

**BUILDING & BUILDING CODES COMMITTEE MINUTES
FEBRUARY 15, 2022**

The Building & Building Codes Committee meeting was held on February 15, 2022, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 7:55 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Dawn Carbone-McDonald, Joanne Krejci; **Council:** Paul Marnecheck, Mike Wos, Linda Barath, Jeremy Dietrich; **Administration:** Mayor Larry Antoskiewicz, Fire Chief Robert Chegan, Police Chief Keith Tarase, City Planner Kyle Reisz, Economic Development Director Tom Jordan, Law Director Thomas Kelly, Finance Director Jenny Esarey; **Other:** Michael McDonald, Jessica Fenos, Vincent Weimer.

APPROVAL OF MINUTES

Approval of January 18, 2022 Building and Building Code Committee minutes. Ms. Krejci asked that it be noted that none of her comments were included in the last Building and Building Code Committee meeting minutes due to technical difficulties. Ms. Krejci moved to approve the minutes of January 18, 2022, seconded by Ms. Carbone-McDonald. Yeas: 3; Nays: 0.

UNFINISHED BUSINESS

1. Economic Development

Mr. Jordan discussed the EV (Electric Vehicle) charging station at the YMCA, which is up and fully functional. It is a stage 2 station, which it takes about a ½ hour or so to charge. The issue is that we are charging people that use it and there is a third-party company that manages that. The owner uses a credit card or an app, they take the money from their credit card to an app, the third party. The third party then sends it to the City. With the exception of major credit card companies, we have never dealt with this before, nor has many of other cities. The conditions, under which the City can manage that money legally with the safe guards in place, is a little more involved. It comes down to a terms and conditions sheet by the third party for us to review by the Law Department and is okayed by the Finance Director. We are working through those issues. We hope to get it online; charging and recouping the money for the station. It will be worth our effort in doing so, because we have an \$80,000 station that is going to be installed here at City Hall; entirely paid for by a grant. That one is still progressing forward. He identified York Road as another area that could potentially receive one as well. As the future funds are allowed through grants, we will likely do that when the funds become available.

Mr. Nickell mentioned that less than 2% are marketed in America's electric cars, which would go to 10% in the next couple of years. As long as we are getting grants, his position is that he does not want to spend a single dollar on these charging stations. He noted that most people will charge them in their homes. Mr. Jordan indicated that the public or commercial sector will likely end up taking most of this and it will become easier. The station does not cost much. It is getting the station power and out there that is expensive.

Mr. Jordan spoke about the station planned for City Hall, in which a whole new line would be ran from the street back next to City Hall. He indicated that the City received their money directly from the America Recovery Act. There were large pots of infrastructure money that the various federal agencies gave directly to state agencies, or to the federal government, and requested local jurisdictions to apply to them. He went on to say the areas left are what we are focusing on; roadways, water sewer lines that the City might apply for and consider. Some of the applications are not available until the end of the year; we are evaluating. With the rules and the applications related to them, and policies in which to apply, it is complicated. The state and government are taking time in doing that. We hope to receive more funding; the City has been successful already in some of the applications.

Mayor Antoskiewicz inquired whether Council planned on voting on 21-195 tonight, which is the retention detention language for HOA's. Mr. Kelly explained that is being worked on further. There was a desire to expand the potential for the placement of additional drainage, or detention/retention. It was drafted so that it would be applicable to rear yards. Discussion ensued about what the Mayor felt the wording should be. He felt it should be worded a little differently. He noted some of the areas we do have, catch basins in the rear lots, that the woods are creating a lot of the problems for the drainage; with the catch basins there, the branches and leaves come down. He talked about giving flexibility on the wording, versus the "rear lot" phrase, possibly expand it to where they need to put it on the lot period; not necessarily the rear yard. Mr. Kelly noted that you could reverse the course of the river, leave the sponsorship where it is, and entertain an amendment.

Mr. Nickell commented that his only concern was about the HOA. Mr. Wos indicated that you cannot make this retroactive; so, it only applies to future developments. As discussion ensued, Mayor Antoskiewicz questioned how do you deal with the power issue. It was agreed that all would discuss this again.

Mr. Jordan spoke of the tax abatement program. All documents have been signed for the State of Ohio. They are in the preliminary stages of design on their addition. The tech company within the Industrial Park has completed construction on their project; hopefully will be open this summer. He briefly touched on Abbey Road about the extension of the sewer; the sewer is a very important aspect to developing Abbey Road. The large property owners we are in touch with large stake holders there, as well as the property that is listed for sale. We are hoping to develop a plan to develop that, also the infrastructure that is required to make that land developable. We will share some of those plans in the coming months. Mr. Jordan was hopeful that we can do the two projects simultaneously.

Mr. Jordan reported on the NOPEC grant, whereas the City annually receives \$100,000 dollars' worth of grant funds. Annually, there is a meeting of all member cities; they have a vote on whether to implement the grant program. A formula is set and the money is appropriated to the City, in which the City has accepted and done grants. Recently we have been utilizing it; there is roughly \$1/2m in electrical work within the York baseball field that was applied to. We are under design for the last phase inside the baseball park; Council will authorize going out to bid. The prior phase 2 is what was funded in part; donations from the Baseball Association, NOPEC Grant, and the General Fund. Currently we are under design for that last phase in the baseball park, in which we hope to have that to Council in the next month.

2. Moratorium – Small Box Discount Stores

Mr. Nickell advised that there was a request to withdraw sponsorship, which is Ordinance 21-194.

Mr. Nickell moved to withdraw sponsorship and remove Ordinance No. 21-194 from the agenda. Ms. Krejci seconded. Vote: Yeas: 3 Nays: 0 **Motion carried.**

3. Retention / Detention Basin

Mr. Kelly advised that he was in contact recently with Mr. Reisz and Mr. Haselton. They still need more time on this and it is being worked on.

4. Memorial Park Update

Mr. Jordan reported that we have an approved contract, and is under construction for the demolition or replacement of the upper pavilion, as well as the removal and replacement of the bridge to the pond. Also, the naturalization of the edge of the pond. The pavilion has been removed, the pad was poured, and the pavilion itself is on order. Some work was done on the foundations for the new bridge. For that project, the City did receive \$100,000 appropriation on the state's capital budget. We applied for it as the North Royalton Amphitheater Project. The idea of the bridge and pond work is to make an area that people can sit on the grass. When you observe bridge work being done, they are providing access to that area and bringing power

out there; for movies as well. The grant is where the City accepts the appropriation from the state capital budget, so that we could use it for that particular aspect. The second aspect, the Splash Pad, the design has been complete; the bids were out and completed. At the last meeting, Council accepted the bid from Cook Paving, in which the paperwork has been filed with them. It was his hope that they placed the order for the equipment; with a July deadline to complete. The important thing is getting the equipment ordered and on time delivery. As previously discussed, one of the things we must do is increase the electrical service to facilitate the pumps; that pump the jets. The other infrastructure issue is the power, along with the Health Department, because they have to review the plans for the work. We separately file with them, what we are doing there; for reason that people use the water. Mayor Antoskiewicz advised there would be some inconveniences at the park once things begin. We are not presently taking reservations for anything on the upper pavilion. We plan to keep the playground open during construction.

NEW BUSINESS

1. 1270.05 Accessory Buildings – need to be 10 ft from side property line

Mr. Nickell discussed other cities and their allowances. He desired to leave this at 10 ft. for accessory buildings; such as sheds.

Ms. Krejci wanted to clarify if we are talking about potentially passing something to change what we currently have. Mr. Nickell indicated that it would just be to revise. Ms. Krejci felt that a little more time on this would be helpful, being the first time in visiting this topic.

Mr. Jordan conveyed that he had a conversation with Mr. Nickell prior to this, and his concerns were that if someone wants to build a shed on their yard, they frequently have to go to BZA (Board of Zoning Appeals). As a result, that dramatically slows down their ability to obtain the shed. He communicated Mr. Nickell's concern, which was to try to make the shed process easier.

Ms. Krejci asked how often we are having to make exceptions in BZA to the ordinance. Mr. Jordan clarified quite often, however, there is a purpose for BZA. He continued that we have a set of rules when someone makes application that does not flow within the zoning guidelines, in which we notify the neighbors and have a hearing. Then they have to explain why they cannot comply with the current zoning regulation.

Resident Mr. Weimer spoke on his knowledge and experience, based on his time on the BZA. He shared that they get this a lot of times in meetings. This has been brought up by the Building Commissioner as well on record, that there are other cities that have 5 feet; or even no side yard variances. He does agree that this is going to help our residents in not having to constantly go to BZA. He believed that 5 ft. is reasonable and that zero is not a good idea. He felt that 10 is probably a little excessive, given our neighboring communities and the standards that they have.

2. 1270.12 – Only one accessory building in a yard

Mr. Nickell spoke about gazebo's or anything that has a roof, whereas if you put up an open structure with a roof, it is considered as a third accessory. He inquired whether one accessory building is satisfactory or if we should we consider two.

Ms. Krejci asked how often are people looking for an acceptance. It was mentioned that it depends on the size of the property, some properties it would not matter at all, others it may take up their whole yard.

REMOVE FROM AGENDA

3. 1270.12 – No accessory building shall exceed 700 sq ft

Ms. Krejci asked about buildings in comparison to 700 sq. ft. Mr. Jordan clarified that a two-car garage is less than 700 sq. ft. If someone already had a garage and they wanted to put up something in excess of 700 sq. ft., you would meet the variance. Mr. Jordan commented that Building Department often get questions regarding this, whether people need to pour foundations for their shed; or need a variance. Due to Covid, there has been recent issues with gazebos, which prefab gazebos are cheaper and easier to build recently. The way we classify gazebos has been considered an accessory structure, therefore you are allowed to have a detached garage, or attached, and you are allowed to have a shed. The shed must be less than 700 square feet. But the gazebo is a third structure, another structure with a roof; then you are not allowed to do the structure without a variance. He talked about the history of the City, discussing our wide-range group of lot sizes and housing types. We could come up with some reducing; the 10 ft. to 5 ft.

Mr. Jordan recalled conversations with displeased residents inquiring about how certain structures were ever allowed to be built in their neighbor's lot. We have to communicate that in an instance of a variance, a notice was sent out to them. He noted that people are allowed to come to meetings. He brought up the issue of the setback of 10 ft., and if Council wishes, we can look into it allowing for closer areas. In certain instances, it does not make sense and in others, it does.

Pertaining to accessory buildings in a yard, Mr. Jordan indicated that only thing is usually an issue; gazebos. Our concern about the gazebos is that those can be altered and enclosed, although there are not many. If Council desires to consider such shaded, small structures as an exception. The most abused thing in the City are people in their sheds and out buildings. Mr. Nickell agreed that the gazebo would have to be open.

Mr. Dietrich asked about the four post gazebos. Mr. Jordan conveyed if it is considered, a structure with a permanent slab and a post, then it becomes a permanent structure; they need a variance. Mr. Dietrich inquired what if it is attached to your home with an existing patio. Mr. Jordan clarified that you would have to ask the Building Commissioner if it is a permanent structure, especially if you use the word attach. Mr. Nickell felt that it was a different and not the same. Mr. Jordan noted that if it is a permanent structure that would require a variance, we are considering whether you want to exempt them as a structure. All agreed; if it is not enclosed.

Mr. Jordan spoke on the square footage. The variance requests vary. If you have $\frac{1}{4}$ acre, you are allowed 500 square feet or less. If you have $\frac{1}{2}$ acre, you are allowed 600 sq. ft. or less. If you have $\frac{3}{4}$ acre, then it would be 700 sq. ft. If you have less than 1 acre, then it is up to 800 sq. ft. He reminded everyone that 576 sq. ft. is equivalent to a two-car garage and three-car is 864 sq. ft. Therefore, the 700 sq. ft. limitation under a $\frac{3}{4}$ lot, he does not believe that is a hardship. He asked if anyone wanted to adjust anything on this last one for BZA. All indicated no. He would pursue legislation relative to the first two items and equivalent offer some suggestions at the next meeting.

REMOVE FROM AGENDA ITEM 3

4. Proposed Ordinance 22-35 – Grant acceptance for Memorial Park Amphitheater

Mr. Jordan advised that we are following up from the Master Plan from last year. One of the recommendations was the TCD (Town Center District) was too complicated in the zoning code. Part of the requirement was that the people doing the Master Plan would suggest updates. In that section, the Planner was hired, which he asked him to supervise those TCD updates. We have had a series of meetings that involved the Law Department. In 2004, when creating the zoning code, they did make changes to the Charter; there are some. We were hoping to offer changes to the TCD zoning code that Council could enact without yet again, going to the voters for a vote of the people. We have to stay within some of the Charter provisions. It is going to take a while. He set a deadline for the end of summer. Retail, which is currently the basis of that TCD, is changing and evolving quite quickly anyhow. We are hoping to offer some amendments on the TCD. Everything from the whole sale, redo the entire section to manageable changes within the code. In an effort to attract

development, to make it easier there, and also deal with the fact that the master plan envisions another vision for that down town area.

Mr. Jordan explained that there was a specific recommendation to try to create a looped area from the existing Route 82 sidewalk area down on York Road, through the APT (All Purpose Trail) and back up West 130th Street area. We have identified those areas, contacted the Metroparks, as well as the City of Strongsville. We are hoping to partner with them on applications from the various cities to create a large looped area there. He offered to e-mail Council with some of the rough plans. He indicated that the Mayor had contacted the Metroparks and they are offering some technical assistance as well. Mr. Jordan went on to say that there are still two areas in streets where we are connecting into the all-purpose trail on Bennett Road; we had a repeated submission to NOACA for funding. We have done two sections on State Road and hope to take all the way from the Central Business District down to the APT in the Metroparks. He concluded that this is in an effort to make the City more walkable.

ADJOURNMENT

Moved by Mr. Nickell, seconded by Ms. Krejci **to adjourn the February 15, 2022 meeting.** Yeas: 3. Nays: 0.
Motion carried. Meeting adjourned at 8:45 p.m.