

BUILDING & BUILDING CODES COMMITTEE MINUTES
JUNE 25, 2007

The Building & Building Codes Committee meeting was held on June 25, 2007, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:30 p.m.

PRESENT: Committee Members: Chair Don Willey, Kurt McKee, Lisa Uffman-Kirsch; Council: Bob Stefanik, Denise Bobulsky, Larry Antoskiewicz; Administration: Law Director Tom O'Donnell, Building Commissioner Rito Alvarez, Other Attendees: Nick Cinquepalmi, Michelle Cinquepalmi, Joanne Dumound, Dave Perry, John Zajac, George Albrecht, Jan Kramarz.

Minutes from May 23, 2007

Moved by Mrs. Uffman-Kirsch to approve the minutes from May 23, 2007 with the amendment to Unfinished Business Item 4 to state "Waiting for input from Mr. O'Donnell." Seconded by Mr. McKee. 3 yeas/0 nays.
Motion carried.

UNFINISHED BUSINESS

1. Chapter 1282 Off-Street Parking and Loading

Mr. O'Donnell said we were trying to find standards. The only standards he has found after talking with Mr. Alvarez is that standards have been previously written by other architects. The standards would be available through the HBO that the city has membership through, he believes, the Council Office.

Mr. O'Donnell spoke with both Mr. Alvarez and Mr. Kosdrosky to determine if we had the books.

Mr. Kosdrosky thought we did have them and Mr. O'Donnell has not heard back from Mr. Kosdrosky.

Mr. O'Donnell said he is hoping to find the standards he is seeking in these books. There is no government source that is a standard that must be followed other than for handicap parking.

Mrs. Uffman-Kirsch said the Mrs. Thayler put together recommendations on the code when she was at Cuyahoga County Planning Commission in 2003. Mr. Willey said her information was quite complicated with many different options. Both Mrs. Uffman-Kirsch and Mrs. Bobulsky said that there was another submission by Mrs. Thayler that was reduced considerably. Mr. Willey said that there was also information from the State of Washington.

2. Sign approval process by Building Department and/or ARB

The recommendation submitted by Mr. O'Donnell was discussed. Mrs. Uffman-Kirsch said she has no problem with temporary signs being approved by the Building Commissioner and she would rather that be 6 months with an extension rather than the proposed 1 year. Mr. Willey explained that he felt the 1 year was in accordance with 1 year contracts and felt it appropriate. Mrs. Uffman-Kirsch felt that replacement signs should be approved by both ARB and the Building Commissioner. She said new signs or replacement signs that include structural changes should remain with the current process of Planning Commission, ARB and Building Commissioner for review allowing for more eyes to review since it involves not just things on buildings, setbacks, locations on lots, possible conflicts with grading and topography—things outside of the building structure itself. Mr. Willey felt that the Planning Commission did not bring any more expertise than the Building Commissioner or the City Engineer have and they are already involved with the process. Mrs. Uffman-Kirsch said that the Engineering Department would only be involved with the development and that the Building Commissioner and City Engineer currently supply reports to the Planning Commission.

Mrs. Uffman-Kirsch agreed that more signs than needed are going through Planning Commission and feels some of the proposed changes would work. Mr. Willey said he disagreed and felt that the proposed change would be good. He said that the Building Commissioner knows what is allowed by the structure, where it is allowed and so forth. ARB will look at the aesthetics if that is necessary. He does not see anything that the Planning Commission can add to it other than having applicants wait through a long meeting. Mrs. Uffman-Kirsch asked if the sign approval could be taken out of order and handled at the beginning of the meeting. Mr. O'Donnell said that the order items are taken on the agenda could be changed by whoever controls the agenda. Mr. O'Donnell provided an analogy that fence permits are

approved by the Building Commissioner without approval by the Planning Commission and it is a structure. He did not see that it would be a problem to have the approval handled by the Building Commissioner. Mrs. Uffman-Kirsch said that there has been a bigger issue over the years with signs and Planning Commission has had good input. Mr. Willey said that we now have an ARB that is trying to keep things within a standard and he did not know of anyone on the Planning Commission that would bring more to what the Building Commissioner and ARB could catch. There are several people looking at this now that are knowledgeable and know what has to be done. They are professional people and that citizens and Council should have the trust in them that they are going to do the right thing. They are the experts. This eliminates a step for people applying.

Mrs. Uffman-Kirsch had some comments to the proposed changes 1284.03 Special Sign Districts is repeated in 1284.10 and she asked if this should be placed in this way. Under 1284.07 Signs in Residential Districts (e) "local area" should it be "total area." Mr. O'Donnell said it should be "total." 1284.13 (f) and (i) seems like a conflict over who is approving and if there is an appeal. (Page 6). 1284.15 nonconforming signs with repairs, if we want to make it easier for people, she felt that it could be considered to allow for a permit to replace basic equipment, such as substitution of lights, minor wiring or painting. 1284.17 Prohibited Signs, balloons are listed but 1284.03 allow for balloons—there is a conflict. If there are pennants prohibited, perhaps banners might need to be included in this subsection (t). The subparagraph refers to the City manager and the community development board neither of which we have.

Mr. Willey questioned with regard to enforcement if the appeal goes to BZA regarding refusals or denials of the ARB or Building Commissioner. Mr. O'Donnell said that the applicant or the city can appeal to BZA.

Mr. Antoskiewicz said he did not feel it needs to stay with the Planning Commission. They usually approve based on the advice of the Building Commissioner and ARB now.

Mrs. Uffman-Kirsch asked about placement of signs if it is the Building or Engineering Department that oversees it. Mr. Alvarez explained that both departments will consult.

Mr. O'Donnell wanted to review with regard to 1284.17 (t) and asked if there were any objections to the addition of banners. There were no objections. Mr. O'Donnell felt that our code does not actually define banners and we should incorporate a definition to that. Mr. Alvarez asked about using the Webster's Dictionary definition, Mr. O'Donnell thought that perhaps our code does address plain meaning, however he felt a technical meaning should be used for banner and this term should be defined. Mr. O'Donnell asked the rest of the committee about the requirement of a permit for ordinary maintenance. The committee felt that normal and ordinary maintenance could be done without a permit. Mrs. Uffman-Kirsch said that the sentence with regard to the list of non-conforming signs could be moved to the header paragraph. Mr. Alvarez said there is not a list kept, but the information is in the computer system by address.

Mr. O'Donnell will continue his review and make the changes discussed for final review by the committee.

3. Proposed Ordinance 07-10 Greenways Plan

Mr. O'Donnell said that he does not have more information. He has not been able to find the information he is looking for whether or not a plan which is set forth in a Master Plan has any effect on someone's property value. Mrs. Uffman-Kirsch asked rhetorically: Whether or not zoning listed in a Master Plan or any other restrictions on utilization of property that may be in the codes would have an effect on property values. She sees that to be so and the codes are not optional they must be followed. This Greenways Plan is totally optional and there is no taking or eminent domain. Mrs. Uffman-Kirsch does not see it being any different when you look at all the other restrictions in our codes on property that could effect the utilization of it how this would be any different as it relates to property values specifically because it is optional. Mr. Willey said that any zoning has an effect on the property value and it should be allowing for

the highest and best use of the property. Mr. O'Donnell said with respect to the comment of Mrs. Uffman-Kirsch that it is analogous to what he said earlier using the same tactic about if the Building Commissioner can approve permits for fences, why can he not approve permits for signs. If the zoning code applies to property then how would that affect value and why can we not do this proposed ordinance. Mr. O'Donnell said it probably would not have much of an effect, but if this idea is recognized then the previous idea should be recognized.

Mr. Antoskiewicz asked Mr. O'Donnell if, as he said, it is difficult to find the information, would it be easier to redo the map showing it going on the outside of the properties versus cutting through them. Would that be an easier concept?

Mr. O'Donnell asked when the Parma Freeway was recommended on the original master plan, how did the property owners feel then. Did they feel it affected the value of their property? The Parma Freeway was never built but it was to go through the western part of North Royalton. He said this is a recommendation and, whether it goes through or around property is not significant.

Mr. Antoskiewicz feels it is significant, otherwise we would not be here debating it; to him the easy solution is to draw around the property. Mr. O'Donnell said if the river goes through a property then a greenway should be put around the property and not along the river? If you will have a riparian setback from the river, according to existing code, is this not double whamming the property owner? This would theoretically have more effect to the property. Mr. Antoskiewicz said it is a concept and a map and theoretically even if it comes straight through does not mean it ever connects straight through with what is going on with the map. Mr. Antoskiewicz asked Mr. O'Donnell how you would feel if it was your property. Mr. O'Donnell said he has a river going through his property. If it is ever taken he will get fair value. Mrs. Uffman-Kirsch said that also Mr. O'Donnell could say no.

Mrs. Uffman-Kirsch said that she has two property owners that are interested in pursuing this if it ever becomes an option. It makes no sense to have it go around properties, from a logical standpoint it does not work. There are pipeline easements that this would go through that are on private property, there are high tension wire easements that this would go along. Mr. Willey said that the difference is that the utilities have paid for the easements. Mrs. Uffman-Kirsch said it could be up to the landowner who could also donate.

Mrs. Uffman-Kirsch asked Mr. O'Donnell if it was possible to proceed with public hearings. She asked the requirement for public hearings to go forward at this point so we could have public input. Perhaps this input would help drive the thoughts and deliberations of Council. Mr. O'Donnell said a decision from either Council and/or the Planning Commission is needed to have the public hearing. It does not have to come out of Council with a decision prior. Council can decide how to do it. There is no chart to follow. It just says there is a public hearing required. The rules apply to the timing of the notice of public hearing.

Mr. Willey asked the City Engineer for the proposed map to be placed on our city map. This would be needed in order to answer questions from residents before a public hearing is scheduled.

Mr. McKee said that there is nothing agreed upon by Council and this should be done before going to the public and involving them in public hearings. Mrs. Uffman-Kirsch said she was not exactly sure where we are going or what we are proposing to change here.

Mr. Willey said we want to know the legality of doing this and what properties will be affected even though it is a concept. The rural residential rezoning that rezoned a lot of properties created some very unhappy people even if there were some happy people. Some of the people were anticipating a profit on their land through development. Mr. Willey would like to see this map in the citywide format showing where the plan is to go in order to show every resident how they will be affected by this plan.

Mrs. Uffman-Kirsch asked Mr. O'Donnell specifically what she needs to do to get the public hearing process going. Mr. O'Donnell said that the majority of Council has to approve to put it on for public hearing. It will take a simple majority.

4. Lawn parking regulation

Residents were present to oppose the lawn parking regulation. Mr. O'Donnell asked if the opposition was to temporary parking or to longer parking as in all night or weekend. The resident asked who would differentiate if it was all the time or not. If there is a ticket issued then that must be argued. Mr. O'Donnell said there is a code that you cannot park on the street overnight. If this is a problem the driveway can be extended to allow for needed parking. If someone is on a public street with limited parking then the limited parking should be used.

Mr. O'Donnell explained that the proposed ordinance would prohibit parking on the front lawn. If you want to park in the front lawn area, that would require a hard surface. This proposed legislation addresses families routinely parking on the grass of the front lawn making it look bad in the residential areas.

Mr. Willey explained this is under discussion. People with large lots may have different situations. He said there was a question posed last meeting about making a change for developments.

A resident present said that houses on the main roads or those with larger lots should have allowance for this parking.

Mrs. Uffman-Kirsch asked Mr. O'Donnell if the homeowners association could handle this as opposed to the city legislating it for developments. Mr. O'Donnell said that that it would be difficult to modify the deeds and covenants. There are associations that no longer exist.

Mrs. Uffman-Kirsch said that Mr. McKee was going to look into different codes. Mr. McKee said he is still looking into this and Mr. Willey said he is still looking into it.

Mr. O'Donnell said there is a distinct difference with being in an urban area such as Lakewood and being in North Royalton with much larger lot sizes. The intent of the proposed ordinance was to say if you are going to park in your front yard it has to be a designated parking area. It was not intended as a temporary need where permission can be granted from the Police Department. The problem is to define development.

Mrs. Uffman-Kirsch said she still feels this is over legislating.

NEW BUSINESS

1. Abandoned houses

Mr. Willey said there is a resident present to discuss abandoned houses and Mr. Willey said there are several in his ward and perhaps there are more in other wards. Mr. Willey spoke with the Fire Chief and the Building Commissioner regarding the long range and short range problems. If there is an abandoned house there is a process in place with regard to property maintenance. Another issue is similar to one in South Euclid where there was a broken outdoor electric lamp that had power. There could be water lines affected with no utilities. This is a safety issue. The house near Mr. Perry has been abandoned for a year and left open to animals. The Fire Department has determined that the electric meter was still engaged. Luckily no one was hurt. Mr. Willey was wondering what could be legislated for when a house is apparently abandoned to at least secure the house so it does not burn down, become broken into, etc. to at least secure it to make it a safe property.

Mr. O'Donnell said that the Law Department should be involved early in the process. There are ways to track down the owners and bankers. Legislatively the owner can be required to take action to secure the property. The best way is to deal through the bank that typically holds the mortgage. We do not have a housing court in this district to take care of these issues. That is something Mr. O'Donnell could work on

with other area Law Directors to see what Parma Court will do for us in terms of setting aside a magistrate to take care of these issues. When a case gets into bankruptcy it becomes very complex.

Mr. O'Donnell said the banks respond to money issues if they are losing money, a nuisance issue where it would be ordered to be torn down, or possibly being in contempt. These issues can be worked on through the Law Department. It may not need legislation. The Law Department can work on it if notified early.

Mr. Willey asked at what point would it be determined that the other departments, who would be the typical first responders, should notify the Law Department. Mr. O'Donnell said as soon as it is recognized as abandoned. Mr. Willey asked if a definition of abandonment is needed. Mr. O'Donnell felt that each would be handled differently. All the departments involved can try to determine if the home is abandoned or merely vacant for a period of time.

2. Fencing Ordinances

Mr. Perry said he has a neighbor who has put up a fence that is partly on the property of Mr. Perry. He asked about the city ordinances regarding fencing.

Mr. O'Donnell explained that the city issues a permit to allow the fence to be erected; the city does not survey the property line or follow to see that the fence is installed properly. If the fence is not properly installed the property owner who is infringed upon has a remedy through the court. Mr. Perry said he is in mediation now and said that our ordinances do not state the property owners need to both agree to have a fence. Mr. O'Donnell explained that our ordinances do not have to stipulate it; that is the basis of Ohio Law. The property encroachment is a civil matter and must be handled accordingly. The city will not get involved in this.

Mr. McKee moved to adjourn the meeting, seconded by Mrs. Uffman-Kirsch. 3 yeas/0 nays. Motion carried. Meeting adjourned at 7:50 p.m.