



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF JANUARY 20, 2016

The Zoning and Planning Commission of the Village of Galena met on Wednesday January 20, 2016 in the Council Chambers of the Village Hall at 109 Harrison Street, Galena, Ohio. Present were members; President Tom Hopper, Dave Adams, Stan Swisher, Mark Brooks and Jason Hillyer. Also present were Village Zoning Clerk Sally Hopper, Village Zoning Inspector David LaValle, Deputy Zoning Inspector and Code Compliance Assistant Levi Koehler and visitors Thomas Watt & his son, Jamie & Todd Musacchio, Tony Condo, Dave Walker and court reporter Kathy Cathell. The meeting was officially called to order at 7:02 PM.

The new representative to the Commission from Village Council, Dave Adams, was introduced by Mayor Hopper.

Commission member Stan Swisher was sworn in by Mayor Hopper for a new three year term ending December 31, 2018.

Copies of the minutes from the meeting of December 16, 2015 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Mark Brooks, seconded by Stan Swisher and passed unanimously.

A hearing was held on the application for a variance from the provisions of the Village of Galena Zoning Code by Jamie Musacchio for a 1.6 acre +/- vacant tract known as 425 North Walnut Street, including Lot 112 of the Mary J. Arnold addition to the Village of Galena and a Part of Farm Lot 9, Parcel #417-431-04-004-000. All witnesses were sworn in by the court reporter.

Mrs. Jamie Musacchio introduced herself and her husband Todd. They are buying the southernmost of three vacant lots from Mr. John Harpst and wish to build a house on the property and move into the Village. They explained that due to the very irregular shape and nature of the property a variance will be needed to reduce the front yard set-back, from the front of the flag, from 50 ft. to 25 ft. for their house to be built. This will allow them to utilize the best part of the hillside and still leave a minimum of 105 ft. of distance/side yard set-back between the adjoining house sites.

Zoning Inspector David LaValle presented his report on the application which is dated December 28, 2015. He stated that the property has severe slope constraints which put practical limits on where the house can be physically built on the lot. The lot slopes steeply down to the south and west and drops off on the north side towards the adjacent lot. The lot and surrounding area is covered in brush and low conifers. A very limited buildable area does exist on the high ground or crown which favors a reasonable and practical home location as proposed in the applicant's drawing. The lot is bounded on the southwest by the City of Columbus lands and an existing earth sheltered home located at 415 North Walnut Street to the east. Mr. Harpst has two lots for sale to the north. The lots laid out by Mr. Harpst are flag lots and are irregular in shape. When these lots were approved it was noted by the Commission that some variances may be subsequently needed to permit development.

Mr. LaValle went on to recommend the variance as requested stating that the lot poses topographical slope problems and limits the practical area for a home to be built. The variance requested is the minimum amount needed to locate the home as proposed. The variance would leave approximately 105 feet separation between the new home and the earth sheltered home to the east. All other set-backs will otherwise conform. The granting of the variance should not cause the need for additional variances on adjoining lots.

There were no audience comments. The floor was opened for Commission discussion. There were a few questions concerning sewer service. It was noted that the property may require use of a lift station to pump sewage from the home into the Village system and that this pump would be installed and maintained at the homeowner's expense. There was a lengthy discussion about the shared driveway. Some matters regarding the driveway are covered in the real estate contract. In the end it was decided give the owners a strong suggestion to reach a formal shared driveway agreement.

Having determined that granting the variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the ordinance will result in unnecessary hardship and that the spirit of the ordinance will be observed and substantial justice done, a motion to approve the application for a variance to allow a reduction in the front yard set-back for a flag lot from 50 ft. to 25 ft., with a strong suggestion to reach a formal shared driveway agreement, was made by Mark Brooks, seconded by Jason Hillyer, and passed 5-0 in a roll call vote as follows:

Swisher – Yes Hillyer – Yes Hopper – Yes Brooks – Yes Adams – Yes

A motion to close the hearing was made by Mark Brooks, seconded by Dave Adams, and passed 5-0 in a roll call vote as follows:

Swisher – Yes Hillyer – Yes Hopper – Yes Brooks – Yes Adams – Yes

The hearing ended at 7:18 PM. The court reporter was dismissed.

A hearing was held on the application for approval of a development plan to allow construction of a new single family residence by Thomas J. Watt for 24 Front Street, Parcel #417-434-04-009-000.

Mr. Watt presented his plans to the Commission to remove the current house and replace it with a new, slightly larger, home on basically the same location. This is the former Larry Edward's property and the existing home has been the subject of ongoing citations regarding exterior property maintenance violations.

Deputy Zoning Inspector Levi Koehler presented the staff report on the application which is dated December 22, 2015. The property has long been used as a residence but no existing development plan exists. The owner will remove the existing dilapidated home and replace it with a single family residence that is in compliance with the minimum floor area requirements of the zoning code. The home is to be located within the existing building set-backs and encroach no further north towards the neighbor at 45 South Walnut Street than the existing structure. Surface drainage is expected to remain about the same. Parking will include an attached two car garage and a gravel driveway at the existing location.

The applicant has been advised that he is locating in an area specifically zoned for commercial use and what that may include, e.g. fans, AC units, general noise from commercially related activities, limited parking and evening hours. Adjoining commercial businesses have requested and received authorization for the production of exterior music and lighting. The applicant has been advised about the need to apply for a County Demolition Permit and a Zoning Permit from the Village. A sewer inspection may also be required. Construction is proposed to conclude 6 to 8 months following demolition of the existing house. Approval of the application is recommended subject to standard required permits.

A motion to approve the development plan as presented, with the applicant being made aware of noise issues, was made by Stan Swisher, seconded by Mark Brooks, and passed 5-0 in a roll call vote as follows:

Swisher – Yes Hillyer – Yes Hopper – Yes Brooks – Yes Adams – Yes

Mr. LaValle then presented his and Deputy Zoning Inspector and Code Compliance Assistant Levi Koehler's written monthly activity report which is attached and incorporated as part of these minutes. He gave a summary to the Commission.

Sambuca's Nursery and Greenhouse, at 577 North Walnut Street, has requested a C-1 carry-out liquor permit from the Ohio Department of Commerce, Division of Liquor Control. The currently approved development plan for the property does not include liquor sales. The Village can request a public hearing, at its expense, on the matter but after consultation with the Village Solicitor the matter is entirely up to the State and the Village has no say in the matter. This led to a discussion by the Commission on the matter. No one expressed any positive feelings for the application. Mayor Hopper stated that the neighbors that know about it are very upset and do not understand how this can be approved without local control. Mark Brooks did not like that the Village had no control and stated that since it is in the interest of the State to make money they will probably approve the application no matter what opposition is stated.

Letters are being sent to the Galena Commerce Center and all commercial property owners in the Village informing them that Delaware County is now in charge of all commercial inspections in the Village. Previously it was the State of Ohio.

Notices of exterior property maintenance violations had previously been made on 311 North Walnut Street. The owner responded on December 23rd indicating work will commence to repair the deficiencies. The owner of 35 South Walnut Street was previously sent a letter about the blue tarp on the roof and other deficiencies. No response has been received to date.

The Commission discussed, again, the noisy exhaust fan at the Galena Diner and what options are available to remedy the situation. The owner reports the BST & G Fire Department did audible testing on the fan at some time in the past and she will supply the Village with the report. Dave Adams, who previously served on the fire board, is unaware of any sound testing done by the department.

Weekly inspections continue at the Galena Commerce Center at 72 Holmes Street to follow corrective actions. Conditions remain as previously reported. Investigations with the Health Department are still outstanding on 134 and 203 North Walnut Street. Discussions continue with the proposed developers of the Fuller-Davis property. There are still issues with the location of the stub street connection to Sunbury. The development is now tentatively named Arrowhead Lake Estates. An inquiry has been made to the owner of Arrowhead Lakes Golf Club to see if the use of the name is acceptable.

Subdivision regulations revision work continues. An I-71 and US 36 SR 37 interchange proposal drawing is available as a handout. The Delaware County Bank Galena Branch will permanently close on March 31st. Norm Fountain of Fountain Insurance is retiring and a new agent will take over the business. The annual Code Enforcement Report is available.

The zoning clerk had nothing additional to report.

There was no old business.

There was no new business.

There being no further business before the Commission, a motion to adjourn the meeting was made by Mark Brooks, seconded by Jason Hillyer, and passed unanimously. **The next scheduled meeting will be on Wednesday, February 17, 2016 at 7:00 PM.** The meeting was officially adjourned at 7:55 PM.

Clerk

Chairman

CERTIFICATION

I, Sally H. Hopper, Clerk of The Planning & Zoning Commission of the Village of Galena, Ohio do hereby certify that publication of the above MINUTES were duly made by posting true copies thereof at five (5) of the most public places in the Village of Galena as provided for in Resolution No. 2015-18 enacted by the Council of the Village of Galena on November 23, 2015.

Sally H. Hopper, Clerk