

**BUILDING & BUILDING CODES COMMITTEE MINUTES
FEBRUARY 16, 2009**

The Building & Building Codes Committee meeting was held on February 16, 2009, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 7:26 p.m.

PRESENT: Committee Members: Chair Don Willey, Larry Antoskiewicz, Mike Farrell; Council: Dan Kasaris, Gary Petrusky, John Nickell; Administration: Mayor Robert Stefanik, Building Commissioner Rito Alvarez; Other Attendees: Paul Marnecheck

APPROVAL OF MINUTES

Moved by Larry Antoskiewicz, seconded by Mike Farrell **to approve the January 19, 2009 Minutes.** Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Abandoned houses update report

Mayor Stefanik said that the building inspectors are going to split the city into three quadrants and will go out once or twice a week to look at houses that are for sale and also check on abandoned houses. They are also going to make sure that the vacant buildings on Route 82 are brought up to code from an exterior standpoint (both commercial and residential properties).

Mr. Petrusky asked how many abandoned houses we currently have in the city. Mr. Alvarez said that according to a list he has from last year there are 53 foreclosures and 14 abandoned homes. An updated list will be requested from the Law Department.

2. Proposal to amend grass/weed ordinance

Mr. Kasaris explained the current ordinance to Mr. Farrell who is new to Council and to the committee. He explained that property owners are now required to cut 50 feet of vacant property. Mr. Kasaris explained that he would like the current language amended so that once the development reaches a certain percentage of completion, the property owner would have to cut where practical. Mr. Kasaris said that the original suggested percentage was 50 percent, but the feeling was that percentage was too low, so that percentage could be 70 or 80 percent. The property owner would then at that point have to cut where practical rather than just the 50 feet that is currently required.

Mr. Antoskiewicz said he is not ready to go ahead with this proposal. He said that originally he thought that the current ordinance pertained to both commercial and residential, however when he spoke with the Law Department, he was told that the current ordinance is only for commercial property.

Mr. Antoskiewicz asked if we can incorporate the current ordinance into residential areas because we have had a lot of success commercially according to Mr. Alvarez. He also stated that these ordinances have been used by our Building Inspector for residential properties. Mr. Kasaris said he spoke to Mr. Kelly to see if these ordinances apply to residential subdivisions that are in the process of being developed, and Mr. Kelly said they do not apply to residential property. Mr. Kasaris said that the current ordinances would have to be amended so that they would apply to residential subdivisions.

Mr. Antoskiewicz said that a lot of subdivisions become Associations, and asked at what point, under the Association's bylaws, does the Association become responsible. Mr. Willey said that although there are common areas, the Association does not own the land, so the developer is still the owner and therefore responsible for maintaining the vacant property. Mr. Kasaris said that typically Associations maintain retention basins and they maintain the common ground and entrance ways. He said that they typically do not own vacant lots because the sub-divider wants to build on property to make money.

Mr. Antoskiewicz asked at what point the developer is responsible for cutting the vacant lots.

Mr. Kasaris said when he spoke to Mayor Stefanik, he stated the percentage should be 50 percent.

Mr. Willey said that he has a problem with a percentage being placed in the proposed ordinance because he

does not really feel it is relevant in instances where there might be several different builders/developers. He feels it comes down to citing the owner of that particular lot, not the Association. Mr. Nickell agreed that citations should be issued to property owners.

Mr. Kasaris said that this ordinance is intended to deal with residential subdivisions, not larger areas of land such as land on Wallings Road, State Road or Ridge Road. He said that when residents move into a home on a road such as Wallings Road, they know there is a field next to them, but when residents move into a subdivision, they expect the subdivision to grow. Mr. Farrell said this seems like a double standard. Mr. Kasaris said that it is not a double standard because a residential subdivision affects more people because there are more people living in a subdivision. He said that we could amend Ordinance 1464.08 (b) and define natural growth so it would affect a residential subdivision. He said we would either have to amend 1464.08 or 660.14 so this would apply to residential subdivisions.

Mr. Antoskiewicz said that if we do not place a percentage in the amended language, technically developers/owners have to begin cutting vacant lots even if there are only two or three houses completed in the subdivision. Mr. Kasaris said the proposed language does contain a percentage which currently is 50 percent. Once the subdivision reaches 50 percent completion, the developer would have to cut *where practical*. Mr. Petrusky asked how you define *where practical*. Mr. Kasaris said that the Zoning Inspector will have discretion in deciding how much of the vacant lot needs to be cut.

Mr. Farrell asked Mr. Kasaris if he received complaints last year from residents who were experiencing this type of problem within their subdivision. Mr. Kasaris said he did receive calls from residents in his ward. Mr. Antoskiewicz is concerned that we are amending this ordinance for one situation. Mr. Willey said that although we do not write ordinances to cover one situation, we make ordinances to cover contingencies in the future and stated that there could be 50 more subdivisions in the city in our lifetime.

Mr. Kasaris said he feels this ordinance should be passed. He does not understand why this ordinance can be enforced at 50 feet, but not 51 feet.

Mr. Kasaris will give Mr. Farrell a copy of the proposed language to review.

Mr. Willey asked Mr. Antoskiewicz if he has a recommendation as to what percentage should be placed in the proposal. Mr. Antoskiewicz said he is unsure at what point you make the builder and developer maintain their empty lots.

Mr. Petrusky said that if this ordinance passes with the proposed language, our Building Inspector will have to go out and decide on each lot if it is practical to cut that particular lot.

Mr. Antoskiewicz asked if this is a situation where we can make these requirements through the Planning Commission as these developments are approved. Mr. Willey said that developers that build in the city are guided by the city's code, and should abide by that code.

Mr. Nickell said we are making it more expensive to build in the city. He also stated that when a home is purchased in a development, most people know the lot could be vacant for some time.

NEW BUSINESS

No New Business

ADJOURNMENT

Moved by Mr. Willey, seconded by Mr. Antoskiewicz **to adjourn the meeting**. Yeas: 3. Nays: 0. **Motion carried**. Meeting adjourned at 7:53 p.m.