

**BUILDING & BUILDING CODES COMMITTEE MINUTES
JANUARY 19, 2016**

The Building & Building Codes Committee meeting was held on January 19, 2016, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:20 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Dan Kasaris, Larry Antoskiewicz; Council: Gary Petrusky, Dan Langshaw, Paul Marnecheck, Steve Muller; Administration: Mayor Robert Stefanik, Community Development Director Thomas Jordan, Recreation Director Jason Swim, Building Commissioner Dan Kulchysky; Other: Lou Krzepina.

APPROVAL OF MINUTES

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **approve the November 17, 2015 minutes as received.** Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Monument signs TCD

Mr. Jordan said that the city has hired Studio Graphique to review the city's sign ordinances and make recommendations.

2. Factors when considering an area variance

Mr. Kasaris said that he spoke with the Law Department about this and said that this can be **removed from the agenda.**

NEW BUSINESS

1. Chapter 1480.01 Sidewalk Construction Waiver

Mr. Nickell stated that Mr. Langshaw asked that this be placed on the agenda for review. Mr. Langshaw said that he emailed the Building Division about this and asked Mr. Jordan to provide an explanation of the waiver procedure. Mr. Jordan said that there is an ordinance that requires a sidewalk when you build a residential home. If you wish to not install a sidewalk, you must apply to the BZA for a variance. Mr. Jordan said that in the past 8 years we may have granted three variances. Mr. Kasaris said that he remembers granting one on Akins Road because there were no other sidewalks there. He said the BZA denied one coming out of a new subdivision off of Abbey Road. Mr. Nickell said that he knows that a variance was granted on Abbey Road for Blossom Hill. Mr. Jordan said that they are few and far between. The most recent circumstance was for a commercial business on Royalton Road and they were granted a variance because of the upcoming widening of Rt. 82. Sidewalks will be constructed on both sides of the road as a part of this project. Mr. Jordan read from a copy of a variance that was granted and it states "be it known that at any time in the future when sidewalks are deemed necessary that this owner or any future owner of this said property shall comply with the requirements of the city at the owner's expense". He said that the owners are advised of this at the time the variance is granted and signs this document stating they have been informed of this. Mr. Langshaw asked if a list could be compiled of variances that have been granted in the past. Mr. Jordan said that he is not sure what purpose this would serve. He said that there is no record of every variance on one list; the variances are placed in the individual files and most were filed before there were electronic records being maintained. Mr. Antoskiewicz suggested that if we have an area that we are looking at for sidewalk installation, then we can look up those particular addresses to see if a variance was granted. Mr. Langshaw asked if the Administration or Council has the power to overturn a waiver if it is determined that sidewalks are to be installed. Mayor Stefanik said that if it is deemed that sidewalks have to be put in, then they have to be put in waiver or no waiver. Mr. Kelly said that if the determination is made to require sidewalks to be constructed pursuant to the state statutes then the waiver effectively becomes moot. He said that this would be part of the process that Council would engage in to do any sidewalk improvements. Mr. Kasaris asked Mr. Jordan to find out if there were any sidewalk variances issued for State Road between Akins and Rt. 82. Mr. Jordan said he would look into this.

Remove from agenda.

2. **Vehicle purchase for Building Division**

Mr. Jordan said that their current vehicles are cast offs from the Police Department that are old and have many maintenance needs. He thanked Council for allowing them to get a few new vehicles. Mr. Nickell said that he supports this and agrees that the Police cars are well used. Mr. Antoskiewicz agreed that Police miles on a car are tough miles. Moved by Mr. Nickell, seconded by Mr. Kasaris to **recommend approval of this purchase**. Yeas: 3. Nays: 0. **Motion carried.**

3. **1426.04(h)(2) - Accessory Buildings**

Mr. Jordan explained that the next three items on the agenda have been proposed by the Building Division to amend the building code. He said that North Royalton has a lot of accessory buildings and we have very rough terrain. This amendment is an attempt to deal with that issue. Mr. Kulchytsky explained that this ordinance will bring us in line with the State of Ohio laws and requirements. The State of Ohio has mandated that residential and commercial construction occur under state laws only. The residential section now states that accessory structures below 200 square feet are exempt from the Residential Code of Ohio meaning that the city has the right to place whatever requirements they wish onto that particular section. He said that this is the first correction we are making. The second modification to the ordinance is because of our terrain we have a number of requests for an exemption from needing to have a concrete slab. He said that he spoke with the Law Department and it was determined that there is not a variance that can be secured for this through the BZA because it is not an area or use variance, therefore we have to make an amendment to allow the Building Commissioner and/or the City Engineer to allow for such an exemption to occur. Mr. Kasaris asked how often is this an issue. Mr. Kulchytsky said that he receives several calls each summer, and he has received enough calls and enough consistency from the callers that he felt we should bring this forward. He felt that since this is not applicable for a BZA variance, there should be some allowance given to the Administration to relieve the property owner of this requirement. He said that they would review the situation thoroughly and ensure that it complies with the level of state law. Mr. Kasaris asked if this legislation would have to be presented to the Planning Commission. Mr. Kelly said he will look into it.

4. **1290.02(v) and 1290.02(w) - Telecommunications Facilities**

Mr. Kulchytsky said that many municipalities have in place a yearly licensure and inspection fee. He said that some of the sites throughout the city are in need of property maintenance. This legislation, along with #5 below, allows us the ability to inspect a site and require that the tower owner or lessee submit to the city a report that everything is functioning correctly. This will allow us to do a yearly inspection and to license the towers. Mr. Kulchytsky said that there are still a few minor changes that need to be made to this legislation in terms of districts and how we do the inspections, but we wanted to introduce this to the committee today. Mr. Jordan said that these changes will be handled at the time the legislation is drafted.

5. **214.08(b)(3) - Fees**

Mr. Kulchytsky presented a copy of the fee schedule and said that there are a few items that need to be modified. One is for the inspection and use permit for telecommunications facilities. Additional changes consist of some minimums that he is including for plan review. He said that since this new fee schedule was submitted and approved by Council we have had an opportunity to use it and find that there are some minimal fees that need to be implemented for time spent by the Building Division in the review of commercial structures. Mr. Jordan said that a problem they are encountering is that applicants will submit an incomplete plan knowing that the city will make the corrections during the review process, rather than actually paying an architect, etc. to do the work before submittal. Mr. Kulchytsky said that there are applicants that like to use the city review process as their fashion of vetting their compliance with state laws. He said that there would be instances when submissions come into him 5 or 6 times and we don't have a method that at least covers a minimum review. He said that he also added "and paving" to the reroof fee schedule because he has found that it is more appropriate to treat the repaving of a site closer to a reroof rather than an alteration. Overall he said that these changes are more or less a housekeeping measure that we are bundling together with the need to create the fee for telecommunication facilities inspection and use

permit. Mr. Marnecheck asked what the cost would be in the private sector for these plan reviews. Mr. Kulchytsky said that it would vary widely based on what is being submitted but said that you could expect a cost between \$75.00 and \$150.00 per hour. So the \$20.00 minimum they are proposing is just an attempt to discourage someone from submitting continuously as we go through the process. Mr. Antoskiewicz asked if there would be any practicality to having steps, i.e. one resubmission is \$20.00, the second resubmission is maybe \$40.00, etc. Mr. Kulchytsky said that he wants to assist the client in the completion of their project, regardless of how they choose to approach it. He said that we already have some stepped approvals on the schedule such as the resubmission due to adjudication order. He said this is more than the \$20.00. He said that it is the resubmission that sometimes become problematic. Mr. Antoskiewicz said that he feels that if the applicant is going to come back time and time again, there should be a cost. Mr. Kulchytsky said that he will look into this approach.

MISCELLANEOUS

Mr. Nickell asked if Mr. Campbell's new duties have begun. Mayor Stefanik said that Mr. Campbell has rode with the Building Department several times. Mr. Jordan said that they are setting him up with an iPad with new software for the inspections and there will be some training regarding violations and how they operate under local and state code.

Paul Richards, 7630 Akins Road, addressed the committee. He referenced an article he had read in the paper and stated that he felt an important part of our children's education is the ability to experiment and tinker with cars and electronics and said that he doesn't want to see legislation or codes created that go beyond sensible regulation of working on these items in your own driveway. Mayor Stefanik said that any enforcement will be sensible. We are going after those who have abandoned cars or cars without current license plates, gutters that are falling off of homes, chimneys falling over, etc. This is what we will be addressing.

ADJOURNMENT

Moved by Mr. Antoskiewicz, seconded by Mr. Kasaris **to adjourn the January 19, 2016 meeting.** Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 7:10 p.m.**