

DRAFT

VILLAGE OF CHAGRIN FALLS PLANNING AND ZONING COMMISSION January 21, 2013

Members present: Rogoff, Houston, Feniger, Baker
Also present: Himes, Lindner, Edwards

The meeting was called to order at 7:30 p.m. by Chairman Nancy Rogoff.

ORGANIZATION

Mrs. Rogoff opened nominations for Planning and Zoning Chairman. Moved by Mr. Houston, seconded by Mrs. Baker that Mrs. Rogoff serve as Chairman for the year 2013. Carried. Ayes: Houston, Baker, Feniger, Rogoff. Nays: None. Mrs. Rogoff closed the nominations.

Mrs. Rogoff opened nominations for Planning and Zoning Secretary. Moved by Mrs. Rogoff, seconded by Mr. Houston that Mrs. Baker serve as Secretary for the year 2013. Carried. Ayes: Houston, Baker, Rogoff, Feniger. Nays: None. Mrs. Rogoff closed the nominations.

APPROVAL OF MINUTES

Moved by Mrs. Feniger, seconded by Mrs. Baker that the minutes of the meeting held October 15, 2012 be approved. Carried. Ayes: Rogoff, Feniger, Baker. Abstain: Houston. Nays: None.

Moved by Mrs. Feniger, seconded by Mr. Houston that the minutes of the meeting held November 19, 2012 be approved. Carried. Ayes: Rogoff, Feniger, Houston. Abstain: Baker. Nays: None.

PUBLIC ART GUIDELINES

The Commission reviewed a map of village-owned property where public art could be displayed.

Mrs. Rogoff suggested that they keep this simple and have guidelines that would be more procedural than anything else. If somebody came to the village and wanted to have a piece of art displayed they would probably have to fill out an application and then they would be sent to the Arts Commission, the Planning and Zoning Commission, and the Parks Commission for consideration and recommendations. Final approval would come from Council. She said consideration would have to be given to the cost of installation, maintenance, and the life of the object. They would have the right to prohibit things such as fountains or something that is animated or makes noise. There was further discussion regarding aesthetics, actual ownership of the art, safety, and liability.

Mr. Houston mentioned that maybe not having a policy is still the way to go. As soon as you start creating guidelines and policies you have to follow them and if you don't then you open yourself up to headaches. There isn't necessarily any problem with saying we are going to take every matter that might come before us on a case-by-case basis or on a discretionary basis.

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There will be further discussion.

HILLSIDE

There was some discussion. This will be discussed further at the next meeting.

REVIEW CODE FOR CONSISTENCY

There was discussion regarding detached vs. attached garages, breeze ways, and carports.

The meeting adjourned at 8:35 p.m.

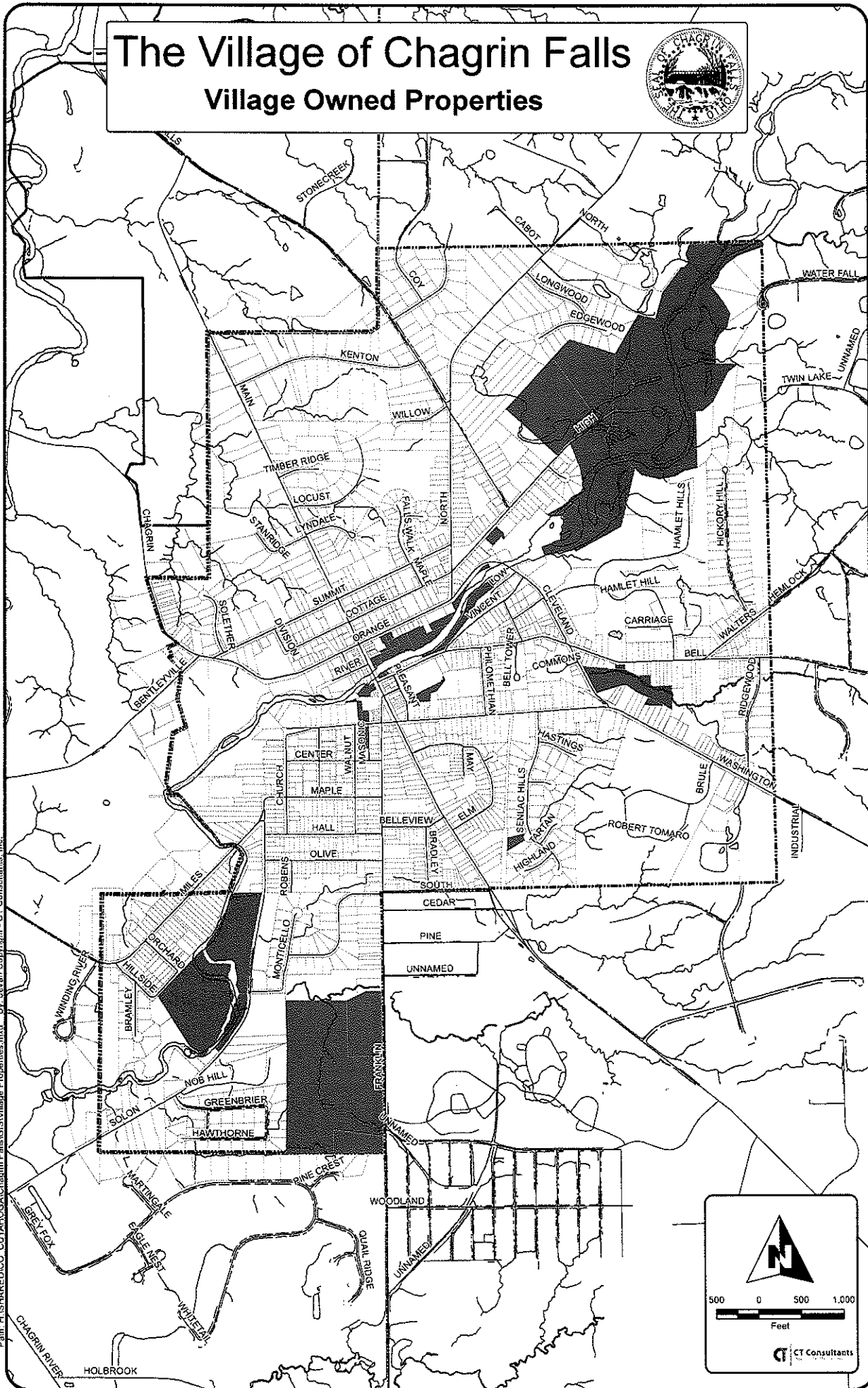
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Nancy Rogoff, Chairman

lgb

The Village of Chagrin Falls

Village Owned Properties



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Survey of Zoning Code Provisions Regarding Garages

Ohio codes define and address garages in a variety of ways. The distinction between attached and detached garages is important because a detached garage is regulated as an accessory building and an attached garage is part of the main building. The definition of a garage can encompass an unenclosed carport or exclude them. The following comments are submitted for your review and consideration.

Detached vs. Attached

Most codes reviewed consider any connection between the dwelling and a garage to make the garage then a part of the main building. Some do specify that the connection must be "permanent". North Olmsted considers garages with a common wall or other connection to be attached. The City of Findlay anticipates that a property owner may seek to convert a detached garage to an attached garage and would only permit this if the garage meets the setbacks for a main building. Sample code language is attached.

Only the Village of Haskins (northwest Ohio) was found to have a threshold of a common wall before a garage is considered attached. However, no minimum level of overlap is specified. The code states, *Garage, attached. A garage that shares at least one common wall with the primary dwelling unit and allows direct access to the dwelling from inside the garage.*

Lehman's Zoning Dictionary does suggest a minimum length for a common wall and roof as follows: *Garage, Attached. A private garage accessory to a dwelling on the same lot and attached thereto by a common wall and/or common roof structure; provided, however, for the purpose of determining line of setback and sideyard, an attached garage will be considered part of the main building. Also for the purposes of this definition, a wall or roof between an house and attached garage may be considered common as long as a minimum of forty percent (40%) of the length of the garage wall or roof is common with the dwelling wall or roof.*

Absent any specific language to distinguish a detached garage from an attached garage, we can look at the definition of a "Main Building". Section 1107.06(c) of the Chagrin Falls Zoning Code states *"main building" means the building occupied by the principal use or activity on, or intended for the premises, all parts of which building are connected in a substantial manner by common walls and a continuous roof.* By definition, if a garage does not connect by common walls and a continuous roof, it is not part of the main building. This definition is found about a dozen other communities in the Walter Drane database, including Mayfield Village, Wickliffe, Independence, and Strongsville.

Carport vs. Garage

Several communities, like Glenwillow and Bedford Heights, define carport and garage but permit both. Medina does specifically define carport but their definition of Garage requires it to be fully enclosed effectively ruling out carports. Others communities place the requirement for garages to be fully enclosed directly in their regulations, like Lordstown, Mentor, Beachwood and Westlake. Sample code language is attached.

Respectfully Submitted,
Julie S. Lindner, AICP
January 14, 2013

Survey of Zoning Code Provisions Regarding Garages
Sample Code Language

Attached vs. Detached

Willoughby

Carports or other similar open structures used for vehicle storage shall comply with the regulations for garages for the district in which the structure is located. Breezeways and covered connections between a garage and a principal building, shall be considered part of the principal building and shall comply with the regulations for principal buildings for the district in which the structure is located

Alliance

An accessory building on a lot, including a carport attached to a principal building, shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, for the purpose of this Ordinance, as an attachment between the garage or carport and the main building, shall be considered as part of the main building, but breezeways shall not be considered as constituting livable floor area.

Oberlin

Private garage" means an accessory building designed or used for the storage of motor- driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of not more than two-ton capacity. An attached garage or carport is considered a part of the main building and subject to all yard restrictions

Warren, McDonald, North Perry

Attached garages or accessory buildings permanently connected with the main building shall be construed to be a part of the main building for the purpose of this section

Findlay

Conversions: Permanently attaching any accessory building to a primary building shall be considered a conversion and shall be subject to all required setbacks for primary structures

Example: A detached garage on a street side yard is proposed to be attached to the primary building with a breezeway. The garage is located in R-3 Single Family and is five feet (5') from the property line. In this instance the conversion would violate the setback required for primary structures and applicant would not be issued a zoning permit

North Olmsted

A private garage attached by a common wall within the livable floor area of a dwelling or connected to the dwelling by means of a covered or other enclosed area shall be considered part of the main building for the purposes of determining the required yard setback requirements.

Carport vs. Garage

Glenwillow

Private garage" means a fully enclosed building or structure designed for and to be used for storage of motor vehicles and maintenance tools and equipment for the individual residence and in which no human habitation, occupation, business or service for profit is carried on

Carport" means a completely covered automobile parking space not completely enclosed by walls or doors

Bedford Heights

Private garage" means a detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the family or families resident upon the premises. A car port or car porch shall be construed to be a private garage

Medina

Private garage" means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

Lordstown

Residential dwellings shall have an enclosed four-sided attached garage together with a permanent frost-free perimeter foundation.

Mentor

For all single family dwellings of 1,100 square feet or greater and for each unit of all duplexes at least one of the required parking spaces shall be in a completely enclosed garage

Beachwood

Each dwelling shall have an enclosed garage space for at least one (1) vehicle, but the total garage floor area for any dwelling shall not exceed 1,050 square feet of gross floor area.

Westlake

All required parking spaces which are to be enclosed shall be enclosed garages with a permanent roof, continuous foundation, concrete floor and exterior walls pierced only by windows and doors.