

January 28, 2016

Lyndhurst, Ohio
January 28, 2016

The Planning Commission of the City of Lyndhurst met in Regular Session on Thursday, January 28, 2016 at 7:30 p.m., in the Conference Room of the Lyndhurst Municipal Center, 5301 Mayfield Road. Mayor Patrick A. Ward presiding.

Members Present: Commissioners: V F DeCrane, S A Jones,
D J Sirk, D A Frey, P A Ward

Others Present: P Murphy, Director of Law
J Maichle, Building Commissioner
L Puskas, Building Inspector
C J White, Secretary

It was moved by Mr. Jones, seconded by Mr. DeCrane that the reading of the minutes of the Regular Meeting held September 24, 2015, copies of which were mailed to all members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously.

Motion carried.

5152 River Trail

Consider request of Vince Ruggieri of Orlean Construction, per prospective buyer Clive Hamlin of 5152 River Trail to consolidate Sublots 31 & 32 River Creek, with no intent of building on consolidation.

Mr. Ruggieri stated that the reason for the consolidation is so the land owner does not pay three association fees, one for each lot. He further stated that the owner owns a house on sub lot 30; on the other side of sub lots 31 and 32, is a retention basin. He further stated that sub lots 31 and 32 are not big enough to build single family homes, so, if built, would accommodate a duplex.

In answer to Mr. DeCrane's question, Mr. Ruggieri stated that the grounds of sub lots 31 and 32 will be maintained.

In answer to Mr. Jones' question asking if the homeowners' association will allow lot consolidation to avoid paying fees on both parcels, Mr. Ruggieri stated as of now, the developers still own the parcels, and that the homeowners' association is still under the developers' control.

Mayor Ward explained that if and when the consolidation is approved and takes place, Mr. Hamlin, the owner, will be billed for a total of two lots; the lot with his house on it, and sub lots 31 & 32 (consolidated).

January 28, 2016

Mr. Sirk asked if there would be a negative impact on the association fees collected for maintaining the lots, due to the lot consolidation.

Mr. Le, Orleans Construction, stated that this is a limited maintenance community, therefore the homeowners' association is only responsible for lawn care and snow removal. He further explained that once the developers turn the association to the homeowners, the association will put a plan together based on the number of lots.

In answer to Mr. Sirk's question regarding the owner not consolidating all three lots, Mr. Le stated he does not know for sure, but possibly due to property taxes.

Mr. Le explained that if these two parcels, if consolidated, the land at some point is developed, it has to be according to the plat that this in place now.

It was moved by Mr. Sirk, seconded by Mr. DeCrane that recommendation be made to Council to grant the request of Vince Ruggieri of Orlean Construction, per prospective buyer Clive Hamlin of 5152 River Trail to consolidate sub lots 31 & 32 River Creek, as submitted.

Roll Call: Ayes: DeCrane, Jones, Sirk, Ward, Frey
Nays: None.

Motion carried.

Review Chapter 1329, Fences: 1329.03 Side Yard Fences and 1329.011 Types of Permitted Fences, of the Building Code.

Mayor Ward gave a brief history of the fence regulations, stating that some years ago the city had relaxed the rules to allow fences that are higher than four (4) feet in residential districts. City bodies; Council, Board of Zoning Appeals, Planning Commission interpreted the code to mean that when there were fences in excess of four (4) feet, that they be fifty (50) percent open. When the suggestion came to raise the height of fences to six (6) feet, somehow the word "side yard" was replaced with side lot line, or vice versa. He then stated that now, the city has a proliferation of solid fences in the residential district in excess of four (4) feet. Due to that, Council had put a moratorium on fences over four (4) feet, then modified that to just require fifty (50) percent open due to the extended construction season. He then stated that he feels that Council's intent was to craft language that would enable a resident to have a six (6) foot fence or a fence over four (4) feet, that would be fifty (50) percent open. Whether it be in the side yard, or the side lot line, but not encroaching on the front set back. The City does not want the situation where two (2) different types of fences meet.

In answer to Mr. Sirk's question, Mayor Ward stated that residents erecting fences are not violating the code, but the City is reacting to a situation that our system created. Mayor Ward explained that the side yard, which exists between the two structures, people are putting a fifty (50) percent open fence, then transitioning to a solid, stockade style fence for the side lot line. He further stated that in the interpretation by the Building Department, this is permitted.

January 28, 2016

Mr. Murphy explained that part of the issue is the definition of the side yard in the code. He explained that he had anticipated that the side yard was the area between the side lot line and the building from the street to the rear lot line. Our definition does not call that the side yard. The side yard is only between the side lot line and the building, the rest is rear yard or front yard. So therefore, if you have an open fence in the side yard, and the stockade in the rest yard, you have a less than desirable application. He further stated that the code allows for, as currently written, a stockade fence around the entire back yard. He then asked if the intent is to have an open fence along the entire side line.

In answer to Mr. Sirk's comment, Mayor Ward stated that if a stockade fence is desired by a homeowner, they have the option of going to the Board of Zoning Appeals. He further explained that when the change was made in 2009, the intent was to allow the higher fences, but to maintain those higher fences at fifty (50) percent open.

Mr. DeCrane suggested that the Planning Commission first confirm the definition and or interpretation of the side yard/side lot, then work on the details of allowable fencing.

Mr. Sirk stated it seems as though the City would like to see only fifty (50) percent open fences. The Commission concurred.

It was recommended that discussion continue on this issue at the next meeting.

It was moved by Mr. Sirk, seconded by Mr. Jones that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

Motion carried, meeting
adjourned at 8:25 p.m.

Chairman

Approved: _____

Attest: _____