

**Village of New Concord**  
**Planning Commission Meeting**  
**Thursday, May 23, 2019-7:00 PM**

**Roll Call**

Members Present: Jim Dooley, Robert Dickson, Greg Wilson

**Village Officers**

Charlotte Colley-Village Administrator, Brent Gates-Zoning Officer

**Visitors**

Jennifer Lyle, Marsha Wagner, Nathan Kearns

Wilson motions, Dickson seconds, approval of the minutes from the August 23, 2018 meeting and to disperse with the reading of the minutes. Motion passes.

**Old Business:**

**New Business:**

- I. Application to approve the conversion of a non-conforming multi-family dwelling unit into a “duplex” or the addition of one accessory apartment to create two (2) separate and independent dwelling units.
  - A. Colley explains that the applicant, Susan Picynski/Turtlehead Investments, could not attend the meeting due to childcare issues. She stated that the request is to convert the home into 2 dwelling units and that staff has worked with the owners to ensure that the work has met safety expectations.
  - B. Gates states that the home is in compliance with all enforceable safety regulations.
  - C. Lyle asks what the property owners had been asked to address?
  - D. Colley states that she and the Mayor met with the owners prior to the last planning commission meeting in which work had been done without planning commission approval. The owners were assessed a fine of \$2000, which has been paid. The owners were given a list of issues to correct-labeling the electric panel, adding a fire escape to the third floor, having the soffit and spouting fixed, and putting up a fence between the property

and the home on Friendship Drive. All issues have been addressed except for the fence.

- E. Lyle states that the owner has not met the deadline for the fence and has already proven to be out of compliance when the work was done prior to the last planning commission meeting. She states that there should be clear language in the zoning code about what is expected in conversions.
- F. Gates states that he has inspected the property and it is in compliance.
- G. Lyle asks if the plans should be in writing?
- H. Gates states that duplexes are considered to be single family dwellings and are zoned as such.
- I. Colley states that the Village does not require site plans for any residential buildings.
- J. Gates states that commercial buildings have building codes and single-family dwellings do not.
- K. Dooley states that there is nothing in the zoning code to require that property owners build to a certain standard.
- L. Gates states that the fire code can be used to address certain things.
- M. Wagner asks if there is a limit to the amount of people that can live in a house?
- N. Colley states that due to the outcome of a lawsuit, Yoder vs. Bowling Green, in which the court sided with the plaintiff and stated that you cannot enforce an ordinance concerning a limit on the amount of non-related people in a house.
- O. Lyle asks if the Village has no authority to decide what is inside a residential home? Her understanding is that cities all over the country are about to put limits on houses. She feels that the term “accessory apartment” is a gray area that is being used in ways that weren’t intended.
- P. Gates states that cities are different than Villages in what they are able to limit due to the population of a city.
- Q. Dooley states that there is nothing currently in the zoning code to put limits on the accessory apartment. As a Village the zoning code can be changed, but as it stands now, the code allows this change.
- R. Lyle states that she feels that the Planning Commission could refuse to allow this conversion in a legal way but that she is not expecting that to happen.
- S. Lyle states that the zoning should be concerned with the parking issue, as allowing so many people to live in a home with insufficient parking is a problem that could lead to issues down the road. This is her concern with making exceptions to the zoning code.
- T. Dooley states that those concerns are why the zoning code needs to be addressed.
- U. Gates states that parking is an issue that can only be looked at property to property.

- V. Wagner states that she is at the meeting as a homeowner who is concerned that the landlords of these home do not take proper care of the houses and feels that the codes of the Village must be enforced.
- W. Wilson asks if the Village can ask for the fence to be completed?
- X. Dooley asks if the fence will happen regardless of what is decided on this issue?
- Y. Gates states yes.
- Z. Colley states that the list of items agreed to from the last Planning Commission meeting have one year to be completed.
- AA. Dooley asks if the fence should be included in the motion?
- BB. Gates states yes and that it would be helpful to include the fire and parking.
- CC. Wilson makes a motion of conditional approval pending the following conditions:
- Complete the fence by August 23, 2019
  - Remove the 3<sup>rd</sup> kitchen
  - Remove the 2<sup>nd</sup> to 3<sup>rd</sup> floor apartment door and add an interior door
  - There must be operational smoke detectors and carbon monoxide detectors
  - There must be at least 2 offstreet parking spaces
- All of these conditions must pass inspection by the zoning inspector before the house can be rented.
- DD. Dickson seconds the motion, motion passes.

## II. Miscellaneous Business

- A. Colley states that Jim Lenner, who is working on updates to the zoning code, would like input from the Planning Commission on what sections of the code are of greatest concern, and what the code needs to speak to that it currently does not?
- B. Dooley states that accessory apartment needs to be defined.
- C. Colley states that many definitions need to be addressed.
- D. Dooley states that he believes that the current code does not address the Village as it actually is.
- E. Members agree to send suggestions to Colley.

Dickson motions, Wilson seconds, for meeting to be adjourned. Meeting is adjourned at 8 PM.