

SEVILLE ZONING & PLANNING COMMISSION

JUNE 6, 2009 WORK SESSION

The meeting was called to order by Chairman Dennis Gordon at 9:05 am after the reciting of The Pledge of Allegiance.

PRESENT: Rich Demastes, Pete Fontana, Ralph Smith, Mayor Larry Landis, Mayor's Office Manager Nancy Leonard, Zoning Inspector Keki Vania, and Assistant Solicitor Jennifer Hensal.

Council members Richard Barbera, Bonnie Gordon, Courtney Harlan, and James Lovejoy were also in attendance.

Chairman Gordon said the majority of the meeting will be spent discussing front yard storage and recreational vehicles and approximately 15 minutes will be spent on floodplain regulations and the meeting will end with privilege of the floor.

Gordon provided copies of our current Section 808 code for recreational vehicle parking and storage. B and C of our current Section 808 has been the topic of debate lately. Gordon reviewed zoning codes from Wooster, Medina, Lodi, Brunswick, Strongsville, North Royalton, Fairlawn and Massillon to see what provisions they have for recreational vehicles. He looked for commonalities in the codes and provided a discussion draft copy of two documents: recreational vehicle parking and storage and yard restrictions.

Gordon thanked Mr. Sulzener and Jennifer Hensal for providing him with information on RV's. He said the drafts today are a frame work and starting point and asked for discussion and differences of opinion from commission members. He began reading the "recreational vehicle parking and storage" draft. Fontana said he wants to be able to add to the definitions of RV's to make sure it is inclusive. Hensal said we could add "or any other vehicle used for recreational purposes." She pointed out that "jet ski" is a brand name for personal water crafts. Fontana questioned whether all terrain vehicles should be added to the definitions. Hensal said no, because a jeep could be considered an all terrain vehicle. She said there is another Ohio Revised Code definition for this. Mayor Landis asked if it would be "off road unlicensed vehicles." Hensal agreed. In number 1 under definitions "jet ski" may be changed to "personal water craft" and "4-wheeler" may be changed to "off road unlicensed vehicles."

The draft has a provision to allow one recreational vehicles to be parked in front yards in R1, R2, and R3 zoning districts from April 1 to October 1 in any calendar year. Fontana said when the public hearing was held prior to the adoption of the zoning code in August of 2007, only a few residents were in attendance. It's typical for residents to complain after the fact and his concern is that if we allow front yard storage, we will then hear from residents in the community that don't want to allow them. He said the draft is an attempt at a compromise. Demastes said residents are outside enjoying their property between April and October, and that's when you don't want to have RV's stored there. In the winter time he is indoors, and doesn't care. Fontana said he doesn't see the advantage of allowing six months of storage since there are so many types of RV's that April through

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October 1st may not coincide with the usage period. For instance, a snow mobile wouldn't be used in that period.

Hensal pointed out that the draft says "parked" and isn't referring to "storage." Gordon said the intent is to allow six months of storage in front yards. Hensal and Barbera pointed out that the way the code reads, it isn't allowing for storage. Under "Other recreational vehicle storage and parking" "parked" in number 1 would need to be changed to "stored." Hensal suggested taking the word "seasonally" out of the preamble. Demastes said if we are suggesting allowing them to be stored between April 1 and October 1st, we may as well allow them to be stored in front yards year round.

Hensal said there are other sections in our code that we can use to address the other issues with RV's such as them being inoperable or junk. Fontana said we had that situation with Giauque but he licensed it each year. Hensal said he was prosecuted under "junk" anyway. Fontana asked if the commission can require that RV's be in good condition. Hensal said the commission can control where the vehicles are stored in the yard, and doesn't have to allow front yard storage. She pointed out that parking and storage are two different issues and there are residents that don't have adequate yard area to allow for side yard storage. Fontana said that isn't the commission's problem.

Smith said he thinks the April 1 to October 1st suggested storage will encourage other residents to purchase and store motor homes in their front yards until we become a motor home community. Our zoning rules don't require permits for concrete, and Smith said residents could concrete their whole yard or lot. Gordon took an informal poll and said Smith, Fontana, and Demastes don't seem to be in favor of front yard storage. Fontana said not as written. Gordon asked him how he would write it. Fontana said he would allow parking all year round, but not storage. Gordon asked commission members to write down their ideas and submit them to him prior to the next work session. Demastes said the prior consensus was to not allow the RV's to be stored in front yards and changing it is a complete flip flop. Smith asked how many other communities allow the front yard storage. Gordon said the majority of the codes he looked at allow it, and that is one reason he reconsidered. Brunswick does not allow front yard storage. Demastes asked Gordon if he is in favor of this. Gordon said after viewing it from other people's perspectives, he believes it would be fair.

Mr. Sulzener asked to give some input. He said during the camping season the RV's are in and out of resident's yards. It is convenient to have the RV at home for stocking purposes. In the winter the water is drained, and pipes are winterized with anti-freeze. Having it there in the summer allows owners to keep it plugged in and keep food in the refrigerator and water stocked. Personal items and valuable electronics are kept in them at the home and would have to be removed if taken to storage due to theft concerns. Boats would have fish finders or other expensive electronics that would fall in the same category. It becomes inconvenient to have to completely unload these items constantly and take the RV's back and forth to storage facilities. He said in most cases residents store the RV's at facilities in the winter but keep them at their homes in summer for the

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convenience. Fontana asked him where his vehicle is in his yard. Sulzener said it is on the side. Leonard said it recently came into play due to the new interpretation for dual axles. Gordon thanked Sulzener for his input.

Mayor Landis asked whether there could be a provision in the code to allow someone an exception to the April 1 to October 1st storage dates. The resident could then pay a fee and obtain a permit for an additional time period. Lovejoy asked why the zoning code was rewritten. Gordon said as Demastes stated, the original intent was not to allow front yard storage. Lovejoy asked if this was aesthetic or safety related. Fontana said he doesn't know.

Mayor Landis referred back to the definition section, and said if we use the word "parked" we are talking about a maximum of 48 hours. The April 1 to October 1st would then be eliminated. Demastes said that is what our current code allows. Mayor Landis asked for thoughts on the idea. Fontana said he would agree to that. Mayor Landis said this would leave side and rear yard storage. He asked for Sulzener's input. Sulzener said that is reasonable.

Barbera said there are inherent problems with the proposed definitions. As worded, a trailer holding two jet skis would be in violation of the code since the draft code only allows one RV.

Scheetz said he agrees with Sulzener's comments and most communities have a four to six month window based on the frequency of use because they are coming and going constantly. Fontana asked Scheetz what the intent was when he wrote the sub-division rules for Fontana's neighborhood. Scheetz said the intent was to not allow front yard storage, period, and that sub-divisions often have restrictions beyond the town's zoning.

Demastes suggested shortening the six month front yard storage time period to four months if we want to make it more palatable. Smith said he believes allowing the front yard storage would be catering to a few select residents. Lovejoy said allowing the storage of the RV's may be a safety issue due to possible vandalism. Fontana said that is the individual property owner's issue.

Gordon continued reading the front, rear, and side yard requirements.

Side Yard Setbacks: Demastes said the ten feet distance to the side yard line won't work and would need to be five feet to allow room for the RV to be stored. Gordon said since a driveway can be two feet from the property line, two feet could be used. A resident in attendance said it is two feet for a driveway or parking, but five feet for a building setback. He said it is uniform throughout Medina County. Scheetz agreed the distinction is five feet for a structure. He said there was a distinction in the old zoning code to allow a gravel driveway behind the building setback. Leonard said she doesn't think the distinction is in the new code.

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Smith said the two feet setback for side yard requirements isn't sufficient to allow for landscaping. Mayor Landis said that if the landscaping encroaches on the neighbor, the neighbor can trim it. Hensal and Barbera suggested striking the word "openly" from number 1 under side yard requirements. Number 2 will be eliminated because it is already provided for. On a corner lot she suggests keeping the right of ways as they are in front yard setbacks due to the site distance triangle.

Hensal said for the sake of consistency we should use the same wording in the side yard requirements as used in each section. Each heading would say "shall comply with the following requirements." She said we have already dealt with the 2 foot setback in item number 3 in that section. Gordon agreed to change it.

Lovejoy asked about the residence in their neighborhood where there is a side driveway built on the property line. Fontana said he doesn't know if it is on the property line but it was built for the purpose of storing an RV. Lovejoy asked if the code required the rear yard storage at that time. Scheetz said the village required it at that time. He said there is a declaration of covenants that can be enforced by individual property owners in municipal court. Mayor Landis said that if a resident in the neighborhood is in opposition, they take it to court and the court will enforce the declaration of covenants.

Gordon went on to read the general requirements. Fontana asked whether we want to add language to address parking on the street. Gordon said that's not the commission's issue because the driver is subject to traffic laws that pertain to parking on the street. Smith was concerned that residents could store their RV on the street. Hensal said that is already covered in the traffic code. Smith said that should be addressed in our code. Gordon said it is already provided for in the traffic code.

Hensal said in terms of tree lawn or street parking it is enforced by the Police Department. She said it's probably best to leave the traffic code alone. Smith said it was kicked back to being a parking violation and not a zoning problem, but we don't have a parking ordinance on the books. Hensal said the tree lawn parking ordinance was repealed, and she doesn't think those issues are addressed in the laws for parking on the street. She said the RV ordinance shouldn't reinstitute that type of parking. Hensal said if a vehicle is parked on the tree lawn it doesn't matter whether it is an RV or not; the concern is that no vehicles be parked on the tree lawn. Parking on the tree lawn isn't restricted to RV's so doesn't belong in the zoning code. The tree lawn parking can still be addressed, but not in this code. Smith said the Police Chief reviewed the tree lawn parking ordinance that was proposed and said it was unenforceable. Hensal said she reviewed the ordinance with Prosecutor Page Schrock and went through all of the enforcement issues with the legislation. That ordinance belongs in the general code, and not in the zoning ordinance.

Gordon said number two in general requirements will be skipped since a determination hasn't been reached on seasonal parking. Fontana said in reference to number 3 and 4, if the resident is adding the square footage of a motor home they should be taxed on it.

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Mayor Landis disagreed, and said that would make it a two family residence on one lot and our code doesn't allow that. Sulzener said this issue needs to be dealt with to prevent residents from using the RV as a home. He said the commission needs to address the hookups and this draft may be excessive in the amount of detail it provides.

Fontana asked who makes the determination of "good repair and working condition" that is listed in number 5. Gordon said it is a judgment call. Fontana asked if the zoning inspector makes that call. Zoning Inspector Vania said there are many judgment calls and unique situations. When a trailer is backed into a lot, it's difficult to see whether it is licensed or not. Fontana said a lot of them may slip through the cracks.

Mayor Landis said we don't want to become the Gestapo, but if a complaint is received the Zoning Inspector can address it. He said "as far as going around and sneaking into back yards looking for violations, I don't think that's our business."

Gordon said since we are running out of time we will review the 2nd draft for yard restrictions at the next work session. He asked commission members for their thoughts on the floodplain regulations. Fontana said he supports adopting Medina County floodplain regulations. He said for the good of the village the commission can't compromise on regulations for environmental issues. He said it may be difficult for developers, but we have to take care of our village. Smith and Demastes agreed. Demastes said Medina County has already done the work on the regulations. Mayor Landis said at the next zoning meeting the recommendation can be made and sent to council. Gordon said he believes the stricter regulations will offer protection to Seville residents and our neighboring communities.

Mayor Landis said we received a call from Pride One asking for permission to build on a lot in Autumn Meadows that was previously not in the floodplain when the plat was approved, but with the completion of the August, 2008 FEMA maps is now in the floodplain. Mayor Landis told them he won't meet with them on it. In the case of 89 Greenwich Road the house is in the floodplain and two homes are being joined together by an addition. Our office has spent several hours completing paper work and assuring that documentation is sufficient and it is an additional cost to the village. He said developers should bear those costs.

Stan Scheetz said from a developer and private property perspective, he supports an adaptation of the Medina County Floodplain regulations instead of adopting them carte blanche. He hopes the adoption of more rules will be done with village engineer GPD's advice and consultation, and that variance issues should be handled locally.

Sulzener said that the village could require residents to get a site survey showing specific elevations on their whole property because FEMA's information is based on satellite imaging and they will consider an appeal based on certified elevations.

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Mayor Landis said in the case of Pineview Estates, the developer is out of business and couldn't provide information showing how they changed the elevations. Leonard said individual property owners are getting the specific elevations at their own expense, but some are reluctant to spend money for engineers to gather the data.

The next work session is scheduled for Saturday, July 18th at 9 am. Fontana made a motion to adjourn. Gordon seconded and the motion passed with aye votes by all. The meeting adjourned at 11:04 am.

Chairman Dennis Gordon

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