

CITY OF KIRTLAND  
MINUTES OF COMBINED MEETING  
JANUARY 19, 2022

PLANNING AND ZONING COMMISSION  
CITY COUNCIL  
BOARD OF ZONING APPEALS

The meeting was called to order at 7:50 p.m. by Planning and Zoning Commission Chairman Michael Denk. Present were the following Planning and Zoning Commission members: Richard Blum, Richard DeMarco, Michael Denk and Daniel Laux. Joseph Vinciguerra appeared by telephone.

The following Council members were present: Ronald Fenstermaker, Scott Haymer, Jeffrey Ruple, Matthew Schulz, Joseph Smolic, Kelly Wolfe and Eric Ziegler.

Present from the Board of Zoning Appeals: Suzanne Grazia, Lita Laven and Richard Lowery. Absent: Harry Keagler and Robert Murch.

Administrative personnel present: Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney and Service Director Joseph Fornaro. Also present were Economic Development Director Edward Eckart and alternative energy expert Aaron Godwin. Zoning Inspector Rick Loconti appeared by telephone.

The following issues were addressed:

**HIGHLIGHTS OF 2021**

Mr. Denk distributed a report providing highlights from the Planning and Zoning Commission meetings in 2021. He reviewed the public requests that were brought before the Commission throughout 2021. Mr. Denk noted that 11 minor amendments to the sign ordinance were submitted to Council.

Mr. Denk noted that the Zoning Inspector has filed several cases in Court involving various unresolved violations.

**ALTERNATIVE ENERGY**

Noting that the alternative energy ordinance deals with geothermal, wind and solar energy, Mr. Denk stated that the Commission has seen a few applications relating to solar energy. He stated that the Commission will review the language regarding placement on the roof, and he noted the Commission had concerns about a recent ground mounted solar array.

Mayor Potter introduced Aaron Godwin, noting he is a sustainable energy expert and Kirtland resident. The City has contracted with him to review the alternative energy ordinance.

Mr. Godwin stated he has been working with the Mayor, Law Director and Service Director on sustainability for the City, with a general review of the City's assets and opportunities for savings. He stated there are many opportunities for grants, but the resources in the community to take advantage of those grants is limited. As an example, there was a recent grant for plug-in charging stations for electric vehicles, which were covered 100 percent. He noted there have been opportunities for security (Police and Fire) along with opportunities to work with the schools.

He discussed the need for a sustainability plan, noting that the first step is to monitor how much is spent on utilities. He said that a 20 percent savings is easily attainable, and a 40 percent savings is achievable.

Mr. Godwin stated that the intent of the City's ordinance was good, but there was not sufficient background in the context. He said he will work with the Law Director on areas of concern to develop the ordinance, noting that the way it is currently approached is out of step with other communities. He stated that the process makes it more expensive to install solar equipment in Kirtland than in other communities. He noted that the code needs to be written to control aesthetics, protect property values, and protect the rights of the applicant and the neighbors.

Mr. Godwin mentioned he is also looking into opportunities for installation of renewables on the City's public properties.

Mr. Godwin noted he has been a Kirtland resident for over twenty years and runs a business for general construction and renewables, and he provided his professional credentials. He stressed the importance of communication from the City representatives in developing Kirtland's ordinance. He noted that the City should have an Architectural Review Board.

## **ECONOMIC DEVELOPMENT**

Mayor Potter introduced Eddy Eckart, noting that he came to the City a few months ago as the Economic Development Director. The Mayor noted that Mr. Eckart will help the City with the upcoming comprehensive plan.

Mr. Eckart stated he is an economic development consultant and has been in this business for approximately 15 years. He noted he has worked in Lake County for the City of Painesville and the Lake County Port Authority for a number of years. He stated he is the Executive Director of the Ashtabula County Land Bank and the President of the Convention and Visitors Bureau of Ashtabula County.

Mr. Eckart stated that a lot of his discussions with the Mayor revolved around furthering the sense of place in addition to economic development. He stated the importance of determining the City's assets and how to maximize and share them with the community. With the comprehensive plan, he stated a holistic approach will identify needs and opportunities. He spoke regarding his experience with the comprehensive plan recently completed in Ashtabula, noting that he has some thoughts and experiences to offer as someone who has gone through a comprehensive plan as a stakeholder.

Answering Mr. Denk, Mr. Eckart stated he engages with the Mayor on a regular basis and will be interacting with Council. He stated that zoning and comprehensive planning goes hand-in-hand with economic development efforts, so he is willing to be engaged as much as Planning and Zoning would like.

### **2032 COMPREHENSIVE PLAN**

Mr. Denk stated that a group will likely be formed for the comprehensive planning process. Mayor Potter noted that with the last couple comprehensive plans, a lot of work was involved and there were a lot of good ideas, but the plan sits on a shelf. Mayor Potter stated the importance of creating a living document that is constantly working for the community in the decisions that are made, noting the benefit of a holistic approach. He noted that conversations need to be held soon regarding how much money will be allocated for the plan and whether an outside consultant will be utilized.

Mayor Potter stated he will meet with Mr. Eckart and Council President Ruple to set a timeline for the process, in order to have the plan completed by the end of this year. He noted that Mr. Godwin can also provide input as the City considers the economic impact of sustainable energy.

### **REVIEW OF ZONING ORDINANCES**

Mr. Denk stated that the review of the zoning ordinances is a Charter requirement. He noted that the Commission recently reviewed the sign ordinance, and Mr. Loconti brought up for discussion non-conforming uses. Mr. Denk noted that the Commission will likely look to Mr. Loconti in reviewing the ordinances.

Referring to the City Charter, Mr. Lallo advised that it specifically states that the Planning and Zoning Commission shall be required to make a comprehensive review of the zoning ordinances of the Municipality and shall recommend to City Council such revisions or amendments to the zoning ordinances as it deems necessary to preserve the development of the physical character of the City and to plan for future growth and development. Reading from the Charter, Mr. Lallo noted that a complete review shall take place not less than once every five years. Mr. Lallo stated that a review needs to be done, with recommendations to Council for any changes on or before December 1.

Discussion ensued regarding opportunities to incorporate the comprehensive plan and sustainability.

### **EXISTING NON-CONFORMING USES**

Mr. Denk stated that there are several existing non-conforming uses, noting that the Commission recently had discussion regarding use of the Kirtland Grange, which is a non-conforming use in a residential district. Discussion ensued regarding the non-conforming use and the impact on neighbors.

**CITY COUNCIL CONCERNS AND OTHER ITEMS OF CONCERN**

Mayor Potter stated there have been concerns about residential snowplow contractors pushing snow across streets or against neighbors' mailboxes. He noted the Service Department has had to come in and clean up these issues. Mr. Loconti stated most cities have ordinances regulating where residential and commercial snowplow contractors can put the snow. Generally it cannot be pushed across the street or onto a neighbor's property; it cannot be piled so high that it blocks the line of sight or an intersection. Mr. Loconti noted that typically snowplow contractors are required to register with the city and provide their insurance and bond. Mr. Loconti stated the ordinance would need an enforcement or penalty clause. Mr. Fornaro stated that it is helpful if they provide a list of the residences they would be serving. Mr. Fornaro added that landscapers should also be required to register. Mayor Potter suggested that thought be given to a registry for these types of contractors, imposing rules and restrictions.

Addressing the members of the Board of Zoning Appeals, Mr. Denk noted that they see cases that would violate the ordinances, and he inquired if there are any areas in the zoning code they believe should be changed based on the cases they have seen. Ms. Laven noted that the Templeview area is one area where the existing small lot sizes make it difficult to meet the setback requirements. Mr. Fenstermaker noted that the new construction in that neighborhood has been an improvement to that area. He noted there are some situations that put the Board of Zoning Appeals in a tough spot. Discussion ensued in this regard.

Council President Ruple noted there has not been a lot of commercial development in the City, and there has been discussion that the Ordinances could be laid out differently to make them more streamlined for developers. Mr. Fenstermaker noted that there should be a packet of information that can be provided to developers. There was discussion regarding development in general, along with potential changes to the schools.

With regard to variances, Mr. Loconti stated it has been his experience that the applicant must show a hardship in order to get a variance; it should not be granted based on what an applicant wants.

There was no further discussion, and the meeting adjourned at 9:10 p.m. upon the motion of Mr. Blum and second of Mr. DeMarco.

---

CHAIRMAN

---

SECRETARY