



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 18, 2015

The Zoning and Planning Commission of the Village of Galena met on Wednesday February 18, 2015 in the Council Chambers of the Village Hall at 109 Harrison Street, Galena, Ohio. Present were members; President Tom Hopper, Stan Swisher, Mark Brooks and Jason Hillyer. Commission member Nancy Feole was absent. Also present were Village Zoning Inspector David LaValle, Code Compliance Assistant Levi Koehler, Village Zoning Clerk Sally Hopper and visitor David O'Neil. The meeting was officially called to order at 7:03 PM.

Mayor Hopper swore in Mark Brooks to a new three year term on the Commission.

Copies of the minutes from the meeting of December 17, 2014 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Mark Brooks, seconded by Jason Hillyer and passed unanimously.

Copies of the minutes from the cancelled meeting of January 21, 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 Jason Hillyer and passed unanimously.

Zoning Inspector David LaValle presented his 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.

The appeal by Eddy Ambrose of violations at Sambuca's Nursery and Greenhouse, 577 North Walnut Street, has been denied by the Delaware County Common Pleas Court. Mr. Ambrose has filed an appeal to the 5th District Court of Appeals.

There was a lengthy presentation and discussion concerning patio and deck interpretations regarding zoning enforcement. Mr. LaValle reported that recent efforts to catch up on final zoning certifications have shown that patios have been constructed after new houses have been built, as evidenced in the Estates at Blackhawk subdivision. The patio or terrace was not part of the original permit for the new home and a zoning permit was not obtained. The Village has been questioned about its authority to regulate at-grade patio or terrace additions to a home. The matter has been referred to Village Solicitor Ken Molnar and has been studied extensively by staff, especially by Code Compliance Assistant Levi Koehler.

Mr. Koehler's research shows that many of these structures encroach into side and rear yard set-backs. The problem is that what is a deck, or a patio, or a terrace, or any such structure is not adequately defined. Also no line item exists in the zoning fee schedule except for decks. Without an adequate definition and a clearly delineated fee it has proven difficult to cite individual installations of such structures. Many of these patio structures have been in place for a number of years. No complaints have been received about these structures.

It is recommended by the compliance staff that enforcement on such existing structures be suspended until such time as adequate changes can be made to the code to define such structures and the fee schedule can be amended

to add a fee specific to them. Mr. Koehler will work on the necessary proposals.

Upon the suggestion of Mr. LaValle a motion to recommend to Council to waive the fee for the recent two applications for such structures in Blackhawk, along with any other applications for previously existing similar structures, was made by Mark Brooks, seconded by Stan Swisher, and passed unanimously

Violations at 51 Middle and 24 Front Street are continuing and still being processed. The owner of 24 Front Street has contacted a demolition company but has not followed through with a contract. An unlicensed vehicle has been ordered removed at 77 Holmes Street. Progress has been made in correcting the violations at 59 Holmes Street and a final inspection is pending. Hopefully more progress will be made when the weather improves.

Mr. LaValle reported that he had agreed to approve the installation of a diesel fuel supply center and modifications of two buildings for Facemyer Excavating at the Galena Commerce Center pending submission of adequate paperwork for an administrative review. The paperwork was not received and a stop work order was issued.

A discussion was held on the proposal from Delaware County Code Compliance to take over Commercial Building Code inspections for the Village. Mr. LaValle summarized the pro and cons of changing to the County from the current inspection services by the State of Ohio. He stated that he supported such a change.

A motion to recommend to Council to move to Delaware County inspection for Commercial Building Code enforcement, was made by Mark Brooks, seconded by Jason Hillyer, and passed unanimously

The compliance staff has been working with a North Walnut Street resident who is investigating the possibility of adding an in-law suite. Work is continuing on bringing address and zoning files up to date. The Subdivision Code review is underway and staff has assisted in gathering data on street name signs in the Village.

Mr. LaValle also reported that a review of compliance with the terms of a variance granted for an accessory building at 369 North Walnut Street had turned up some issues. After a discussion with the Commission it was agreed that the new structure, as it has been built, does not comply with the requirements to match the original house in color, type of exterior building material and to not look like a pole barn. The new building also does not have the required garage doors. Staff will follow-up with the property owner.

Mr. LaValle had a discussion with the Commission concerning the request by the owner of the Mud Flats Bar and Grill on W. Columbus Street for a file search of his current development plan for the purpose of seeing if it permits live, acoustical music performances on the rear serving deck. Mr. LaValle has found the plan does not make any mention of live music but does permit a speaker for music.

The owner has since requested that such live performances be allowed between 7 and 9:30 PM two nights a week. It was noted there have been no complaints about the current music speakers. The Commission discussed the advisability of allowing an administrative approval of the music on a trial basis for 90 to 120 days. This approval would only be for acoustical performances of a couple of instruments and sound levels are not to exceed the current levels of the speakers. It was also recommended that the neighbors should be contacted up front to avoid complaints. Mr. LaValle was charged with coming up with an appropriate arrangement with the owner. Anything beyond what was discussed could be considered a change in use and would require an amended plan.

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 Stan Swisher, seconded by Mark Brooks, and passed unanimously. **The next scheduled meeting will be on Wednesday, March 18, 2015 at 7:00 PM.** The meeting was officially adjourned at 8:05 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 Ordinance No. 2013-13 enacted by the Council of the Village of Galena on March 18, 2013.

Sally H. Hopper, Clerk