



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
April 3, 2019
7:30 PM
COUNCIL CHAMBERS

Commission Members Present: Brett lafigliola, Michelle Hawkins, Dave Fenderbosch, Jim Haviland, and Peter Carpenter. Garry Pehanic was excused. Garry Thompson was absent. Others Present: George Smerigan, City Planner. Audience: 3

Chairman Brett lafigliola called the meeting to order at 7:34 p.m.

1. **Planning & Zoning Case # 09-2019** - A request made by Robert & Antoinette Grove, owners of 8962 Columbia Road, PP# 291-10-013 for a variance to Section 1280.04(a) to permit a nonconforming building to be expanded without conforming to all yard regulations, a side yard setback variance of 4.14 feet to Section 1240.05(a) to permit a minimum side yard of 5.86 feet in lieu of the required 10 feet, and a combined side yard setback variance of 16.21 feet to Section 1240.05(a) to permit the combined side yard setbacks to be 8.79 feet in lieu of the required 25 feet for the construction of a 12x42 addition on the back of the existing residence.

Mr. lafigliola administered the oath. Mr. Grove indicated that he would like to build a 12'x42' addition onto his home. Mr. lafigliola asked if the addition would be behind the existing home. Mr. Grove replied correct. Mr. lafigliola stated that the addition will be in line with the current property and the addition will not be closer to the neighbor. Mr. Grove replied that is correct.

Mr. Smerigan indicated that the request is for three variances. One is due to the existing home not be in conformance with the setbacks and by regulations you cannot expand a non-conforming structure unless it meets the setbacks and obviously his addition would not. His proposed addition will be going straight back from the current home; he is not getting any closer to the property line and the way he is attempting to add on makes sense. To expand in any other way would certainly constitute a practical difficulty and he probably would not be able to add on in any reasonable fashion. He stated that he believes this is clearly a reasonable request and it is his recommendation that the Commission grant the three variances.

Mr. lafigliola moved to **grant** the three variances requesting in Planning and Zoning Commission Case #09-2019 a request by Robert & Antoinette Grove, owners of 8962 Columbia Road, PP# 291-10-013 for a variance to Section 1280.04(a) to permit a nonconforming building to be expanded without conforming to all yard regulations, a side yard setback variance of 4.14 feet to Section 1240.05(a) to permit a minimum side yard of 5.86 feet in lieu of the required 10 feet, and a combined side yard setback variance of 16.21 feet to Section 1240.05(a) to permit the combined side yard setbacks to be 8.79 feet in lieu of the required 25 feet for the construction of a 12x42 addition on the back of the existing residence; Mr. Carpenter **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT: *No Report*

OTHER BUSINESS: Braden Thomas, Building and Zoning Administrator, requesting an interpretation from the Planning & Zoning Commission on section 1274.14 (d) (5) A.

Mr. Iafigliola read an email from Mr. Thomas dated March 26, 2019 (see attached). He read an email from Mr. Andy Bemer, Law Director, dated April 3, 2019 (see attached).

Mr. Smerigan stated that Mr. Bemer summarized the issue. The typical standard is if it is out of character for the neighborhood. He stated that no one else has complained in the neighborhood besides one individual but you cannot make 100% of the people happy. He does not believe this reaches the standard of being a nuisance given the fact that no body else in the neighborhood has complained and believes this is a non-issue.

Mr. Iafigliola stated that since this was a discussion item there is no action Planning and Zoning Commission needs to make and upon the advice of the law director the Commission will take no further action at this time.

Mr. Iafigliola stated that he would like to know if we are aware of when Mr. Kolar will return to the Commission. Mr. Smerigan indicated that he has spoken with Mr. Kolar and indicated to him that he will not be placed on an agenda until they have the submitted written answers to the questions posed at the last. Mr. Kolar has been out of town and did not return in time to submit the responses. Mr. Iafigliola stated, to be clear, the Planning and Zoning Commission, nor the applicant are under any obligation to ever respond. Mr. Smerigan stated that was correct but Mr. Kolar has indicated that he does intend to come back but as a result of other business issues he was unable to get the responses completed and submitted. Mr. Iafigliola indicated that there is nothing more to say other than the applicant has not responded, at his choosing, and when he has them completed, he will do so. He would like to reiterate whenever the written response are provided he would request that they be posted with the agenda so they can be read by anyone.

APPROVAL OF MINUTES: Mr. Haviland moved to **approve** the meeting minutes of March 20, 2019 as amended; Mr. Fenderbosch **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

ADJOURNMENT: Mr. Iafigliola moved to **adjourn**; Mr. Haviland **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**. Meeting adjourned at 8:02 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date