

**CITY OF CHARDON PLANNING COMMISSION**

*Meeting Minutes*

July 20, 2021

**Members Present:**

Andrew Blackley, Chairman  
Chris Grau  
Lene Hill  
Dean Peska  
Hannah Sekas

Mary Jo Stark, Vice-Chairman  
Colin Wantz

**Also Present:**

Ben Chojnacki, Law Director  
Doug Courtney, City Engineer  
Brian Doering, Times  
Dusty Keeney, Polaris Engineering  
Rebecca Repasky, Secretary

Jeremy Rosen, Frontier Land Group  
Steve Yaney, Community Development  
Administrator

Mr. Blackley called the meeting to order at 6:30 p.m. The Pledge of Allegiance was said. Roll was called.

Mr. Blackley said everyone received copies of the June 30, 2021 meeting. The motion was made by Mr. Grau to approve the minutes. It was seconded by Mrs. Sekas. The vote carried 7-0.

Mr. Blackley reminded all that were present to sign in. He swore in City Staff.

**OLD BUSINESS** – none.

**NEW BUSINESS** –

**PC Case #21-110/111:** Mr. Yaney explained, the applicant Nina Bella Properties LLC, is requesting a Conditional Use approval for a two-family dwelling in the “R-2” low density residence district and additionally, requesting two (2) variances to construct a second two-family dwelling on an adjacent legal non-conforming lot; 1) to allow a non-conforming lot under contiguous ownership to be developed by the same owner and 2) to allow a non-conforming lot to be developed as a two-family dwelling. Mr. Yaney explained the original house was torn down and the property became a vacant lot.

Mr. Yaney reviewed the “*Standards for Variances and Conditional Use*”. Mr. Yaney explained there are other two-family dwellings in R2 districts. The applicant did not create the situation on the property. Mr. Yaney will leave the ‘having an adverse effect on adjacent property owners’ to the Planning Commission to decide. Staff believes this request is addressed in the Code and it is a minimum request of the desired outcome. Mr. Yaney explained two major impacts of this property are the ravine and trunk sewer. He said the property could be developed as a single-family dwelling. Mr. Yaney pointed out there are approximately fifty (50) to sixty (60), two (2) family dwellings in the City. Mr. Yaney and Mr. Chojnacki did speak with the applicant prior to her applying for the variance regarding the restrictions of this property. Staff believes this request is covered in the Code and that the proposal for the north parcel meets all five (5) standards.

Mrs. Hill asked what is the intent of the section in the Code to not allow the same owner of a parcel. Mr. Yaney explained because of narrow lots in the City, it was not ideal to have houses built on each lot owned by the same family.

Mr. Grau asked if the applicant approaching Staff ahead of time is common practice. Mr. Yaney said yes, there have been other calls about this property, and people do call in about other properties ahead of time.

Mr. Grau clarified Planning Commission is to determine whether this project will have an adverse effect on the neighbors. Mr. Yaney said yes.

Ms. Christie Vitale was sworn in.

Ms. Vitale said yes, she contacted Mr. Yaney prior. She did ask the sellers of the property for a ninety-day continuous on the sell while she could determine if this would work out; but they refused. She expressed that renters are not bad people. She presented the Commission with a presentation.

Mr. Wantz asked if a fence could be installed to prevent car headlights from shining into the neighbor's house. Mr. Yaney said yes, that could be a stipulation, but it is uncommon for front yards to have fences.

Mr. Peska asked Ms. Vitale why she wants a duplex; and not an in-law suite. Ms. Vitale said because she lives in one now and likes the idea of a self-sustaining property. And her parents would want the privacy of the duplex in the back. Mr. Peska asked about the floor plan layout. Ms. Vitale said both are similar with two (2) bedrooms. Mr. Wantz said the garage size differs.

Ms. Vitale said she does not understand why the two (2) parcels have to have two (2) different owners. If it does, she will oblige and have two (2) LLCs.

Mr. Grau asked if she has any reservations about starting a venture in a neighborhood where she is not wanted. He commented he wants to keep harmony among neighbors. Ms. Vitale explained she sent all the neighbors letters asking to meet to have a discussion but no one responded. She said she is doing what the ordinance allows. Mr. Grau commented he does not recall the issue of renters from the last meeting. Ms. Vitale said the issue raise did not come from Planning Commission but from someone on the call. Mr. Blackley commented he requested she reach out to neighbors and that was attempted. Ms. Vitale said there is no option for retirees like what she is proposing.

Katie Taylor of 339 E King was sworn in.

Mrs. Taylor explained she has young children and the idea of renters moving in an out every couple of years scares her. She said the property has not been maintained so far. She asked the Commission to only approve what is allowed and require a privacy fence on the property. Ms. Vitale responded she is only cutting the required 25' from the public right of way; and will upkeep the property once she lives there.

Melissa Marra 12355 Falson Ridge, Chesterland was sworn in.

Ms. Marra commented she does not think people should live in fear of potential new neighbors.

Dave Combs of 329 E King was sworn in.

Mr. Combs said this variance would change the character of the neighborhood. He said the average years of home ownership in this neighborhood is 44 years. He said he does not want this development in his neighborhood. He does not want instability of renters.

Courtney Hudson of 304 E King was sworn in.

Ms. Hudson she believes four (4) rentals would be eight (8) cars and it would turn into a busy road and will be a commercial property.

Cindy Amicarelli of 320 E King was sworn in.

Ms. Amicarelli said she grew up in Cleveland Heights where there are many duplexes and she left Cleveland Heights because of that and to get away from that type of living. She does not expect that in Chardon.

Tom Nolfi of 134 Moffet Avenue was sworn in.

Mr. Nolfi asked why Ms. Vitale wants to move to Chardon and how many LLCs does Ms. Vitale have. Ms. Vitale said she has one (1) LLC. Mr. Nolfi said there is no legal binding rule that states an owner has to stay at the duplex. He believes people invest in their homes in Chardon and this is not the future of Chardon. Ms. Vitale said she was born and raised in Chesterland and has family in Geauga County.

Eric Fielitz of 245 E King was sworn in.

Mr. Fielitz said he does not want this construction in this neighborhood. He said the buildings do not fit in.

Bob Thompson of 307 E King was sworn in.

Mr. Thompson said it was the neighborhood that attracted him to buy his home and he is not looking for multi-family homes in this neighborhood.

Tanja Rust of 24 Forest Drive, Chagrin Falls was sworn in.

Ms. Rust said this is a close-knit neighborhood that is a quiet street and this project would change the character.

Ms. Marra asked the Commission why is it bad for new couples or older folks to move in and out in two – three years. Mr. Chojnacki responded that the Commission needs to focus on the facts of the case and sworn testimony of Mr. Yaney.

Ms. Vitale said she could build two (2) houses and sell them and end up selling them to bad people; a single-family house does not guarantee good people will live there.

Mr. Wantz encouraged the audience that the City will be updating the Planning and Zoning Code and mentioned everyone is welcome to come to that meeting for input on updating the Code.

Mr. Peska asked if there is a variance for a shared driveway. Mr. Yaney said no, that would be a shared condition of property owners.

Mrs. Hill asked if the City would allow a tap-in to that trunk sewer. Mr. Courtney said yes.

Ms. Terri Combs of 329 E King was sworn in.

Ms. Combs commented there will still be two (2) duplexes if Ms. Vitale leaves.

### **EXECUTIVE SESSION**

Mr. Grau made a motion to go into Executive Session and requested the Law Director's presence for legal consultation and questions the Planning Commission has. It was seconded by Mrs. Sekas. Roll was called. The vote carried 7-0. Planning Commission went into Executive Session at 7:58pm.

Mr. Blackley adjourned Executive Session at 8:27pm.

Mr. Grau made a motion to grant the Conditional Use for a two-family dwelling with installing a permanent privacy fence up to the front corner of the property. It was seconded by Mrs. Stark.

Discussion: Mr. Grau explained that it appears on the Staff analysis and the current Code, this looks probably to move forward to allow the two (2) family dwelling on the north parcel. Mr. Blackley said there is a lack of direction in the Code to deny the request which would make for a sticky legal situation. Sidewalks in this situation are typically not required.

Roll was called. The vote carried 7-0.

Mrs. Stark made a motion to allow a non-conforming lot under contiguous ownership to be developed by the same owner. It was seconded by Mr. Wantz. Mr. Chojnacki explained this particular stipulation in the Code allows this to be granted because of the practical difficulties. Roll was called. The vote carried 7-0.

Mr. Wantz made a motion to deny the south parcel as a non-conforming lot to be developed as a two-family dwelling. It was seconded by Mrs. Sekas. Mr. Wantz said he would like to stay with the Code that reads it is to be a single-family home. Mr. Blackley commented if the Commission allows a two (2) family dwelling, it could be used as a commercial use and that would change the character of the neighborhood and that is questionable. Mrs. Sekas commented that Ms. Vitale did purchase the property knowing that part of the Code beforehand. Mr. Chojnacki explained that denying this variance, Ms. Vitale could still build a single-family home on the property. Roll was called. The vote carried 7-0 to deny the variance request.

Mr. Blackley thanked the E King neighbors for attending the meeting and reminded them to come to the Code update meeting for input.

### **OTHER BUSINESS –**

Mr. Yaney explained Maple Ridge PRD, formerly Brooks Meadows, is before Planning Commission as an informal hearing as required for a PRD. He explained Sommers Development will not be doing this project and Frontier Land Group has taken over. It will have 96 detached units and a more linear layout. The lots will be smaller and narrower and there will be a 50' building buffer. There will be communal mailboxes and a trail that will connect to Woods of Burlington and then onto Walter Best Preservation. The setbacks are 40' to allow for more cars in the driveway because of the 'no parking' rule on City streets. Staff requests a larger snow storage area, a playground and more thought on storm water drainage.

Jeremy Rosen of Frontier Land Group explained there is no builder chosen for the project yet. There will be a mix of single-story and two-story homes. The approximate pricing on the homes will range from \$200,000 to \$400,000. He said most of the originally approved Brooks Meadows plan has been kept. Frontier Land Group is committed to creating open green space but cautions on the playground because HOA's tend not to want to take on the liability insurance for playgrounds. Mr. Rosen said he has talked to surrounding businesses for the new development and anticipates construction to begin summer of 2022.

Dusty Keeney said the lot sizes were developed so that if a small shed or deck/patio is to be installed, it can be done without a variance request.

Mrs. Stark asked for clarification on the storm water drainage. Mr. Courtney explained because a neighboring business shares the drain so it needs to be alleviated. Mrs. Stark asked how to keep residents out of the common space where the wetlands may be. Mr. Yaney said that will be in the HOA's regulations.

Mr. Wantz asked if the project will be done in phases. Mr. Rosen said yes. Mr. Wantz requested consideration in the road section to account for the heavy machinery on the roads during the various phases. Mr. Wantz said he would still like to see a playground. Mrs. Stark said there will need to be a maintenance plan for the playground and high-quality materials.

Mr. Blackley said there are no objections from the Commission and to move forward.

Mr. Grau made a motion to adjourn the meeting at 9:19 p.m. It was seconded by Mrs. Sekas.

Respectfully Submitted:

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ANDREW BLACKLEY, CHAIRMAN

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Rebecca Repasky, Secretary