

VILLAGE OF CUYAHOGA HEIGHTS  
PLANNING AND ZONING MEETING  
November 20, 2013  
6:00 p.m.

Mayor Bacci called the meeting to order, Clerk Unger called the roll. Those present were Mayor Bacci, Matt Sokolich, Shireen Mitchell, and Todd Bloam. Also present: Law Director Jon Greenberg, and Village Engineer Todd Sciano.

**MINUTES:**

Mrs. Mitchell moved, seconded by Mr. Sokolich to approve the minutes of September 18, 2013. Bloam Aye, Sokolich Aye, Mitchell Aye, Volek Abstain. Motion carried.

**NEW BUSINESS:**

From Building Commissioner, Norm Casini: regarding a lot split at 7123 Marcelline Court Permanent Parcel Number 522-23-054/522-23-055. There has been a modification of the lot split, and Mr. Bartlett is coming back to obtain approval of the new lot split. No action was taken on the split at the last Zoning Board meeting.

Mr. Bacci asked for a short discussion, and explained that Mr. Sciano is here to answer any questions. He stated that he had a brief meeting with Mr. Bartlett before the meeting concerning the jog in the property as proposed and asked Mr. Bartlett if he would be interested in coming to an understanding that if the board approved this change in the lot design today, and he does move forward in the future to building his new home, that he would then run his property line straight as does all of the property lines in the area.

Mr. Bloam asked Mr. Bartlett what was his answer? Mr. Bartlett replied that he would consider it in the future once the old house is removed and the final construction is completed. Then he would consider making the line straight. The Mayor asked what one of the considerations would be that he would only consider making the line straight and not commit to it? Mr. Bartlett stated that the primary concern is the financial cost. He thinks it would be a burden on him to have that done. Mr. Bloam asked Mr. Bartlett; what if we granted you the straight line right now, contingent on you tearing that house down. Mr. Bartlett replied that he is not tearing the house down if that is the contingency. Mr. Bartlett explained that at the September Zoning Board Meeting he was told that if he made the modifications concerning the new garage and he made that straight, he would show up with the new plot, and it would be approved. The Mayor explained that he doesn't think there is a problem with the approval, he just asked that the straight line change be a consideration. He doesn't think the cost will be excessive. Mr. Sciano was asked to give the board an idea of the cost, and his response was under \$500.00. The Mayor asked Mr. Bartlett if he would consider that change in the future, and Mr. Bartlett said yes, he would consider it. The Mayor stated that that is all he could ask of him. He explained that he has complied with all the Board has asked for at the last meeting, and asked the Board if they had any other questions or concerns.

Mr. Bloam asked about the utility lines for the property. There was a discussion concerning the splitting of the utilities when creating another lot. Mr. Greenberg stated that we may be able to make the lot split contingent on getting the utilities split. Mr. Bartlett said that it should be a buildable lot because all of the utilities are all available at the street. Mayor Bacci asked if there is anything that needs to be done before Mr. Bartlett gets two lots other than what we have asked Mr. Bartlett to do. Mr. Sciano stated that on the approval of the lot split he needs to split the

utilities, not when he builds the house. The Mayor asked Mr. Bartlett if he understood what is required. Mr. Bartlett explained that he know he needs to split the utilities for the lot split.

Mayor Bacci asked the Law Director Mr. Greenberg to summarize to the Board what needs to be done before Mr. Bartlett gets the lot split. Mr. Greenberg explained that the lot split is contingent on getting separate water, sewer, and gas. Mayor Bacci asked Mr. Bartlett how long he needs to get that done. Mr. Bartlett said five years. The Mayor stated that that was a little long. Mr. Bloam stated that he would give him a year, and thought that was very reasonable.

Mr. Bartlett asked if he would have a boundary to go to the utilities in order to get the utilities split. Mr. Volek questioned if Mr. Bartlett ever filed the paperwork for the split. Mr. Bartlett stated that he has not because he does not have a natural boundary on the plot map. The Mayor said that this Board approved a variation of this new lot split previously and asked Mr. Bartlett what happened with that. Mr. Bartlett explained that the board gave him approval to build the garage, and he did that. Now he is here to get the official approval of the plot map. Then he can go down to the County and file it. Once he has that done, he can split the utilities.

Mr. Sciano explained that there are three variances. Two are related to the frontage which we talked about last time. One lot needs a ten foot variance; the other lot needs a 16.5 foot variance. There is also need for a .91 foot variance from the sideline. Mr. Volek again reiterated that we need three variances to approve, Mr. Sciano stated yes. Mr. Volek asked the Law Director Mr. Greenberg if we should do them separately, Mr. Greenberg stated yes.

Ms. Mitchell asked if we give him a lot split without any contingencies, but can he get a water line? Mr. Bartlett explained that the water department will not give him another meter unless the lot has distinct boundaries as a separate new lot. The Mayor stated that that is correct; he cannot get a new water tap for a lot that does not exist. So we have to let the lot exist, and then he has one year to put in separate utilities. Ms. Mitchell asked what happens if he doesn't do it. Mayor Bacci said he will then have to come back to this Board and explain why he didn't do it, and if he has a good reason we will grant him a new extension. If there is no good reason, then the Board can rule on pulling the lot split altogether.

Mr. Sciano explained that there is a hiccup with that. In order to get the new water meter, he needs to have a lot split with a signed plat map. Mayor Bacci asked Mr. Greenberg if his recommendation of giving Mr. Bartlett the lot split contingent on getting the utilities split is now not going to work. Mr. Sciano explained that we might have to do it differently. He explained that according to Mr. Bartlett, the utilities cannot be split without separate permanent parcel numbers for each lot. Mayor Bacci asked Mr. Sciano to call the Water Department and give us some direction as to what we should do. Mr. Sciano said we can approve it tonight contingent on splitting the utilities, and if they say they can, then we don't sign it until Mr. Bartlett has completed the separation of the utilities. Mr. Bartlett explained that when he calls the water department, he is not taken as seriously as they would take Mr. Sciano, so he thinks Mr. Sciano will have better luck with this situation.

Ms. Mitchell asked if there was anything that the Board could do to make sure that if Mr. Bartlett tears down the back house that at that point the map line would go straight. Mr. Greenberg explained that once Mr. Bartlett gets the split, you can't unsplit it, and he automatically has a separate parcel. Mr. Sciano explained that you could just limit the new house being built until the line is straight. Ms. Mitchell asked how many lots currently in the Village are not straight. The Mayor stated that there are lots that are not straight, and we have to accommodate Mr. Bartlett because he has a structure that was already in place. He is not doing this to be cute; he's doing it because this is the way it is. We are just going to have to take his word that in the future if he is going to build a new home, he will accommodate us in straightening the plot line, and we will always try to accommodate him.

The Mayor explained that before we do the lot split, we need to do the variances.

Mr. Volek made the motion to approve the ten foot variance required for the east lot seconded by Mr. Bloam. All in favor, none opposed. Motion carried.

Mr. Volek made a motion to approve the 16.5 foot variance required for the west lot, seconded by Ms. Mitchell. All in favor, none opposed. Motion carried.

Mr. Volek made the motion to approve the .91 foot variance for the side yard setback for the existing garage, seconded by Mr. Sokolich. All in favor, none opposed. Motion carried.

Mr. Bloam made the motion to approve the lot split pending all four utilities being split, gas, water, sewer, and electric. Mr. Sciano explained that the lot should have self sufficient utilities. Mayor Bacci asked Mr. Sciano to give Mr. Bloam the proper lawful verbage for his motion.

Ms. Mitchell asked a question concerning the split of the utilities. Mayor Bacci noted that Mr. Sciano is to explain to the Board the utility situation. Mr. Sciano explained that each lot needs to be self sufficient with their own utilities. This lot split is contingent upon it, and we can have the Building Commissioner go out there and make sure. So if he doesn't want to install a gas connection and he wants to use an electric furnace, then Norm Casini the Building Commissioner can go out and check to make sure he switched to an electric furnace. So each lot needs to be independent of themselves. Sewer and water are required; gas if you have an electric house is not required. The obligation and burden we are putting on him is that each lot is self sufficient and stands on their own. Each lot before we sign this needs to be self sufficient with its own utilities, and we can have Norm check it out.

Ms. Mitchell then asked if it needs to have gas and electric. Mr. Sciano explained it needed either gas or electric; your furnace and air need to run on something. She asked if he decides to sell this lot, with the nice house on it. She wants to know if the utilities have to be switched at that time, or does it have to be done before. Mr. Sciano said if he puts an electric furnace in and doesn't want to put a gas line in the next homeowner if they decide to stick with electric, they would not need to install a gas line. But what he has to do is separate functional utilities for the whole property. He has to do sewer and water, and he has a choice of gas or electric.

Mr. Bloam withdrew his previous motion.

Mr. Volek made a motion to approve the lot split as long as each of the lots is self sufficient with separate utilities, seconded by Ms. Mitchell. All in favor, none opposed. Motion carried.

The Mayor wished Mr. Bartlett good luck in getting his utilities straightened out, and if you need any help, talk to the Engineer, Mr. Sciano.

Wherefore there is no more business before this Board, Ms. Mitchell made the motion to adjourn, seconded by Mr. Sokolich. All in favor, none opposed. Motion carried.

Meeting ended at 6:55pm.