

BUILDING & BUILDING CODES COMMITTEE MINUTES
January 21, 2008

The Building & Building Codes Committee meeting was held on January 21, 2008, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 7:30 p.m.

PRESENT: Committee Members: Chair Don Willey, Kurt McKee, Larry Antoskiewicz; Council: Vince Gentile, John Nickell, Gary Petrusky, Dan Kasaris; Administration: Mayor Bob Stefanik, Assistant Prosecutor Donna Vozar, Community Development Director Tom Jordan Other Attendees: Nick Cinquepalmi, Patrick Jones, Joanne Dumound, Jim Blondin, Patrick Ellis, James Polacek.

Moved by Mr. McKee to approve the minutes from November 19, 2007, seconded by Mr. Willey. 2 yeas/0 nays. (Antoskiewicz Excused) Motion carried.

RESIDENT DISCUSSION

NEW BUSINESS

1. 08-17 Rezoning property on West 130th Street from RO to Residential

Mr. Willey said Mr. Blondin was present to discuss his request to rezone his property on West 130th Street near the Turnpike from Research Office to Residential. Mr. Blondin said this is approximately 6.23 acres and was previously zoned residential. His intention is to combine this with his property and split off a residential lot for his daughter and son-in-law to build a house that would accommodate the needs of his grandson who has muscular dystrophy. He presented the plans and explained how he would meet the minimum building requirements of the city.

Mrs. Vozar explained that there were options presented to Mr. Blondin by the Law Director to obtain variances or apply for rezoning. She recommended previously to Mr. Blondin applying for a use variance to the BZA since the rezoning would be considered spot zoning and go against the Master Plan and good planning. It was explained to Mr. Blondin that he has the right to choose his course and he decided to apply for rezoning.

Mr. Gentile asked about the variance versus rezoning and if this could be reverted to Research Office at a later time. Mrs. Vozar explained that rezoning would have to occur if it were to be put back to Research Office. She said rezoning is a dramatic thing to do to a property. The proper way to handle one specific property issue or problem is to handle it through the Board of Zoning Appeals (BZA) not rezoning it. By rezoning the property as a spot zone the purpose of having a Master Plan and having zoning is lost.

Mr. Blondin said that he understands his option to apply to the BZA. He would like to put a residential house on the property whichever way he would be permitted to do so.

Mr. Antoskiewicz asked if this could be kept on the agenda in order that Mr. Blondin can go to the BZA for the variance. He would still need to have the lot split/consolidation and need to go to the Planning Commission. The legislation would then not be needed. BZA could grant the use variance allowing it to be used a residential property with the condition that the lot split occurs.

Mr. Jordan was asked his opinion. He said his concern is the precedent of spot zoning and later if someone were denied a request for spot rezoning that the courts would over turn this since spot zoning was permitted by this legislation if approved. There is a cost involved for the survey for lot split. He recommended that Mr. Blondin apply to the BZA for the use variance then apply for the lot split afterward. Mr. Blondin said that Mrs. Broestl said that BZA did not have the authority to grant this variance. Mr. Blondin said he is trying to help his family and would like to get it accomplished in whatever manner is necessary. Mr. Blondin will apply to the BZA.

Mr. Gentile expressed concern with Mr. Blondin being told that the BZA would not be able to help him before he went before the BZA. If this is occurring others may be denied their right of appeal. Mrs. Vozar said that she will talk with Mrs. Broestl.

UNFINISHED BUSINESS

1. Chapter 1282 Off-Street Parking and Loading

Mr. Alvarez is not present tonight. This will be addressed when he is available.

2. Proposed Ordinance 07-10 Greenways Plan

This was removed from the Council agenda on November 29, 2007. Removed from agenda.

3. Abandoned houses

Mr. Willey explained that we have several homes that have been abandoned. The purpose of the discussion has been how to speed up the process for our city to make sure the home is maintained and safe during the foreclosure process. The Fire Department has been in contact with a company who will board up the house and make sure the utilities are shut off attempting to maintain safety.

Mrs. Vozar said that the sooner the Law Department is informed that the houses are abandoned the quicker the legal process can be started through the county. The question was posed if the houses could be declared a nuisance and torn down. Mrs. Vozar said for the most part the homes are not bad enough to have them razed.

4. Section 1286.06 Extension Prohibited regarding nonconforming use

No action.

5. Ordinance 07-103 review discussion by Planning Commission

Mr. Willey reviewed the information discussed in past meetings. The intent of the legislation is to streamline the process of businesses coming in for sign permits. There was a Public Hearing held on this in Planning Commission and through that process there were some issues and amendments discussed.

Mrs. Vozar said there is confusion about ARB and jurisdiction and time limitation regarding temporary signs. The goal is to get it moving along through Planning Commission.

Mr. Jordan said that the Planning Commission purpose is for the bigger picture ideas. Typically the Planning Commission does not get into detail with regard to sign colors or size. ARB is typically charged with that decision. Another issue is that two committees that meet twice a month would be holding up the sign issuance. The main idea with a temporary sign for a business is to indicate they are open for business. This could be issued by the Building Commissioner and the business could then open the same day. The business owner would then make application to ARB for the permanent sign and be dealing with only one committee along with the Building Department. Variances would be sent to the BZA.

Mr. Willey said that banners are currently prohibited (Section 1284). He asked if there would be an amendment. The timeliness of issuing the temporary permit was discussed. Three business days for approval was discussed as a fair amount of time to issue the temporary sign. Also discussed was allowing for a designee for when the Building Commissioner was not available and handling of appeals.

Mr. Willey moved to recommend approval to Council of 07-103 with amendments discussed, seconded by Mr. McKee. 3 yeas/0 nays. Motion carried.

Mrs. Vozar said this will be forwarded to the Planning Commission.

NEW BUSINESS**2. Ordinance 07-121 creating Chapter 846, Outdoor Portable Storage Containers**

Mr. Willey said that this is assisting commercial companies or residents in the process of moving or rehabbing their homes. He is not in favor of these for long-term storage.

Mr. Jordan said that there are concerns expressed in some cities of placement of outdoor portable storage containers that they: not be placed in the right-of-way or in the street in front of the house, should be placed on private property, should be temporary, not be used for permanent storage. The new legislation is supposed to cover the areas of concern as he understands.

Members present asked how this would be enforced, for example the length of time it is permitted. How would the city track the time? This would be used in conjunction with the issuance of building permits. The committee felt that this is currently not a problem and there is legislation currently regulating placement and we do not need to add legislation to regulate more than what we have now. This is removed from the agenda.

3. Point of sale inspection

Mr. Willey wants to discuss point of sale inspection for the next meeting. He said the advantage is when a house is going to be sold the city would conduct an inspection either external, internal or both to make sure the house is up to the current building code standards for the safety and aesthetic look of the community. Many communities have this requirement.

Mrs. Vozar said this makes it more difficult for people to sell their home. There are already private industries that are hired by buyers to do this. Another layer is added and it will make it harder for people to sell their home because they have to get the inspection in addition to getting their own if they want. The cities that are doing this currently are basically cities with older homes and have difficulty selling them. We have a lot of senior citizens who have difficulty in maintaining their home. They are going to be pushed into a situation where they would like to sell their home but they will not be able to and their home will continue to deteriorate.

Further discussion was that with the point of sale this would be the only time the home would be maintained. If it is left up to the people then they would assume the violation and the city would have to chase to get these issues repaired. In the case of the elderly, the point of sale would be worked with the seller in terms of escrow. A homeowner would not necessarily be required to repair prior to sale; this could be handled in the buyer/seller agreement. The only time this would be different would be if the loan were FHA. There are programs to assist elderly people.

Mr. McKee moved to adjourn the meeting, seconded by Mr. Antoskiewicz. 3 yeas/0 nays. Motion carried.
Meeting adjourned at 8:50 p.m.