



VILLAGE OF OAKWOOD

PLANNING COMMISSION

MEETING MINUTES

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MEETING DATE: AUGUST 1, 2022

TIME OF MEETING: 7:00 P.M. MEETING

PLACE OF MEETING: OAKWOOD VILLAGE - COUNCIL CHAMBERS

PRESENT: Rand Broadstreet - Chairperson
Peter Duffy
Malinda Harp
John Latsko
Tracy Moore
Ross Cirincione - Assistant Law Director

ABSENT: NONE

The Meeting was called to order at approximately 7:00 P.M. by Rand Broadstreet, Chairperson.

OLD BUSINESS: **MR. SCOTT GENTRY**
CASE # PC22-108: **22103 WEBER PARK DRIVE, OAKWOOD VILLAGE, OH 44146 PP #795-03-060, 795-03-061, 795-03-062** Mr. Gentry is coming before the Planning Commission to request approval for an 896-sq. ft. addition to existing home. (Section 1101, 1165 & 1140 of the Codified Ordinance)

Swearing In of Scott Gentry by Ross Cirincione:

Mr. Cirincione: “Do you solemnly swear that the testimony and evidence you will present to the Planning Commission tonight will be the truth, the whole truth, and nothing but the truth so help you God?”

Mr. Gentry: “I do”.

Mr. Cirincione: This case is currently on the table. Do I hear a motion to remove it from the table?

Mr. Duffy: I move that we remove Case # PC22-108 from the table.

Ms. Harp: I second the motion.

Mrs. Hines: Motion to remove Case # PC22-108 was made by Mr. Duffy and seconded by Ms. Harp and upon roll call the motion passed unanimously.

Mr. Broadstreet: Mr. Gentry, have you already built this addition?

Mr. Gentry: Yes.

Mr. Broadstreet: Did you build it without getting a permit?

Mr. Gentry: I didn't know I needed a permit if I built the house myself. I did all the work myself.

Mr. Broadstreet: Yes, you needed a permit.

Mr. Cirincione: The Building Department went out there afterwards and informed him that he needed a permit.

Mr. Broadstreet: So, do you have a stop work order on it now?

Mr. Gentry: Yes.

Ms. Harp: How far did you get in the building process?

Mr. Gentry: There are two bedrooms attached. Partial electric is in, the furnace and air conditioning is in.

Ms. Harp: Is water and piping in?

Mr. Gentry: I tied in all the existing items that was there.

Ms. Harp: If you were coming before us for this addition, why did you already start on it?

Mr. Gentry: I had already started on it before I was told to come before you. After that, the Building Department told me I needed a survey.

Ms. Harp: What you attached to your application was a picture; it doesn't show any details of the addition.

Mr. Duffy: So, if we were to okay it, has it been inspected to make sure that all installations are up to code?

Mr. Cirincione: That would have to be made contingent on passing inspection. I don't know if it's been drywalled or anything. I don't know at what point the Building Department discovered that it was built before any permits were issued.

But they then advised Mr. Gentry that he needed to make an application and come before this Commission.

Ms. Harp: You presented a picture, but there is nothing to show that you started construction on the addition.

Mr. Gentry: They just asked for the drawings, they didn't ask for pictures.

Ms. Harp: Pictures are attached to the application.

Mr. Broadstreet: Why was this case tabled on May 2nd?

Mr. Cirincione: The reason this was tabled was because at the time Ed Hren and I looked at it, we wanted to look at the Code to see if there was a provision by which the Planning Commission had the jurisdiction to let it go forward as a conditional use. However, with restrictions and conditions as far as compliance with anything that the Building Department wanted compliance with; electrical, plumbing etc.

Mr. Broadstreet: So, Mr. Gentry you built this after you came here in May?

Mr. Gentry: No. I started building this in October of last year.

Ms. Harp: I didn't even know the building existed so, at what point did the Building Department know that you started building this and then they told you that you needed permits?

Mr. Gentry: That was when they put the stop work order on it in April.

Mr. Cirincione: Did you observe the stop work order?

Mr. Gentry: Yes, I observed the stop work order. I haven't done anything after the stop work order was issued.

Mr. Broadstreet: I had no idea when you were here in May that you had already built this. I don't believe any of us on this Board knew that.

Mr. Duffy: My first consideration is that what is up complies with all codes and requirements. The other consideration is how consistent this house is in the neighborhood. You can get an inspection from the building Department. Are you on good terms with the neighbor next door?

Mr. Gentry: I own the property next to it, the house next to that and two across the street.

Mr. Duffy: My concern is if any of the neighbors are upset about the construction you have been doing?

Mr. Gentry: There is no one in the red house. To my knowledge no one has any complaints about the construction.

Mr. Cirincione: I believe the Building Department concluded that they couldn't go any further until the Planning Commission determined whether or not this addition was found to be in compliance with the two memos that Ed Hren submitted. Ed stated in his letter of August 1, 2022 that that he could "recommend approval since the proposed improvement, with consolidation of the parcels is bringing the property closer to compliance with Zoning requirements."

The consolidation is in Section 113 and the Use Expansion is in Section 108 of the Building Code. Since these residences are under one ownership, it does mitigate some of the problems that otherwise could arise.

Mr. Duffy: Mr. Gentry, I feel that you have invested a significant amount of time and money and I'm not prone to punish you unnecessarily. If this structure is not a problem to the neighbors, which apparently it isn't, and fits into the neighborhood which I believe it will and complies with all building codes, you can proceed with the inspection and upon certification you can go on with your project. Do any other board members have a comment on this?

Mr. Tracy Moore: I agree with that!

Mr. Latsko: I agree!

Ms. Harp: I abstain from commenting on this at this time.

Mr. Broadstreet: I agree, but the contingency would be whether or not it passes inspection. If it doesn't pass inspection, you would have to take it down.

Mr. Duffy: Also, as a standard procedure, you would have to submit a landscape plan. You would have to submit plans/drawings to ABR for final appearance approvals. If those things are done, I would vote to let this proceed.

Ms. Harp: Mr. Gentry, I respect that you have put a lot of time and energy in putting this addition on, but I don't presuppose that you did not know that you needed permits before you put in all the time and energy into doing this. I'm sure that you knew that you needed to go to the Oakwood Village Building Department to pull permits for this vast project.

The other thing that concerns me is that you signed an application for a proposed project that you had already started and included a photograph of a picture of your property that did not include what you had started.

Mr. Gentry: The Building Department asked me for a site plan and that is what I gave them. That wasn't good enough so that is when I went further and went to a surveyor who did the site plan and the survey for the consolidation.

Ms. Harp: What was shown to the Planning Commission was a picture of your property that does not show your addition, so therefore we are thinking that it is a proposed project. So, up until tonight, some of us didn't even know you were currently doing work on the addition.

That is what I wanted to state for the record, because I don't want it to be said that we as the Planning Commission are not a complete board and that we are not completely looking at all the paperwork that comes in front of us. I do want to acknowledge that we do look at the paperwork in front of us. The paperwork in front of us does not entail what you presented to us in your testimony.

Mr. Gentry: The picture that you have there was with the application.

Mr. Cirincione: It wasn't in my packet. That didn't go to the Law Department.

Mr. Duffy: I don't want to be an enabler, or a rewarder. I do wish to be reasonable particularly with a gentleman that has so much time and investment in the Village.

I would like to make a motion that we would allow this case to pass based on the requirements that your property work is okayed by the Building Department.

Do you have any drainage plans for this property? What is your position on drainage plans? Are you tying your drainage into the existing?

Mr. Gentry: Yes, I am tying the drainage into the existing.

Mr. Duffy: As long as the Building Department inspects and approves this addition, and you submit a landscaping plan and qualify for that then you may resume work on the addition. Does anyone have any additional comments to add to this motion?

Mr. Cirincione: I would also suggest that you add Ed Hren's August 1, 2022 letter in which he does include some contingencies, and that the improvement not only pass inspection by the Building Department, but also be consistent with the contingencies in the August 1, 2022 letter from Ed Hren to the Planning Commission.

It should also be noted in the motion that this is proceeding under Section 1139.09 "Standards and Criteria for Conditional Use Permits". It should also be noted that there is a companion case to PC22-113 which is dependent on PC22-108. Since PC22-108 passed, PC22-113 is on for consideration of the three parcels that are on these particular properties.

Mr. Duffy: Are these properties in a business area?

Mr. Cirincione: Yes, these three parcels were non-conforming that is why they went the conditional use route. But it is those three properties that needed to be consolidated in order for proper placement. That is why Ed asked Mr. Gentry to do the survey so that we know exactly what parcel numbers are [designated].

Mr. Duffy: These are all small parcels put together. What are you going to do with these parcels?

Mr. Gentry: They will be consolidated into one parcel so that I can't sell my garage separate from my house.

Mr. Cirincione: Ed did review this and he did say that the reason this consolidation didn't go forward in May was that in order for the consolidation to proceed, there had to be a finding that this use was permitted on the property. So, PC22-108: permitted that pursuant to a conditional use permit. Ed's recommendation was that this could be approved since the proposed improvement with the consolidation of the parcels is bringing the property closer to compliance with residential zoning requirements.

Mr. Duffy: Before you begin any work, you will have to comply with and come back with what ever Ed Hren mentioned in his two letters.

Mr. Gentry: Okay.

MOTION TO APPROVE CASE # PC22-108: CONTINGENT UPON THE PROPERTY BEING FULLY INSPECTED AND APPROVED BY THE BUILDING DEPARTMENT, SUBMISSION OF LANDSCAPE PLANS AND COMPLIANCE WITH THE VILLAGE ENGINEER'S LETTER DATED AUGUST 1, 2022 was made by **Peter Duffy**, seconded by **John Latsko** and upon roll call the **MOTION PASSED** unanimously.

NEW BUSINESS:
CASE # PC22-113:

MR. SCOTT GENTRY
22103 WEBER PARK DRIVE, OAKWOOD VILLAGE,
OH 44146 PP #795-03-060, 795-03-061, 795-03-062 Mr. Gentry is coming before the Planning Commission to request approval for a lot consolidation for an 896-sq. ft. addition to existing home. (Section 1101, 1165 & 1140 of the Codified Ordinance)

Ms. Harp: So, this house is going to consolidated into what now?

Mr. Cirincione: It will be consolidated into conditional use for residential property.

Mr. Latsko: Is there a business back there?

Mr. Gentry: There is a business on Free Avenue which is all the way toward the freeway behind me.

Mr. Broadstreet: What business is that?

Mr. Gentry: It use to be Mid Continent Construction. I don't know who is back there now. I think there is a moving and storage company back there now.

Ms. Harp: So, there is a business behind you?

Mr. Gentry: Yes, it's been behind us for a while.

Ms. Harp: So, this consolidation is going to make this General Residential, correct?

Mr. Cirincione: It is a conditional use allowing the expansion and the consolidation. Mr. Gentry, have you had an opportunity to read the letter from our Village Engineer dated August 1, 2022 regarding this case?

Mr. Gentry: No, I have not.

Mr. Gentry was given the letter with the opportunity to read it.

Mr. Cirincione: Do you agree with the letter, and agree to comply with the contingencies as stated in the letter?

Mr. Gentry: Yes.

Mr. Cirincione: Mr. Gentry just asked where he should submit the landscaping plans. Do those go to the Building Department?

Mr. Broadstreet: Yes.

Mr. Duffy: I move that we approve Case # PC22-113.

MOTION TO APPROVE CASE # PC22-113: CONTINGENT UPON THE CRITERIA AND CONDITIONS OUTLINED IN CASE # PC22-108: AND IN COMPLIANCE WITH ED HREN'S LETTER DATED AUGUST 1, 2022 AND SUBMISSION OF ACCEPTABLE ARCHITECTURAL LANDSCAPE PLANS was made by **Peter Duffy**, seconded by **Tracy Moore** and upon roll call the **MOTION PASSED** unanimously.

CASE # PC22-114: PLATINUM CONSTRUCTION - MS. NILSA CARRERO OWNER: MS. KENYATTA HAMPTON 7234 FREE AVENUE, OAKWOOD VILLAGE, OH 44146 PP #795-01-019 Ms. Carrero is coming before the Planning Commission to request approval to erect a 20' X 20' (400-sq. ft.) detached accessory building on side of property. (Section 1101, 1140 & 1165 of the Codified Ordinance)

Swearing In of Nilsa Carrero by Ross Cirincione:

Mr. Cirincione: "Do you solemnly swear that the testimony and evidence you will present to the Planning Commission tonight will be the truth, the whole truth, and nothing but the truth so help you God?"

Ms. Carrero: “I do”.

Ms. Carrero: Our company was contracted to build a 20' X 20' detached garage for the property located at 7234 Free Avenue. You should have a copy of the plans in front of you.

Mr. Broadstreet: Is there already an existing garage?

Ms. Carrero: As far as I know there is not an existing garage. We will be constructing the garage in the rear. The downspouts will be draining onto the property. The colors for the garage will match the house. It will be cobalt blue with white trim. The garage door will be white. The shingles will match the house which will be blue/gray.

Mr. Broadstreet: Is there a reason the owner didn't show up here tonight?

Ms. Carrero: No.

Mr. Broadstreet: What bothers me about this is that you've never been on the property and you're agreeing to things and making promises to things that may or may not happen. The owner isn't here to agree to that or to answer any of our questions.

Mr. Cirincione: Ms. Carrero can appear as the agent.

Mr. Broadstreet: But she's never even been on site.

Mr. Cirincione: I think that given the examination by the engineer and what he wants to see, that is reasonable. They are going to have to satisfy those requirements, and the Building Commissioner has an obligation to confirm those things that are required.

You are certainly free to take action on this, based on the representations made by the agent which will be enforced against the owner.

Ms. Harp: This is still contingent on Ed Hren's letter.

Mr. Duffy: Ross, the driveway is still not known to us. If you're building a new garage are there any Code requirements that this owner will have to comply with?

Mr. Cirincione: I don't know the answer to that.

Mr. Broadstreet: When people put up a new garage, they have to put in an asphalt or concrete driveway.

Mr. Duffy: I think that needs to be written in for this garage.

Mr. Cirincione: Ms. Carrero, do you have the authority to make representations on that, which is the problem?

Ms. Carrero: Yes.

Mr. Cirincione: I don't know that we can assume that someone is going to put in a \$12,000.00 driveway.

Mr. Broadstreet: I just don't get the lack of interest on the part of the homeowner not to show up here tonight.

Ms. Harp: Why are you assuming that it's a lack of interest on the part of the homeowner? They have a represented agent here.

Mr. Cirincione: It's just an additional question that's come up that we didn't take a look at. We were focused on the swell and the drainage. I didn't look at the driveway issue. I suppose as a contingency, if this were to go forward, it could be passed with the contingent requirement that if the code requires a driveway to be installed, the approval for the addition would be contingent on complying with the codified.

Mr. Duffy: What I would like to do is table this and wait for the homeowner to come in and verify all these unknown questions. Is that reasonable?

Mr. Cirincione: The other option is, I think we have enough of the building season left if we need to table this to get that answer.

Ms. Harp: I know there was a new construction off Forbes Road that we approved to have a gravel driveway with a garage. So, I don't understand why we are quibbling over a house that is grandfathered in that has a gravel driveway. So, we need to look up that statute.

Mr. Cirincione: We can pass it contingent on what the Code states. If the Code requires that it should be paved, then that would be a condition of granting the permission to put up the addition. If the Code states that the existing gravel driveway is okay, then we have that covered and she can proceed with the construction of the addition.

Mr. Duffy: I move that we table this. Does anyone have any comments or thoughts about that?

Mr. Tracy Moore: I agree with that.

Ms. Harp: I think we should approve it contingent upon whether the Code states it's required because I know we approved a new construction with a gravel driveway. If the statute states we can't do it and we're making it contingent on the statute, then we can't do it!

Mr. Duffy: Would you like to make a motion?

Ms. Harp: Sure. I make a motion that we approve PC22-114: Contingent upon the items as highlighted in Ed Hren's letter of July 29, 2022 and if the Codified Ordinances requires that a concrete driveway is required before the construction of the garage, then the garage permit shall not be allowed.

Ms. Carrero: Would we have to come here to apply for an appeal? As a contractor we always recommend to erect the garage before pouring a concrete driveway.

Ms. Harp: She would have to make a new application.

Ms. Carrero: But would we be able to come back here to make that appeal?

Ms. Harp: Yes, If the statute states that a concrete driveway is required.

Mr. Cirincione: We will take a look at that and you will be advised by the Building Department whether or not that is a requirement.

Mr. Broadstreet: Is this going to be on a concrete pad?

Ms. Carrero: Yes.

Recap: Ms. Harp: This is one of those 100-year-old Oakwood Village houses that got rehabbed into a beautiful home that never had a garage built.

Mr. Broadstreet: I understand that. We try to get people to do an attached garage whenever possible as opposed to a separate building.

Ms. Harp: When they rehabbed it, they would have had to tear out the whole side of the house in order to protect the garage, so there was a house but never a garage. Would that have been grandfathered in? There isn't a concrete driveway, am I correct?

Ms. Carrero: I don't know, I didn't go on site.

Mr. Cirincione: This is also subject to Ed Hren's July 29th letter. His main concern was that the construction plans for the garage show gutters and downspouts being installed with no provision for drainage shown on the site plan. "The downspouts should not be allowed to discharge directly onto the adjoining properties and should be connected to the existing house downspouts or directed to a rear yard drainage swell, at least an approved outlet point. The Building Commissioner shall confirm the drainage in the field and should also verify the distance from the garage, and that the existing structure does not conflict with existing building codes."

So, Ms. Carrero, from what I understand, you contacted someone in regard to Ed Hren's requirement on the July 29th letter?

Ms. Carrero: I spoke to the site manager since he was the person who wanted to go to visit the site and he agreed that we could do that swell. We are going to install the swell and then drain the downspouts into that swell in the rear.

Mr. Cirincione: Assuming that the Planning Commission wants to approve this, it would be contingent on compliance with the July 29, 2022 letter which I believe the applicant's representative has a copy of.

Ms. Carrero: Yes, that's what we have.

MOTION TO APPROVE CASE PC22-114: was made by **Ms. Harp** and seconded by **Mr. Duffy** and upon roll call the **MOTION PASSED** unanimously.

OTHER MATTERS FOR DISCUSSION: *Owners Need to be Present at All Meetings*

Mr. Broadstreet: The owners need to be here at our meetings and not just their representatives or agents. I have brought this matter up before.

Mr. Cirincione: We will have to get clarification on that because I'm not sure the Code specifies that.

Mr. Broadstreet: The Building Department needs to notify them of that because when we have questions, we're just assuming that the agent is going to give us the right stuff and here we have an agent that has never even been on the property.

Ms. Harp: We don't even require them to give us a complete application.

Mr. Broadstreet: We should require them to do that.

QUESTION REGARDING DRIVEWAYS:

Mrs. Georgia Moore: If someone makes an addition to a driveway, do they have to come before the Planning Commission for approval? The person I'm talking about made an addition off to the side of the driveway. The driveway was straight. It is a pullover for three cars off to the side, but before you get to the garage, he made a rectangular addition there. Three cars can park in that space.

They did it so fast. They did it in two days. They dug the dirt out. The concrete trucks were there and poured the concrete. This is a relatively new person to the street. I'm not sure if they knew they had to come to the Planning Commission. Should he have obtained a permit to do that work?

Mr. Tracy Moore: He is still on his property, right?

Mrs. Georgia Moore: He is still on his property but I don't know if it's within the perimeters of the property line and how far over he went.

Mr. Cirincione: If it changes setback requirements, you need to come before the Planning Commission.

Mr. Duffy: I have been told anytime you do anything [like that] you need to get approval.

Mr. Cirincione: When you pour concrete you should file an application.

Mr. Duffy: I think that at this point the process should be to notify the Building Department so they can send someone out to investigate and clarify the situation.

Mr. Cirincione: I agree.

Mr. Broadstreet: Whether there is a building there or not, if it changes the way things flow that needs to be dealt with.

Mr. Latsko: You will need to know the thickness of the concrete also. After they dug it out, they should have put wire mesh there.

Mr. Duffy: The contractor that did this must know that he needs a permit to do it. The owner would have to get the permit.

Mr. Tracy Moore: If they did it that quick, I doubt if they got a permit.

Mr. Duffy: So, that is why you go to the Building Department to find out if a permit was requested or not. If not, we have to send someone out to do an inspection.

APOLOGY FROM MALINDA HARP TO CYNTHIA HINES:

Ms. Harp: I made a comment at the June 6, 2022 meeting about the May 2, 2022 minutes. I don't think I was very kind to Cynthia Hines when I made the comment. I know Cynthia does a lot. She transcribes, listens to people who don't talk loud enough, talking with masks on etc., etc. I think I was very authoritative when I was telling her what went on with the minutes. I was a little irritated because I thought I had gotten my point across clearly.

Cynthia, notwithstanding that you do all that you do, I wanted to apologize to you in front of everyone at this meeting. I do want you to know that I do appreciate all the things that you do. Any time I get out of pocket, stop me before I leave. I apologize.

Cynthia Hines: Thank you. I accept your apology.

Mr. Duffy: I would like to applaud Cynthia. *(Every one on the Planning Commission applauded).*

Cynthia Hines: Thank you Ms. Harp; thank you everyone! That was very nice. I do work very hard on the minutes.

MOTION TO APPROVE REGULAR PLANNING COMMISSION MINUTES FOR JUNE 6, 2022 was made by **Malinda Harp**, seconded by **John Latsko**.

VOTE:

Yes - 4 Broadstreet, Duffy, Harp, Latsko

Abstain - 1 Tracy Moore

MOTION PASSED

MOTION TO ADJOURN MEETING was made by **Peter Duffy**, seconded by **Tracy Moore** and upon roll call the **MOTION PASSED** unanimously.

Meeting Adjourned at approximately 8:12 P.M.

Rand Broadstreet
Chairperson

Cynthia Hines
Recording Secretary