

ASHTABULA CITY COUNCIL

Public Hearing Minutes
Monday, June 7, 2021

Opening

The ASHTABULA CITY COUNCIL met for a Public Hearing virtually via Zoom. The hearing was viewable on the City of Ashtabula website and Facebook page as well as Spectrum channel 1024. The President of Council called the hearing to order at 6:00 p.m.

Members Present

Council President – Mr. John S. Roskovics, Council Vice President – Mr. Michael D. Speelman, Ward 1 Councilor – Mrs. Kym A. Foglio, Ward 2 Councilor – Mr. Calvin Crawford, Ward 3 Councilor – Ms. Laydean Young, Ward 4 Councilor – Ms. Octavia Harris, Ward 5 Councilor – Ms. Jane E. Haines,

Officers Present

City Manager – Mr. James M. Timonere, City Solicitor – Mr. Michael Franklin,
Clerk of Council – Mrs. Stacy H. Senskey

Visitors Present

Assistant Director of Planning & Community Development – Mrs. Mary Church

Sunshine Law

The Clerk of Council certified conformity to the Ohio Sunshine Law as modified by House Bill 404 due to the COVID-19 pandemic.

Purpose

Discussion of recommended language for a proposed Chapter 1123 Lakefront Residential Zone (LRZ), a new zoning district for the north side of Walnut Boulevard, currently zoned R-1 Residential

Discussion/Questions/Comments –

The City Manager began the discussion by providing the impetus behind developing a new zoning district, LRZ. Construction of an addition began at a home on the north side of Walnut Boulevard. Since then, residents of Walnut Boulevard contacted Council and the City Manager to report the height and size of the structure blocked views of Lake Erie for neighboring properties on the north side of Walnut Boulevard and were concerned that such a project could negatively impact the neighborhood. Current City Zoning Code for Residential R-1 district does not prevent the project's construction, though stop work orders were issued during the construction phase when parts of the project seemed to fall outside the scope of City Zoning Code. The maximum height requirement is 35 feet, which was in question for the project. When measured, it fell under the maximum height requirement. The project met the Residential R-1 District standards of the City's

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Codified Ordinances, and nothing prevents similar construction projects from being built on Walnut Boulevard or anywhere within an R-1 district. The City Manager explained a City Zoning Permit certifies the project falls within City zoning code and construction may commence, but once issued, the Ashtabula County Building Department takes the lead for review and approval of building plans. The Planning and Community Development Department (PCD) does maintain a copy of the plans for the addition. Many residents of Walnut Boulevard don't want enjoyment of their home and backyard impeded and contacted Councilmembers, PCD and the City Manager's office for assistance. To protect the neighborhood, the Clerk of Council, City Manager, City Solicitor, and Assistant Director of PCD researched other lakefront communities zoning legislation. The Community Development/ Economic Development/ Parks & Recreation Committee deemed no changes were necessary when presented with the proposed Chapter 1123. Likewise, the Planning Commission approved, then recommended Chapter 1123 as written, wishing to also protect the lakefront properties. Since planning the Public Hearing, the City received many correspondences providing valuable insight for revising the language of the LRZ. The City Manager emphasized, no special considerations were given to the property owner to allow the construction to advance as it did, since the project fell within the standards of the City's current zoning codes. The language of the proposed LRZ is not meant to restrict property owner rights or preserve a lake view for the general public but to protect Walnut Boulevard homeowners from experiencing a similar situation in close proximity to their own home.

The Assistant Director of PCD verified that numerous stop work orders were issued throughout the project's construction to ensure City zoning code was obeyed.

The Council President confirmed several concerned citizens reached out to him questioning the purpose of such a large addition to the particular Walnut Boulevard property. The correspondences submitted were well written and appreciated.

The Ward 1 Councilor lives across the street from the Walnut Boulevard home and has experienced the project's progress for two years. She acknowledged the receipt of two letters from citizens claiming zoning and building permit procedures were not followed properly. However unfortunate the situation is for the neighbors, this is the first time in 150 years a construction project has caused such controversy. Though many residents submitted correspondence, the topic deserves an in-person public hearing to determine if revision or withdrawal of the proposed LRZ is desirable for the neighborhood.

The Ward 5 Councilor agrees with the importance of a public hearing, whether through the Planning Commission or Council, in order for the residents to speak on their own behalf.

The City Solicitor advised he would not express an opinion on the LRZ, as he lives within the proposed LRZ area. He contributed to the proposed language of Chapter 1123 and found many comments helpful and agrees the language as written is "vague" and "overly complicated" and could surely benefit from the improvements and corrections provided through public correspondence received. The City Solicitor recommends

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Council send the proposed LRZ language back to the Planning Commission, or to a committee of Council to revise the LRZ language with the recommendations provided from the public correspondence to create favorable legislation. Once revised, the newly drafted best version of Chapter 1123 should be presented to Council for debate and public input in a public hearing and finally put to vote during a regular Council meeting.

The Council President proposed Council schedule a work session to discuss incorporating suggestions provided by public input. The City Manager suggested holding the work session in a larger venue, such as the library and invite those who contributed their ideas. Then once the revised version is deemed satisfactory, schedule the public hearing. The Clerk of Council acknowledged several contributors of correspondence are eager to assist in the revision process. The Council President added the step of presenting the revised version to the Planning Commission for their approval and recommendation back to Council before scheduling the public hearing. Both the City Manager and Council President emphasized all the correspondences received were distributed to all the Councilmembers as well as the City Manager, City Solicitor and Assistant Director of PCD.

The Ward 4 Councilor asked the Clerk of Council if any residents have responded through her email or Facebook comments up to this point. The Clerk had not received subsequent emails, nor were there comments on the City's Facebook page pertaining to LRZ.

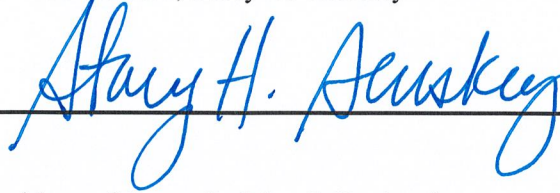
By law, no formal action may be taken at a public hearing. Draft of legislation approving the proposed Chapter 1123 Lakefront Residential Zone has not yet been requested and therefore, was not on the legislative agenda for tonight's Council meeting. Before adjourning, the Council President again expressed his appreciation to those residents who contributed correspondence and apologized for not reading them publicly. He's looking forward to using various aspects of their input to create LRZ language that best suits the needs of property owners on the north side of Walnut Boulevard.

Adjournment

Meeting was adjourned at 6:25 p.m. by the President of Council.

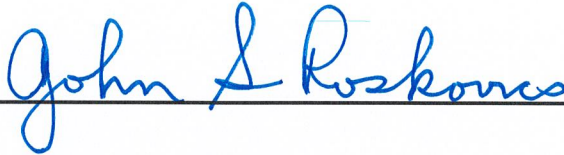
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Clerk of Council, Stacy H. Senskey

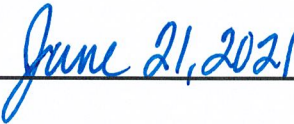


Attested by:

President of Council, John S. Roskovics



Date Approved:



Attachments:

- Public Hearing Notice including proposed Chapter 1123 Lakefront Residential Zone



CITY OF ASHTABULA
OFFICE OF THE CITY COUNCIL

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Ward 4 Councilor

JANE E. HAINES
Ward 5 Councilor

STACY H. SENSKEY
Clerk of Council

PUBLIC HEARING NOTICE

Notice is hereby given that the Ashtabula City Council will hold a **PUBLIC HEARING on MONDAY, JUNE 7TH, 2021, AT 6:00 P.M.**, via Zoom, in accordance with Codified Ordinance Section 1109.05 titled Procedure, to hear public comments regarding a recommendation to:

ADD A NEW ZONING DISTRICT CALLED LAKEFRONT RESIDENTIAL ZONE FOR THE NORTH SIDE OF WALNUT BOULEVARD, CURRENTLY ZONED R-1 RESIDENTIAL.

A copy of proposed Chapter 1123 Lakefront Residential Zone will be available for viewing in the Clerk of Council's office and on the City's website.

At the time of this notice, the Open Meetings Act during COVID-19 emergency extends until July 1st, 2021 and gives temporary authorization for a public body to hold and attend meetings and hearings by means of electronic technology. Meetings of Ashtabula City Council will remain accessible to the public on the City's Facebook page, Spectrum channel 1024 and on the City's website. The public may submit questions, comments, or concerns to the Clerk of Council in person or by letter, telephone, or email until 4:00 p.m. the day of the public hearing.

Stacy H. Senskey, Clerk of Council

Emailed to: Council, Administration, and Department Heads & Admin. Staff: Friday, April 23, 2021
Emailed to: Media & 'Council Matters' Email Distribution Roster: Friday, April 23, 2021
Placed on: Municipal Building Bulletin Board: Friday, April 23, 2021
Star Beacon Legals: PLEASE PUBLISH: Friday, April 30, 2021 and Friday, June 4, 2021

OUR MISSION IS TO PROVIDE SERVICES AND PARTNER WITH OUR CITIZENS, BUSINESSES AND NEIGHBORS TO
ENHANCE THE
QUALITY OF LIFE FOR ALL WHO LIVE IN AND VISIT ASHTABULA

Accommodations – Any person requiring an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in this meeting may contact the Clerk of Council no later than forty-eight hours prior to the meeting.

CHAPTER 1123

Lakefront Residential Zone

1123.01 Definitions

1123.02 Regulations

1123.03 Procedures

1123.01 Definitions

(a) “High Bank” means the historic natural bluff following the contour of the shoreline of Lake Erie, as it existed prior to human activity.

(b) “Top of the High Bank” means for each property within the Lakefront Residential Zone, the point at which the ground first begins to fall away to the north from the bluff, as determined by the City of Ashtabula Division of Planning and Community Development by reference to aerial maps or photos, the Ashtabula County GIS system, current USGS topographical maps and/or survey(s) by licensed surveyor(s) or engineer(s).

(c) The “Lakefront Residential Zone” includes those properties located on the north side of Walnut Boulevard between its intersection with West 9th Street and its terminus at Point Park which either (a) extend northward to the shore of Lake Erie, or (b) are located on or south of the High Bank and south of a separate lakefront parcel.

(d) “Permanent structure” means an immovable house or addition to a house, deck, porch, shed, coop, garage, patio, gazebo, fence, or similar structure.

(e) “Semi-permanent structure” means a movable or non-fixed deck, porch, shed, coop, garage, patio, gazebo, fence, or similar structure, including but not limited to a tent, carport and/or awning.

(f) “Unreasonable view obstruction” means any permanent or semi-permanent structure that completely blocks from any other property, whether owned in common or under separate ownership, either more than 15 degrees or more than 15 percent of the view of Lake Erie existing as of the first effective date of this Chapter as determined from a vantage point immediately north of the middle of the northern foundation wall of said other property’s principal residence at a height of four (4) feet above ground level. If the property whose view may be affected by the erection of a permanent or semi-permanent structure on a neighboring or adjoining lot is vacant, the vantage point shall be midway between the east and west lot lines and midway between the northern right-of-way line of Walnut Boulevard and the top of the High Bank, at a height of four (4) feet above ground level.

1123.02 Regulations

(a) The following regulations apply, as of the effective date of this Chapter, to all properties located within the Lakefront Residential Zone:

(1) After the effective date of this Chapter, no permanent or semi-permanent structure with a height greater than three (3) feet from ground level may be constructed or located within twenty (20) feet south of the top of the High Bank.

(2) After the effective date of this Chapter, no permanent or semi-permanent structure with a height greater than six (6) feet from ground level may be constructed or located within forty (40) feet south of the top of the High Bank.

(3) Non-conforming permanent structures existing as of the effective date of this Chapter which are thereafter demolished or destroyed must be rebuilt within one (1) year or the foregoing restrictions will apply to the property. If rebuilt within said year, the structures must be rebuilt in the same foot print and may not exceed their previous height.

(4) Non-conforming semi-permanent structures existing as of the effective date of this Chapter which are thereafter demolished or destroyed may not be replaced or reconstructed within the foregoing construction limitation areas.

(5) After the effective date of this Chapter, no permanent or semi-permanent structure that creates an unreasonable view obstruction may be constructed or erected within the Lakefront Residential Zone.

1123.03 Procedures

(a) Any application for a building permit within the Lakefront Residential Zone must be reviewed by the City Planning and Community Development Division for compliance with this Chapter before construction begins. The application shall be accompanied by a review fee of \$50.

(b) The Planning and Community Development Division shall have five (5) business days to mail notices to all owners of property located within 200 feet of the proposed construction site, and said owners shall have five (5) business days to submit comments after receipt of notice. Within ten (10) business days of the submission of the application, the City Planning and Community Development Division shall approve or reject the application in writing. If rejected, the specific reasons shall be set forth.

(c) The applicant or any notified property owner(s) may appeal the decision of the Planning and Community Development Division to the City Planning Commission. Such appeal must be in writing and filed with the Planning and Community Development Division within five (5) business days of the approval or rejection of the application.

(d) If construction has commenced, the filing of the appeal shall operate as a temporary stop work order and a copy of the appeal shall be served upon the applicant without delay. No work may commence or continue until the Planning Commission hears the appeal and issues its decision.