

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, SEPTEMBER 06, 2022**

Pursuant to notice duly given, the regular meeting of the Planning and Zoning Commission, also sitting as the Board of Zoning Appeals, was called and held on **Tuesday, September 06, 2022 at 5:00 PM** in the Council Chambers of the Town Hall.

Members present: Craig Steinbrink; Chair, Scott Broome, Nancy Sogg, Jim Deacon, Chip AuWerter, Emily Hamilton, and Jeannine Voinovich.

Members absent: None.

Also present: Chris Courtney, Village Engineer
Todd Hunt, Law Director.

1. Roll call.
2. The minutes of **Tuesday, July 05, 2022** regular meeting of the Planning and Zoning Commission were submitted for approval.

A motion was made to approve the minutes as *submitted*.

Motion by: C. AuWerter 2nd: E. Hamilton

Roll Call: Ayes: All others.
 Nays: None.
 Abstain: Sogg.

Motion Approved

3. The minutes of **Tuesday, August 02, 2022** regular meeting of the Planning and Zoning Commission were submitted for approval.

A motion was made to approve the minutes as *revised*.

Motion by: N. Sogg 2nd: C. AuWerter

Roll Call: Ayes: All others.
 Nays: None.
 Abstain: Broome, Steinbrink, Voinovich.

Motion Approved

4. A review and discussion of the proposed revised ordinance regulating fences was held.

Mr. Hunt reviewed the proposed changes. He indicated Council has asked the Commission to change the current fence ordinance to prohibit chain link fences along the roadway or visible from a street. A situation has occurred recently on Chagrin River Road where a property owner has installed chain link fencing along his rear or side yard, perfectly legal under the current code, but is visible along the road.

Mrs. Sogg stated she has no problem with chain link fencing along the side and rear yard, behind the front of the house, as long as it is not visible from the street.

Mr. Biggert expressed his concern with the new language "as seen from the street". He indicated most properties along Chartley, Dorchester and similar streets, the entire side and rear yards can be seen from the front of the property along the street. If the revised ordinance language is approved, this would prohibit chain link fencing in the side and rear yards for those properties.

The members of the Commission agreed prohibiting chain link fencing in the side and rear yards is not the intent.

Mr. AuWerter suggested language prohibiting the chain link along a street or road might work better.

Mr. Hunt suggested a discussion with Council might be appropriate to determine the goals for the revised ordinance. He will also look at revising the current draft.

5. A request to perform necessary culvert replacement work within a protected riparian area for the **GENGLER** residence at **7840 Old Mill Road** was heard. Mathew Gengler and Cory Korkow, Owners were present.

Ms. Korkow reviewed the request for the Commission. She stated last year they had purchased the property. There is an existing 24" metal corrugated metal drive culvert that is deteriorating and collapsing. The request is to replace the collapsed culvert pipe with a new 36" plastic pipe. The new pipe has been sized by an Engineer and is being increased to be able to handle the 46-acre drainage area coming from the east.

Mr. Broome stated he thought the culvert and house sit far back from Old Mill Road.

Mr. Gengler stated they do. If the culvert is not replaced and drive is washed out there would be no other way to access the house. He also stated a lot of stormwater comes from the properties on the east side of County Line Road.

Mrs. Sogg asked Mr. Courtney to investigate the amount of stormwater coming from the community to the east.

Mr. Courtney indicated he would review the entire drainage area.

Mr. Broome reviewed the *Variance Worksheet* for the Commission. He stated the culvert replacement cannot be resolved any other way than what has been requested.

After further discussion, a motion was made to approve the request to perform the necessary stormwater culvert replacement as submitted.

Motion by: S. Broome 2nd: J. Deacon

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

6. A review and discussion of the proposed new ordinance regulating the housing of chickens was held.

Mr. Hunt reviewed the proposed ordinance. He indicated the draft ordinance limits the number of chickens, prohibits roosters, and sets the standards for the care and housing of domesticated fowl. He indicated chicks are typically order and delivered through the mail, sometimes an order will include a rooster.

Mr. Deacon stated he is familiar with the housing domestic chickens, questioned how the ordinance would deal with a rooster being raised on a property.

Mr. Hunt indicated the ordinance could allow for chicks to be raised up to 6 months, after that no rooster would be able to be housed or raised on a property.

The Commission in general agreed the housing of chickens within the Village is appropriate. Thought there should be some language basing the number of chickens on the number of acres a property owner has, smaller lots should have fewer chickens while larger lots could have more.

After further discussion, a motion was made to modify the current draft version and review the ordinance with Council for direction.

Mr. Steinbrink stated he would discuss the proposed ordinance with Council and get a sense if this type of ordinance is desirable and receive some direction on how best to proceed.

8. Motion to adjourn the regular meeting of the Planning and Zoning Commission and convene a meeting of the **Board of Zoning Appeals**.

Motion by: S. Broome 2nd: J. Voinovich

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

9. A use variance request for the **GUHDE** property at **1800 Berkshire Road** was heard. Notice has been previously provided to adjoining property owners. Kelli Guhde, Owner was present.

Mr. Hunt reviewed the law that applies in granting a "use" variance. He stated the Ohio Supreme Court has established 7 factors, Duncan Factors, that must be met to grant a variance of this type. He indicated a "use" variance is basically a re-zoning and sets a very high standard for approving. Stated it is extremely difficult to show a practical difficulty in why the current ordinances cannot be met. The applicant must show evidence for each one of the seven factors.

Mr. Hunt suggested the applicant does not have the ability to prove there is no other economically viable way to have the Alpacas especially given the fact they are already being housed somewhere else.

Mr. Steinbrink suggested the applicant can withdrawal the current request, revise and resubmit the request, or ask the Board to proceed and take a chance the request will be denied as submitted. He will review the proposed new ordinance with council and see if there is a desire to move forward.

Mrs. Guhde stated she is withdrawing the "use" variance request as submitted. Will wait and see if Council decides to move forward in creating a new regulation.

There being no further business the meeting was adjourned at **6:52 P.M.**

Craig Steinbrink, Chair

David Biggert, Secretary