

West Jefferson Ohio Planning & Zoning Commission

28 East Main Street

Meeting 6:30 PM

Wednesday, September 16, 2020

Meeting Minutes

Call to Order: Chairperson Hay called the meeting to order of the West Jefferson Planning & Zoning Commission and asked for a Roll Call at 6:30 PM.

Roll Call: Mrs. Paula Hay, Mrs. Sandy Boucher, Mr. James Graham, Mr. Jimmy Little and Mr. Roy VonAlmen

Absent for Roll Call: none

Approval to accept the August 5, 2020 minutes:

Motion by Mr. Graham to accept the minutes, seconded by Mrs. Boucher to **approve** the minutes from the August 5, 2020 meeting.

VOTE YES: Mr. Graham, Mrs. Boucher, Mr. Little, Mr. VonAlmen and Mrs. Hay

VOTE NO: none

Motion Carried

Chairperson Mrs. Hay explained the process of the meeting.

New Business:

Case # P2020-0012 - Property address: 208 Danbury Road - Request: A variance to park a boat on the property.

Mr. Tom Hale (Staff), explained that the applicant received a violation notice for parking his boat in the driveway. (Ordinance 1135.03) The property is zoned R-2. Therefore he is requesting a variance.

Mrs. Hay asked if the applicant was in attendance. He was not there.

Mrs. Hay explained the code violation was issued on July 16, 2020. If granted it would allow him to park in the driveway for a time frame that is determined by Planning and Zoning.

Mr. Graham drove by and said the boat was not there.

Mr. Rick Snyder asked if the variance was being requested because they can't park it in the side or rear yard.

Mr. Hale explained it was being requested to park in the driveway.

Mr. Snyder said that would start a firestorm with everyone else parking their boats, RV's and everything else in their front set back. He said it will no longer look like a residential neighborhood but more like a parking lot. Mr. Snyder stated that the board should consider that.

Mrs. Hay explained to the board to be mindful if a motion is made that we need to set a time frame.

Mr. Hale reminded the board that the ordinance allows for 72 hours for loading, unloading and cleaning.

Mr. Hale stated to the board that a motion is always made to the positive and then the vote is accordingly after that.

A motion was made by Mr. Little and seconded by Mrs. Boucher to approve the variance as presented.

VOTE YES: none

VOTE NO: Mr. Little, Mrs. Boucher, Mr. Graham and Mr. VonAlmen

Motion Denied

Case # P2020-0016 - Property address: 359 Darbyview Drive - Request: A variance to park a boat on the property.

Mrs. Hay asked if the applicant, Kendra Meyers was present.

Mr. Hale explained that she was not and notified the office that she could not get off work. Mr. Hale stated that this is the same situation. The property is located in an R-2 district. He explained that Ms. Meyers just recently purchased the property and according to the realtor involved, she was advised that she could park the boat in the driveway. She was cited by the office. Mr. Hale showed the board on the power point the property. He pointed out the fence to the back yard and explained that if the boat was parked behind it would comply. However, the ordinance requires the it to be parked on a hard surface. The request is to not park it on a hard surface.

Mrs. Samantha Cahill (lives across the street), stated that the boat has been moved out of the driveway. However, the problem is that they are not mowing under the boat. That is the concern.

Mr. Hale said that they had several neighbors respond and that they have no issue with it behind the fence.

Mr. Graham stated that he drove by and it was parked behind the fence. However, regarding Mrs. Cahill's comments, that would be a different issue or violation if we would approve it on a soft surface.

Mr. Hale had comments from staff. First, he said instead of granting a full variance, you could put a time frame on it to which a hard surface should be placed. Secondly, they have been very compliant, so the conversation could be with them about the concerns.

Mrs. Cahill said they have been very friendly and very compliant.

Mayor Martin asked if this was a permanent variance.

Mr. Hale said that what could be done is to stipulate in the variance, that if you don't by this time. (which is putting a hard surface)

Mr. Snyder stated this is a suburban neighborhood. He said you still have a contraption in the front setback and it is his experience that you start one thing you will get a lot of other things like that. People will feel free to do whatever they want. This variance is not only what they want but what the neighborhood wants.

Mrs. Boucher pointed out that it was behind the sidewalk.

Mr. Snyder said they need to get out and walk the sidewalks. He feels that a residential neighbor should be free of any other vehicles beside the ones people drive.

Mr. Tracy Elston in audience asked Mr. Snyder if he could see that boat from his house.

Mr. Snyder replied that was beside the point. This board is to be fair to all the residents.

Both gentlemen went back and forth. (inaudible)

Mrs. Hay had to gain control of the meeting.

Mr. Graham stated that if they would grant the variance it would need to be worded that it would have to stay behind the fence.

Discussion among the board in regards to the time.

Mrs. Cahall suggested to the board that a year would be a good time since they are new to the neighborhood.

Mayor Martin stated that in the past it has worked that the board would make the determination and the staff would give them the time frame.

Mr. Hale responded and said the board should establish the time frame.

Mrs. Hay said that since she has been on the commission they have set the time frame.

Mr. Little had concerns that what ever we establish here would set a precedence.

Mrs. Hay replied that each case is different and that they are individuals and we need to be mindful of that.

Mrs. Hay asked the board if they had a time frame in mind.

Mr. Hale said that in the cases he has seen, it is predicated on time and the weather.

Mr. Snyder stated to the board that if they wanted to establish West Jefferson as a nice clean community they will have to decide on things like this. These kinds of vehicles don't belong in the front yard setback or driveway. They are not self-propelled.

Mr. Hale asked to clarify something for Mr. Snyder. He explained that this applicant has moved the boat since the violation. The variance is for the surface. Mr. Snyder said fine and dandy but it is still in the front setback. Mr. Hale said he was not going to argue with him. Mr. Snyder said he has 27 years in zoning. Mr. Hale said okay but that is not the front setback. Mr. Snyder said yes, it is. Mayor Martin told Mr. Snyder that he is talking about the back yard. *(too many people talking-in audible)*

Mrs. Hay again had to get control of the meeting.

Mr. Snyder tried to keep speaking.

Mrs. Hay said let me speak now. She explained the boat has been moved and is behind the fence and what is being asked for now is whether or not they will be required to have it parked on a hard surface per the Ordinance.

Mr. Snyder said in the back yard.

Mrs. Hay replied that is where it is going to be so you might have misunderstood. The vote is whether or not they will require them to be on a hard surface.

Mr. Snyder said that is not a variance, it is an ordinance. A variance is something to do with something totally different than what is in the entire town for that matter. Putting it in the back yard is fine, paving it is up to them. It is their back yard and it does not require a variance. You just tell them it has to be on a hard surface.

Mrs. Hay said thank you and she was going to close the public portion of the hearing.

Mrs. Hay asked the board for a time line.

Mr. VonAlmen stated 12 months.

A motion was made by Mr. Little and seconded by Mr. Graham to approve the variance as presented with the 12-month time restriction.

VOTE YES: Mr. Little, Mr. Graham, Mrs. Boucher, and Mr. VonAlmen

VOTE NO: none

Motion Carried

Case # P2020-0011- Property address: 429 Hathaway Court - Request: A variance to park a boat on the property.

Mr. Hale (Staff), stated that 429 Hathaway Court was in an R-2 district. Mr. Hale showed the board a picture of where the boat is parked now and said the request is to leave it where it is parked now.

Mr. Tracy Elston (Applicant), asked how many variances are in Westwood already. He said there had to be several.

Mrs. Hay replied that she did not know the exact number in the past. Mrs. Hay said that since she has been on the commission, there have been a couple that have been approved but each case is an individual case and not base on others.

Mrs. Boucher said that they have never approved anything to be there longer then 72 hours in a seven-day period.

Mr. Elston stated that he knows for a fact that there is one (not sure he said) out there from April 1 to the end of October.

Mrs. Boucher said then it should be reported.

Mr. Elston said he was told that he already has a variance.

Mr. Hale said he did not have enough longevity to know that statistic.

Mrs. Boucher asked the applicant if there was another place he could put it.

Mr. Elston said he definitely could move it and it would fit in his shop, but it is the point now. There are other people that have the variance.

Mr. VonAlmen asked what variance.

Mr. Elston said the one to keep it there.

Mr. VonAlmen asked do you mean to keep it there permanently.

Mr. Elston said April to October just like the other ones were granted.

Mrs. Boucher asked what other ones.

Mr. Elston said there were several boats, in Westwood that have all been to this meeting to put their boats in the driveway.

Mrs. Hay said she only knew of two.

Mr. Elston said there are two side by side.

Mrs. Hay referred to two on Danbury Road that were given times from April to October but she would need to go back to the minutes. She said they were both told that they were working on the ordinance and once they were re-done they would have to come back and would not be grandfathered in.

Mr. Elston asked what was the problem. He said the board is driving out all the young couples that make money and anyone his age is moving to Plain City for stupid things like this. He asked how is it bothering anybody to have a boat in their own driveway.

Mrs. Hay replied that there are ordinances.

Mr. Elston said I understand that but we live in a different time. People want to be able to take them out from their house and enjoy them. Who wants to pay to store a boat.

Mrs. Boucher asked the applicant if he had room on the side that he could put it back behind the setback.

Mr. Elston said he does not want that. He wants it in his driveway, at his house, and that is where he wants to park it.

Mr. Elston asked when was that ordinance drawn up.

Mr. Hale said that his document shows 2003.

Mrs. Boucher stated that the original was in 03 but there have since been some changes.

Mr. Snyder said the original ordinances were drawn up in 1963.

Mrs. Boucher said that is true but there have been some changes.

Mrs. Hay stated 2014 was the replacement. (revision)

Both Mr. Snyder and Mr. Elston were talking at the same time. (*inaudible*)

Mrs. Hay asked for one person to talk at a time.

Mr. Elston asked Mr. Snyder why do you even care you don't even live by me.

Mr. Snyder said I live out there.

Mr. Elston asked Mr. Snyder again why does it bother you that someone 10 miles away has a boat in their driveway.

Mr. Snyder said because maybe the person next to me wants to put one in their driveway.

Mrs. Hay again had to get control of the meeting.

Discussion among the board on the 2014 revisions.

Mr. Graham asked the applicant if it would fit in his garage.

Mr. Elston said no and that it wasn't going to be there much longer anyways. The point is that if he is going to take vacation every week then he is going to park it in the driveway. He will pay the \$200.00. He doesn't care. It is going to be there. He is just telling the board.

Mr. Little just quickly googled the comment on Plain City. He said they must have the same ordinance.

Mr. Elston said the point is you're just pushing people out of this town. His boat has set there for two years and now all of a the sudden it is a problem. The cops told him to move it into the driveway and it would be fine. Then three months later I'm here. It is not 1967 anymore and people don't want to drive for boat storage.

A motion was made by Mr. Little and seconded by Mr. Boucher to approve the variance as presented.

VOTE YES: none

VOTE NO: Mr. Little, Mrs. Boucher, Mr. Graham, and Mr. VonAlmen

Motion Denied

Mr. Elston asked so what are you going to do with the other people that are doing it.

Mrs. Hay answered that unless it is brought before us, we don't discuss.

Mr. Elston asked so how do you give it to someone else and not someone who came here.

Mr. Elston said that is straight favoritism.

Mrs. Hay stated that each case is different.

Mr. Elston said that their boat is in the driveway just like his in the same neighborhood. So you will deny it but you approved it for other people. He said all he is asking for is what other people got. That is the definition of favoritism.

Mrs. Hay explained to him he has the right to appeal to Council.

Mr. Elston said don't worry about it. He will just take his family and move out of this town. Everyone with money is looking to move because of stupid crap like this. He said the small-town politics and showing favoritism to individuals in the neighborhood. Mr. Elston said he does not want to drive to get his boat. He said he was just going to pay the fine and that he was not moving it until I am ready. How is it right that other people get to do that. He wanted it explained to him it just doesn't make sense. Mr. Elston said what if he keeps moving it within the hours.

Mrs. Hay said we need to move on to the next case.

Mr. Elston said of course you do, you don't want to answer my question.

Mrs. Hay replied that we have other cases we have to get to.

Mr. Elston said you still haven't given me an answer to why they get to do it and I can't. He said he lives in the same neighborhood, pays the same taxes and the same everything. He asked the board to give him a good reason.

Mrs. Hay stated that each case is looked at as an individual case.

Mr. Elston said okay then just give me what they have.

Mrs. Hay said the only way it can be over turned at this point is to go to Council.

Mr. Elston interrupted saying he just wants what they have. He doesn't want a new case just what they have.

Mrs. Cahill suggested to Mr. Elston that he should go out and talk to them and see what they have.

Mr. Elston said he did talk to them and this shouldn't be an issue.

Mrs. Hay again explained we do have a process and that it does go to Council next.

Mr. Elston said this is so stupid and do you guys see how hypocritical you are. This makes zero sense. You have literally let other people do it and tell someone else no. How can you let one person do it and not the next. He said I filed the right paperwork and came to the meeting.

Mrs. Boucher said you have to start somewhere.

Mr. Elston said okay, but in the mean time they got the variance.

Mrs. Hay stated we need to end the discussion and move on to the next case.

Mr. Elston left the room stating this was ("expletive") stupid.

Case # P2020-0014 - Property address: 679 Brookdale Drive – Request: A variance for set back and lot coverage.

Mr. Hale explained the property is located in an R-2 district. He pointed out the proposed room addition that was submitted to the office. Mr. Hale stated that the variance is for the rear setback and the lot coverage. The request exceeds the lot coverage by 15% and by about 12% on the rear setback.

Mrs. Melissa Ruble (Applicant), stated that her architect was Dean Bollinger. The addition is basically a master suite with bathroom, great room, mudroom, and sunroom. Mrs. Ruble stated that she purchased the house in 1998. She doesn't feel housing options are available in West Jefferson. The plan is to make this house a more open layout. The addition goes straight back except behind the garage.

Mrs. Ruble asked if anyone had any questions. Mrs. Ruble stated that her architect said that people might ask about where the roof water might drain. He is saying it would drain towards the back yard to the existing drain in the rear of the property. Also, all new exterior fixes would match the existing material and colors. Mrs. Ruble said there won't be any changes to the front porch design. There is a screened-in back porch on the plans. If it is too expensive, that will be the first thing cut.

Mrs. Boucher asked if that was taken off how much would the lot coverage be?

Mr. Hale said that if it was reduced by 10 feet that would meet the rear setback but will still need a variance for the lot coverage.

Mrs. Ruble said the neighbor that lives straight behind her doesn't have any problem with that.

Mr. Snyder stated that he lives beside her and has water issues.

Several people talking at the same time. (*inaudible*)

Mrs. Boucher said she has a lot of water problems that is why she asks about the water.

Mrs. Rubel said there are codes to make sure that it is done properly.

Mr. Snyder said they just need to go around the neighborhood after it rains.

Mrs. Boucher asked if there is anything that says that the water has to go into a drain.

Mr. Hale said no there nothing that stipulates that, but what the code says is that the storm water will be discharged properly. He said that is one of the issues she would take to her designer. Upon inspections they would look at it. Unfortunately, when storm water becomes an issue it becomes a civil case.

Mr. Snyder said he doesn't want to cause any neighbors to have water problems.

Again, several people talking at once. (*inaudible*)

Mrs. Hay asked the board not to speak so they could hear the audience speak.

Mr. Snyder has concern about the setbacks and would like it explained.

Several people talking at once. (*inaudible*)

Mrs. Rubel showed Mr. Snyder the big set of plans.

Again, several people talking at once. (*inaudible*)

Mrs. Hay asked if it was professionally surveyed.

Mrs. Ruble said she did not know that but some people did come out.

Mr. Snyder stated that he is okay with the lot coverage. He said he turned down larger than that when he was on the board.

Mrs. Hay asked again for not everyone to talk.

Mrs. Hay explained to the applicant that the water needs to be addressed.

Mr. Hale explained that Mrs. Boucher was trying to say that something should be in the variance that would address compliance.

A motion was made by Mr. Little and seconded by Mrs. Boucher to approve the variance as presented.

VOTE YES: Mr. Little, Mrs. Boucher, Mr. Graham and Mr. VonAlmen

VOTE NO: none

Motion Carried

There was board discussion on the ordinances that have been worked up.

Mr. Little asked about the storm water issues, if it should be incorporated into what they are working on.

Mr. Hale said that would be hard and that it is controlled by the Director of Public Service. But should be taken into consideration during construction. Storm water is not regulated through the Building Department.

Motion was made to adjourn the meeting by Mrs. Boucher and seconded by Mr. VonAlmen.

The meeting was adjourned at 7:40 PM.

Next Meeting: November 4, 2020.

Chairperson: Paula Hay
Mrs. Paula Hay

Date: 12-9-2020

Respectfully submitted:
Kristie West, Staff
Building, Planning, and Zoning Department