

VILLAGE OF CUYAHOGA HEIGHTS
PLANNING AND ZONING MEETING
MINUTES
JULY 15, 2020
6:00 p.m.

ROLL CALL: BLOAM, MITCHELL, VOLEK , UNGER, BACCI

Minutes:

Motion to accept the Minutes of June 17, 2020.

Mr. Bloam made the motion to accept the minutes and place them on file, seconded by Mr. Volek.

Bloam – Aye, Volek – Aye, Unger – Aye, Mitchell – Abstain. Motion carried.

New Business:

From Building Commissioner Norm Casini:

Attached please find an application from the contractor represented by Stuart Lipp and James Doyle requesting a variance of approval for arrangement of solar panels installed on the roof of 5006 East 71st Street. The arraignment of the roof panels does not comply with the approved construction documents.

Variances requested:

- Variance for solar panels as constructed on roof versus panel arraignment per approved construction documents.

Mayor Bacci asked Building Commissioner Casini to remind the board why they are here again, and what the concerns are with the solar panels.

Mr. Casini explained that Stuart Lipp came in with the documents that showed the panels were on the roof in a T shape. We tried to improve the arraignment of the panels for aesthetic reasons. They went back and redid the plans with the panels layered as we agreed. When they physically put up the panels, they went back to the original T shape, instead of the agreed arrangement. We

told them they needed to come to the Zoning Board, and explain why they went back to the original T shape, and get a variance for the work that was done.

Mr. Stuart Lipp from Better Together Solar explained that there was supposed to be 8 panels on the front of the home, and 8 on the side. The installer was unable to fit 8 on the front, and 8 on the side, so he put 7 on the front, and 9 on the side.

Mayor Bacci asked Mr. Lipp and the installers were aware of Mr. Casini's request to have a symmetrical grouping on the home. Mr. Lipp said yes. At the time the installers found out they couldn't fit the panels the way they agreed, were you or Mr. Casini contacted about the issue. Mr. Lipp said he was contacted, but Mr. Casini was not. Mayor Bacci asked why Mr. Lipp did not contact Mr. Casini if there was a problem. Mr. Lipp said that he can't answer that. Mayor Bacci explained that this board discussed that last month at the meeting that they failed to attend. Mr. Lipp apologized for missing the meeting, it was a total miscommunication.

Mr. Lipp explained they were asked about the conduit going over the gutter and solar decorative trim around the edge to make it more pleasing to the eye. Mr. Lipp said that we can put that in. Mayor Bacci asked if all sides would have the trim, Mr. Lipp said they would.

Understanding that there is not enough square feet to arrange the panels the way they agreed to, Mr. Bacci asked Mr. Casini if he agreed to the remedy and variance that they are requesting. Mr. Casini said yes.

Mr. Bloam asked if there were different size panels that would have made the configuration fit. Mr. Lipp explained that there are no smaller panels, these are the size we had to make fit.

Ms. Mitchell couldn't believe that the measurements for the roof were wrong, and the original plans had to be amended when they started installation. She asked what the solar trim would hide. Mr. Lipp explained that it will be underneath by the roof.

Mr. Volek asked if we have an Ordinance for solar panels. Mr. Casini said we do not, but I have written something up for our Law Director's review. Mr. Lipp said he would be glad to help.

Ms. Unger asked Mr. Lipp if there was only one side of the house where they run the conduit for the electricity. Mr. Lipp said yes, it only runs on one side.

Mr. Volek asked if we don't have an Ordinance for these panels, how do we give him a variance, he believes we just need to give him our approval. Law Director Chojnacki said it was appropriate for the board to give their approval of the amended design which was given to Mr. Casini.

Mr. Volek made the motion to grant the approval of the existing amended design, seconded by Ms. Unger. All in favor, none opposed. Motion carried.

Mr. Casini asked Mr. Lipp if they could look at running the conduit in the back of the home. They decided to get together and see if there was some way to do that without having a long electrical run to the panels.

Mr. Lipp thanked the Mayor and the board for being so gracious and understanding.

From Building Commissioner Norm Casini:

Attached please find an application from Consolidated Electrical Distributors represented by Jeff Eichenauer and Jimmy Piko requesting a variance of approval for storing materials, equipment and containers outside of the north side and south side of their enclosed building.

Per our Codified Ordinance 1249.10(8) Enclosed Buildings. All permitted main and accessory uses and operations, except off street parking, shall be conducted wholly within enclosed buildings. All raw materials, partially finished products, finished products, finished products and mobile and other equipment shall be stored within enclosed buildings.

Mayor Bacci explained that in 2006-2007 the previous administration changed the zoning in this area, and we want to call in the next three companies on the agenda to let them know what the zoning code is in their area, and how we can work with them to stay within the zoning laws.

Mr. Casini explained that CED has some materials outside on the north and south side of the building, and they are here to explain their situation, and why they are using outside storage.

Mr. Eichenauer explained that it is the industry norm to have outside storage, He explained that the outside storage is not unattractive, but now that we know the zoning regulations, we are more than happy to work with the board and the administration to help make it more attractive to the community, and stay within the regulations.

Mayor Bacci said this is a zoning issue that we have had since 2006-2007. We want your company to do business here, and we want nothing more than for you to be successful and do more business in our community. But we also want you and every other company that moves into our community to understand that you and your neighbors went through a process to get outside the zoning to operate the way you are today. We appreciate the square footage of the building to house conduit would be astronomical, but we want every business owner on E.71st Street to come in and meet the board, explain what you do, let them have an understanding of what you are going to do in the future, and work with the Building Department to make it as neat, tidy, and organized as possible. Know that the Building Department wants to work with you in any way possible for variances or any other issues you have in the future.

Mr. Volek explained that the area is kept very neat and is not unattractive. Ms. Mitchell said she thought the area looks good. Ms. Unger said it was admirable to make our community look clean and attractive. That area is the first impression someone gets when driving through our village, and it is imperative to keep it as clean as the rest of the street.

Mr. Volek made the motion to approve a term variance authorizing the storage of certain materials outside the exterior of enclosed buildings in a manner authorized by the Building Commissioner for a period of two years, seconded by Mr. Bloam. All in favor, none opposed. Motion carried.

Mayor Bacci explained to Mr. Eichenauer that this does not have to be done tomorrow, or next week. What we will do is set up a meeting with Mr. Casini and Mr. Labella to come up with a time frame for the zoning issues. We will work with you for the remainder of 2020 while working with our Building Department.

From Building Commissioner Norm Casini:

Attached please find an application from Tri-County Pallet represented by Kyle Bowling requesting a variance of approval for storing materials, equipment and containers outside of their enclosed building.

Per our Codified Ordinance 1249.10(8) Enclosed Buildings. All permitted main and accessory uses and operations, except off street parking, shall be conducted wholly within enclosed buildings. All raw materials, partially finished products, finished products, finished products and mobile and other equipment shall be stored within enclosed buildings.

Mr. Casini explained that this is the same issue we have with the other companies in this area with outside storage. Mayor Bacci explained to everyone that all of the companies in this area are going through the same process with our Zoning Board. He asked the representative from Tri-County Pallet to introduce himself to the board.

Mr. Kyle Bowling introduced himself, and explained to the board that they started out in Akron for about 20 years, and found that there is a lot of business in the Cleveland area, and moved to the B&B Building. We buy and recycle wooden pallets, and make them look like new. We buy pallets from local people, and average about fifty transactions a day. Sometimes we have a number of people selling pallets, and we have to store them outside until we are ready to refurbish them inside.

Mayor Bacci told Mr. Bowling that what we are doing is trying to educate everyone about the zoning laws, as well as have an understanding that you and everyone in the Crooked River complex that you are going to have to work with the Building Department on a two year variance. If you work with Mr. Casini and implement plans that are agreed to by everyone and continue to work with them, then we will give you another two year variance. If there are issues, then the variance will be removed.

This is an effort to do some housekeeping, nothing is being done punitively. Ultimately, we are a very business friendly community, and we will work with you any way we can.

Ms. Unger made the motion to approve a term variance authorizing the storage of certain materials outside the exterior of enclosed buildings in a manner authorized by the Building Commissioner for a period of two years, seconded by Ms. Mitchell. All in favor, none opposed. Motion carried.

From Building Commissioner Norm Casini:

Attached please find an application from ASK Chemical LLC represented by Todd Pappas requesting a variance of approval for storing materials, equipment and containers outside of their enclosed building.

Per our Codified Ordinance 1249.10(8) Enclosed Buildings. All permitted main and accessory uses and operations, except off street parking, shall be conducted wholly within enclosed buildings. All raw materials, partially finished products, finished products, finished products and mobile and other equipment shall be stored within enclosed buildings.

Mr. Todd Pappas introduced himself to the board. He is the Operations Manager at ASK Chemical.

Mayor Bacci welcomed Mr. Pappas to let him know that he mentioned to the other businesses that were here that we are doing this in an effort to make everyone aware of what their obligation is to the outside of the building, and how we can fit them inside the zoning with a variance at the direction of the Building Commissioner. Also, we are having some problems with people who do move in, they are pointing fingers at others and saying that they aren't doing it over there, so why do we have to do it over here. This is a good educational effort so everyone knows what the zoning is, what the expectations of the community is, how this is not a punitive effort in any way. Anything you will be subject to will not have to be done overnight, it will be a project over time, with the guidance of our Building Department.

Looking at the attached documents and pictures of the ASK site, Ms. Unger asked if the containers are empty or full. Mr. Pappas stated that they are empty.

Mayor Bacci asked how long they keep them on site. Mr. Pappas said it depends, we rotate them, and it really depends on how well business is during that time. Business has been slow for the last couple of years, so some of them have been out there for a while. We currently are picking up business from Canada and Mexico, and are hoping for a better year, and then we can rotate them more quickly. Little by little, we are also looking at scraping some of them in the near future.

Mr. Volek asked if these containers are stored in the back of the building as well. Mr. Pappas said that most of the containers are on the south west side of the building. Ms. Mitchell asked if

there was some way to make it look better by putting up a fence. Mayor Bacci said they are going to have to work with Mr. Casini and Mr. Labella under a two year variance to clean up the area. Mr. Pappas thought that was fair.

Ms. Mitchell made the motion to approve a term variance authorizing the storage of certain materials outside the exterior of enclosed buildings in a manner authorized by the Building Commissioner for a period of two years, seconded by Mr. Bloam. All in favor, none opposed. Motion carried.

Other Business:

None at this time.

Mr. Volek made the motion to adjourn, seconded by Ms. Mitchell. All in favor, none opposed. Motion carried.

Zoning Board Meeting was adjourned at 7:00 pm.