you got to start building it piece by piece and it sounds like a good step 1 to me. Member

Wells advised in the process of doing that you have to get rid of the conflicts in the ordinances so that in the end there isn't the conflict and you have to make sure that what you do is enforceable. After a brief discussion on other communities, Commission gave direction for Clerk to check other communities; Avon Lake, Lorain, Vermilion, Bay Village, Rocky River. REVIEW AND DISCUSSION TO CONTINUE NEXT MEETING.

CITIZENS' COMMENTARY: None.

MEETING ADJOURNED: With no further business before this committee, *Motion Guenther/Second by Wells to adjourn at 7:48 PM. Yeas All.

CLERK OF COMMITTEE AFFIRMATION: This meeting of the City Committee of the City of Sheffield Lake, Ohio was held and conducted under All Rules and Regulations Governing the Sunshine Laws of the State of Ohio as they may apply. All meetings are recorded and available in Councils Office.

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Commission Of Sheffield Lake DO HEREBY CERTIFY that this is A true and exact copy of the Minutes of COMMISSION Of January 19, 2012.

CHAIRMAN

Scott Jancura

PRESIDENT OF COUNCIL

Edward R Podmanik

and/or

COUNCIL PRO TEM

Rick Rosso