



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF JANUARY 14, 2004

The Zoning and Planning Commission of the Village of Galena met on Wednesday February 11, 2004 in the Council Chambers of the Municipal Building at 9 West Columbus Street, Galena, Ohio. Present were members; President Tom Hopper, Betsy Hildebrand, Denny Morris, Stan Swisher and Mark Brooks. Also present were Zoning Inspector David LaValle, Village Solicitor Ken Molnar and visitors Tony Hamilton, Joseph Scherler and Cherie Scherler. Zoning Clerk Sally Hopper was absent due to work commitments. Tom Hopper served as Acting Clerk with help from Dave LaValle. The meeting was called to order at 7:05 PM.

Copies of the minutes from the last meeting of January 14, 2004 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Betsy Hildebrand, seconded by Mark Brooks and passed unanimously.

A hearing was held on an application by Joseph A. and Cherie L. Scherler for a conditional use or specific exemption to allow the addition of a porch and other improvements to a non-conforming structure at 508 North Walnut Street. The property is zoned Farm Residential (FR1). The house is one of two (the other is 506 North Walnut) which are located on one parcel owned by the Scherlers. The porch was added, the structure of the roof changed and siding put on two years ago without permits. The Zoning Inspector notified the owners at that time that a permit and building inspection would be needed. The applicant applied for a zoning permit but the Zoning Inspector was not able to issue one because the structure is a non-conforming use and modifications first require a conditional use permit. Two structures are not permitted on the same parcel so both are considered non-conforming. The applicant was informed that he must first obtain a conditional use before the permit could be issued. He refused, and eventually the Village filed suit to compel the applicant to comply. That case is currently being continued pending the outcome of this hearing.

Village Solicitor Ken Molnar spoke briefly about his contact with Mr. Ken Hanson, the attorney for the Scherlers, concerning this matter. Zoning Inspector Dave LaValle gave a report on the history of the application. Mr. and Mrs. Scherler had nothing to add except that they intended to split the property in the future.

A brief discussion was held and a motion was made by Mark Brooks to approve the conditional use, seconded by Denny Morris and passed 5-0 in a roll call vote as follows:

Swisher - Yes Morris - Yes Hopper - Yes Brooks - Yes Hildebrand - Yes

The zoning permit can now be issued and the matter turned over to the Delaware County Department of Building Regulation for the appropriate building inspections. Mr. Molnar will file a dismissal of the law suit.

Zoning Inspector David LaValle reported one of the culverts to be replaced as part of the Heathermere drainage improvements grant will not be necessary due to an earlier replacement by the Heathermere developers and the installation of the retention basins. He is working on trying to get the grant revised to replace the next culvert about 600 feet to the south.

He also pointed out that discussions with the suppliers of the streetlights had showed him samples of the Forest Green, which had been previously selected, and that they seemed a lot brighter than the Commission had desired. After a discussion a motion

was made by Betsy Hildebrand and seconded by Mark Brooks to change the color to New Albany Green as well as the bulb size to 100 watt metal halide. The need for that change had been discussed at the last meeting. The motion was passed unanimously.

Mr. LaValle updated the Commission on his discussions about the potential for a joint application for the north end of the Galena Commerce Center by Stover-Turner Excavating, Weiss Co. Excavating and RKE Trucking. It would involve construction of a new building and drive off of Harrison Street. After a discussion the Commission recommended that any such application would need a workable access management plan, a screening plan and a dust control plan.

A discussion was held on the possibility of Maronda Homes installing both a construction trailer and a temporary sales trailer at the Heathermere development.

The Clerk had nothing to report.

There was no old business.

In new business Mark Brooks reported that John Kennard of Quinn Street was reporting additional water drainage problems. Mr. LaValle will look into the matter.

There being no further business before the Commission, a motion to adjourn the meeting was made by Betsy Hildebrand, seconded by Stan Swisher and passed unanimously. **The next scheduled meeting will be on Wednesday, March 10, 2004 at 7:00 PM.** The meeting was officially adjourned at 8:19 PM.

Clerk

Chairman

CERTIFICATION

I, Sally H. Hopper, Clerk of The Zoning & Planning Commission of the Village of Galena, Ohio do hereby certify that publication of the above MINUTES was duly made by posting true copies thereof at five (5) of the most public places in the Village of Galena as provided for in Ordinance # 99-15 enacted by the Council of the Village of Galena on December 21, 1999.

Sally H. Hopper, Clerk