

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, September 14 2022, at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Wolke, Oda, Titterington, Westmeyer, McGarry, Kappers; Development Staff – Eidemiller, Bruner and Russell.

APPROVAL OF MINUTES: Upon motion of Mr. Titterington, seconded by Mr. Westmeyer, the minutes of the August 24, 2022 meeting were approved as amended by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 302 W. FRANKLIN STREET FOR A 13'X30' DETACHED GARAGE; OWNER/APPLICANT MICHAEL AND JENNIFER HENNE. Staff reported: zoning is R-5, Single Family Residential District; on 5-27-2020 PC approved the request for vinyl siding on the house; application is for a 390 square feet (13' x 30') detached garage, 13' tall and single story, keeping in line with the existing addition on the property; color of Mountain Pine of which will match the vinyl siding that was approved by the Planning Commission in 2020; windows will be single hung 1/1 windows and will match the color of the principal building; application meets Zoning Code 1151.04 Accessory Buildings, Structures and Uses (a) (1) A. permits a 1,000 square feet detached garage on single family residences. 1151.04 (c) (1) requires that accessory buildings are setback a minimum of five (5) feet from the rear lot line and 1151.04 (c) (2) a side yard setback equal to the required side yard of the district; an existing shed will be removed; and staff recommend approval based on the findings of:

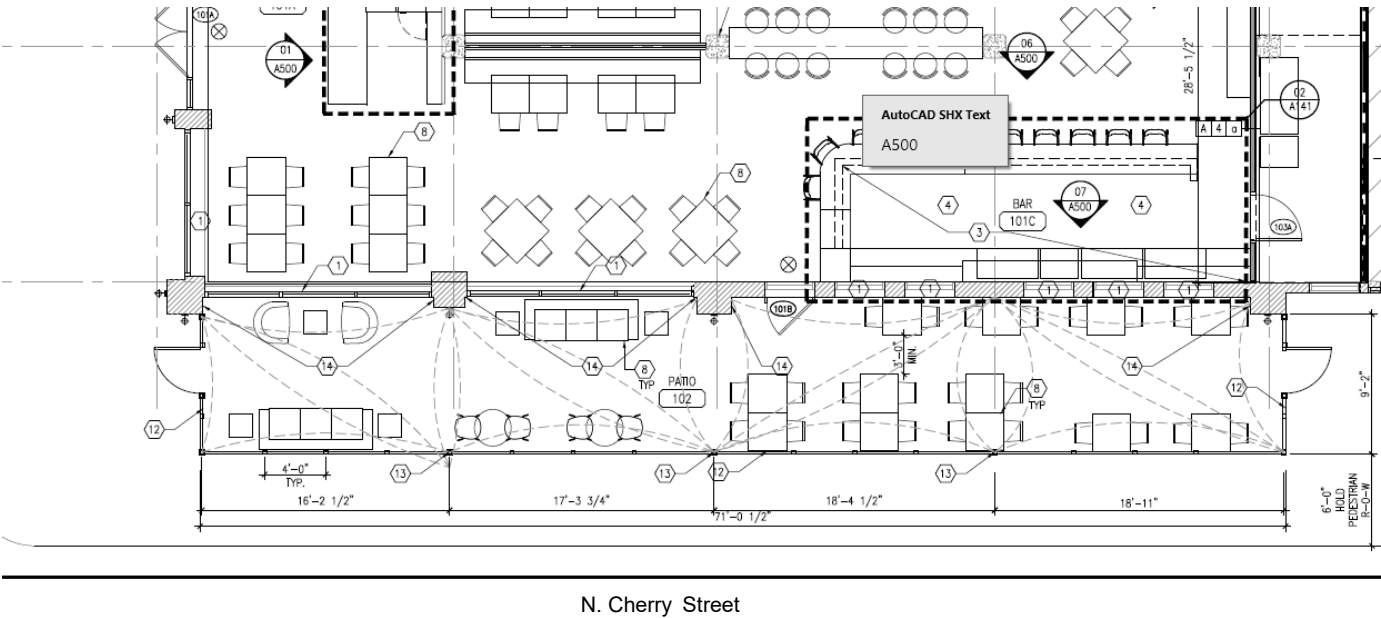
- The proposed garage materials and color will match the principal building as approved by the Commission.
- The character defining features on the principal structure are not being altered.

A motion was made by Mr. Wolke, seconded by Mayor Oda, to approve the historic district application for 302 W. Franklin Street as submitted, for the exact paint and colors as stated in the application, and based on the findings of staff that:

- The proposed garage materials and color will match the principal building as approved by the Commission.
- The character defining features on the principal structure are not being altered.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 107 W MAIN STREET FOR OUTDOOR SEATING; OWNER/APPLICANT 107 W MAIN LLC (SAM O'NEAL). Staff reported: property is zoned B-3 Central Business District; building is constructed of stucco and brick and is described in the Ohio Historic Index form as an eclectic style building and a major landmark for downtown Troy; contributing descriptive features include the eclectic design with Egyptian Revival entrance at the southwest corner, and distinctive religious and Masonic ornamentation; building is not listed on the National Register; outdoor seating will be a total width of nine (9) feet along N. Cherry Street; four sun shade sails are being proposed in the outdoor seating area with string lighting under the sails (below);



a black aluminum fence will surround the outdoor seating; Troy Codified Ordinance Section 717.07 requires a minimum of five feet of unobstructed walkway maintained at all times, and proposal meets this requirement as six feet of unobstructed walkway is being provided; the sidewalk on W. Main Street will not be affected by this proposal; and staff recommends approval based on the findings of:

- The proposed alteration does not detract from the historic integrity of the building;
- The modifications are temporary, do not attach to the historical portion of this site and can be removed or altered in the future.
- The proposed colors and material are commonly found in the district.

DISCUSSION. Staff confirmed that there are four sails, but they are square and not triangular as shown in information provided to the Commission, and Mr. Kappers noted that as there are no planters shown on the fence, if the owner wishes to add planters at any time, the owner would have to submit an application to the Planning Commission prior to any planters being installed.

A motion was made by Mayor Oda, seconded by Mr. Westmeyer, to approve the application for 107 W. Main Street as submitted, other than the sails being square, and based on the findings of staff that:

- The alterations do not detract from the historic integrity of the building.
- The modifications are temporary, do not attach to the historical portion of this site and can be removed or altered in the future.
- The proposed colors and material are commonly found in the district.

MOTION PASSED, UNANIMOUS VOTE

HISTORIC DISTRICT APPLICATION, 12 E. CANAL STREET FOR EXTERIOR PAINTING; OWNER/APPLICANT BRUCE LAND. Staff reported: this work started without a permit being requested/obtained and a stop work order was issued; zoning is B-3, Central Business District; the OHI form lists this property as a two-story vernacular building with stucco, contributing features include round-arched window caps on the 2nd floor, stone sills and lintels, alterations include new wings on the east and south sides and stucco wall treatment; application for paint color is primary building color of Valspar Exterior Season Flex Sycamore Grove; trim Valspar Exterior Season Flex Satin Cracked Pepper; and staff recommends approval based on the findings that the colors do not detract from the historic integrity of the streetscape as similar colors are located in the district.

Commission member stated concern that another project commenced without required approvals.

A motion was made by Mr. McGarry, seconded by Mayor Oda, to approve the application for 12 E. Canal Street as submitted for the exact paint color stated in the application and based on the findings of staff that the colors do not detract from the historic integrity of the streetscape as similar colors are located in the district.

MOTION PASSED, UNANIMOUS VOTE

INSTALLATION OF SOLAR PANELS FACING THE PUBLIC RIGHT-OF-WAY AT 566 LOXLEY LANE, OWNER – KENNETH WHEELER:

APPLICANT ALEX ROLAND, VILLAGE SOLAR COMPANY. Zoning is R-3-B, Single-Family Residential; this work was done without a permit being requested/approved; CO Section 1151.14 (f) (2) provides that “Roof mounted systems shall be located so not to be visible from the public right of way fronting the property except as otherwise approved by Planning Commission”; the home faces northwest on a corner lot between Loxley Lane & Haverhill Drive; the solar panels are located on the rear and front of the building facing Haverhill Drive, the request complies with Section 1151.14 (f) (2); Chapter 13, Visioning, of the current Comprehensive Plan under the heading of Neighborhoods and Housing as goal #7 states the following: “As technology changes, energy efficiency and renewable energy continue to be important topics in new construction and renovations projects. Similar to other established goals (see Community Facilities and Services, goal 4); the city shall encourage new construction and renovation to take advantage of the “green movement” to support energy efficiency and renewable energy uses. These alternative energy sources can be implemented during new construction phases, in-fill projects, as well as, home renovation projects.” Staff recommends approval based on the findings of:

- The solar panels meet all requirements of the Zoning Code.
- The solar panels meet goal #7 of Chapter 13, Visioning, of the current Comprehensive Plan.

DISCUSSION: Mr. Kappers asked if the neighbors were notified, with Taylor Bruner advising that he had talked to seven neighbors, five were pretty positive, another commenting “it could have been worse”, and one comment of it being “ugly”.

Mr. Wolke noted that other than “taking advantage of the green movement”, there is no other guidance for Council than personal opinion.

Staff commented that the last application for solar panels was in 2015.

Mr. Roland, owner of the company, apologized for doing the work without a permit; he commented that he works in many communities and counties and permit requirements vary; he was not aware of the need to submit an application to the City; the installation was based on location of where the owner would receive the best benefit from the panels and not tear up the home interior; and Senate Bill 61 has just been enacted to ease the development of solar planes in Ohio and reduce dependency on fossil fuels.

Mr. Titterington noted that he is a resident of the subdivision in which the property is located; he would not want to see the installation on the front of the house; he appreciates the comments of the neighbors but it must be recognized that neighbors can come and go and opinions can change; the panels are highly visible and face traffic; the code requires review and approval by the Commission based on the panels facing the right-of-way; and the Commission again finds itself in a position of an applicant seeking forgiveness for work done rather than permission. He further commented that it is his opinion that without other guidance he believes the Commission members should insert personal views.

Mr. Kappers commented that the only penalty for performing work without a permit is a doubling of the fee, which would be \$50 rather than \$25 in this case, and he is not supportive of reviewing applications after work is done. He also commented that he does not find the installation to be ugly and could support the installation in this application as most of the array is not visible from the front of the house.

Mayor Oda asked that staff check with the Director of Law regarding an increased penalty for proceeding without a permit, noting that the Commission has considered two instances at this meeting, as well as one at a prior meeting. She also encouraged Mr. Roland to check with both the county and community in which he is working prior to starting any work.

Mr. Westmeyer asked about the conduit as it appears rather visible. Mr. Roland commented the conduit was placed in line with the aesthetic dimensions of the house and has to be on the exterior for safety.

A motion was made by Mr. McGarry, seconded by Mr. Kappers, to approve the application for 566 Loxley Lane based on the findings of staff that:

- The solar panels meet all requirements of the Zoning Code.
- The solar panels meet goal #7 of Chapter 13, Visioning, of the current Comprehensive Plan.

Vote: yes – Kappers, Oda, Wolke, Westmeyer, McGarry; no – Titterington

MOTION PASSED

WORK STARTING WITHOUT APPLICATION PROCESS FOLLOWED:

Staff was asked to survey penalty provisions of other communities; Mr. Westmeyer suggested an annual reminder to the Home Builders Assoc.; staff is working with the County for a notation on the County application; Troy Main Street is helping with reminders to owners of downtown buildings.

OTHER: Staff noted: the REC is working on the mural wall due to a leak behind the mural; there will be an application from the Methodist Church regarding replacement of shingles.

There being no further business, the meeting adjourned at 4:03 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Titterington, and approved by unanimous voice vote.

Respectfully submitted,

_____Chairman

_____Secretary