



Minutes of the Oberlin City Council Public Hearing

Held on Tuesday, January 19, 2010

7:15 P.M.

Purpose: to Consider a recommendation of the Oberlin Planning Commission for proposed amendments to the Zoning Code. In this regard, the Planning Commission has recommended that “accessory buildings” be permitted in all residential zoning districts by adding such buildings to the list of permitted uses in the “R-1A”/ Single – Family/ Dwelling District, and has recommended that regulations be added to all residential zoning districts (i.e. the R-1, R-1 A, R -1 B and R-2 Districts) Related to the use, location, height and setback from lot lines for accessory buildings.

President Sloane called the Public Hearing to order at 7:31: 44 p.m. for the above stated purpose.

Members Present: Scott Broadwell, Bryan Burgess, Elizabeth Meadows, Kate Pilacky, Kenneth Sloane, Sharon Soucy.

Members Absent: Charles Peterson (excused)

Others Present: Belinda Anderson, Clerk of Council; Eric Norenberg, City Manager; Gary Boyle, Planning and Development Director.

Oberlin Planning Director Gary Boyle advised that the proposed amendments would add accessory buildings to the list of permitted uses in all residential zoning districts “R-1A”/ Single – Family/ Dwelling District, and has recommended that regulations be added to all residential zoning districts (i.e. the R-1, R-1 A, R -1 B and R-2 Districts).

The Planning Commission in November of 2009 had recommended to Council that some consideration be given to amend the code. Council has in turn decided to hold a public hearing and Notice of the hearing was published on December 16th, 2009, in the Oberlin News Tribune, which allowed for the 30 –day notice requirement.

If this change were adopted by Council, it would allow residential accessory buildings in all Residential Zoning Districts and will also create some regulations related to the use, location, height and setback from property lines. The following changes were noted:

- (a) In any residential district an accessory building may be erected detached from the principal building. No accessory building shall be erected in any required yard except a rear yard, and shall not occupy more than thirty -five percent of the rear yard.
- (b) In any residential district where a corner lot adjoins in the rear of a lot fronting on the side street and located in a residential district, no part of an accessory building on such

corner lot shall be nearer the side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot.

- (c) In any residential district, no accessory building shall exceed one story or fifteen (15) feet in height.

Broadwell asked why had “accessory buildings”, only been permitted in R-2 zoning areas in the past.

Boyle advised that there was some uncertainty with how that occurred but it was his understanding that at one point accessory buildings were permitted in all residential areas, but the zoning code had been amended restricting the permission to only R-2 areas.

Burgess asked for examples of accessory buildings. Boyle advised that it was a building that was not intended to be lived in; for example a detached garage or a detached shed.

Kenneth Sloane said in the past there were little or no accessory building requirements. He recalled his attempt to place an accessory building on his rear lot, and being told that there were no set back requirements. He saw this as the Planning Commission’s attempt to add some restrictions to where these buildings could be placed.

Pilacky asked if the metal sheds that can be purchased at Home Depot or Lowes was considered an accessory building. Boyle advised that that would be considered a detached building and would fall under the restrictions of the building code

Elizabeth Rumics, Hollywood Street said that she assumed that home work shops would not be included. Boyle explained that if someone had a small workshop and they were doing some wood work for their home then they wouldn’t intervene because it was clearly incidental to the principal residential use not the property. Rumics asked what would happen if a neighbor filed a complaint about an accessory building being placed on a resident.

Boyle advised that it would be like any other zoning issue, as long as they were within the requirements of the Zoning Code they would be entitled to a building permit. The regulations have been incorporated to try to reduce the complaints.

Tim Mehok, 82 South Cedar Drive, asked if existing Accessory Buildings which were not in compliance with the revisions would be grandfathered in. Boyle advised that it would be based on the circumstance but as long as there weren’t any safety violations it should be fine.

Adjournment: Being that there was no further business to come before Council the public hearing adjourned at 7:42:28 p.m.

Attest:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

KENNETH SLOANE
PRESIDENT OF COUNCIL

Approved: 2/16/2010

Posted: 2/17/2010

