



## Village of Galena ZONING AND PLANNING COMMISSION

### *MINUTES OF THE MEETING OF MARCH 18, 2015*

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

Copies of the minutes from the meeting of February 18, 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.

Mr. Shawn Weatherhead spoke about the violations of conditions of a variance at his home at 369 North Walnut Street which allowed construction of an accessory building garage. The property was cited because the required garage doors have not been installed and the exterior of the building is clad in vertical metal siding like a pole barn and the tan color does not match the blue-gray of the residence. The building was approved to have vinyl siding of a type and color to match the existing residence and was "not to look like a pole barn".

He stated that the garage doors are not installed yet because they need the electric service run and the electrician has failed to show up 3 times. The siding on the house is faded and difficult to match. They may change the color. At the time of the variance hearing they only had the preliminary plans and did not have a contractor yet.

Zoning Inspector David LaValle stated that he had talked with Mr. Weatherhead's father-in-law, Mr. Tom Bowers, who was the primary applicant at the time of the variance application at his winter home in Florida. Mr. Bowers told him they had not yet chosen a new color for the house and they had forgotten to put vinyl siding on the garage. He acknowledged that they had stated the new structure was not to look like a pole barn.

There followed a period of back and forth discussion between the Commission and Mr. Weatherhead. Mr. Weatherhead wanted to leave the structure as it is and was told by the Commission that it would have to be brought into compliance. The east end of the structure would need to have vinyl siding installed of a color to match the house and the garage doors would need to be installed as per the agreement at the time of the granting of the variance. Mr. Weatherhead was told that the Commission could require the entire structure to be changed so that it matched the house but that they were working with him by only requiring the east end toward Walnut Street be redone. It was explained, again, that the variance was granted but with conditions to protect the neighbors and obtain their approval. These conditions had been agreed to by the applicants who had testified to the same under oath during the hearing.

The Commission stated they understood that additional time would be needed to come into compliance. A motion to approve a 60 day extension on compliance to the citation from March 18th was made by Tom Hopper, seconded by Stan Swisher and passed unanimously.

Mr. Martin Hynes, owner of The Mudflats Bar & Grill spoke to the Commission about his plans to have live music on the rear deck of the restaurant. The Commission had previously approved such music without amplification. Mr. Hynes has changed his plans and now wants to have some limited amplification. Mr. LaValle informed him that he lacked the authorization to approve that administratively and advised him to come back before the Commission.

Mr. Hynes explained how he would like to have live music on the deck on Wednesday nights from 6-9 PM and Sunday from 12-3 PM. This may be something like one person with a guitar and occasionally a second person. There is seating for 40-50 people on the deck and music is currently delivered through speakers. He does not believe the noise level would be significantly higher than the current level. He is willing to have a test period and doesn't want to annoy the neighbors.

There followed a discussion back and forth concerning the existing conditions, how loud the new music would be relative to the existing speakers and the potential impacts to the neighbors. A motion to approve a 60 day trial period for the music on the deck, starting April 15<sup>th</sup>, for 1-2 musicians, 2 days a week as shown above, for acoustical guitar and singing, with amplification no louder than the current speaker system, subsequent approval to be contingent on neighbor feedback, was made by Nancy Feole, seconded by Mark Brooks and passed unanimously. Mr. Hynes was instructed to resubmit his proposal and conditions to Mr. LaValle for final approval.

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.

Code Compliance Assistant Levi Koehler reported to the Commission on staff research into the patio issue and how it is handled in other communities. He has created a sheet with ideas to handle the matter since they do not believe it is practical to amend the zoning ordinance at this time. The Commission is to review the proposals and comment on them at the next meeting.

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 5<sup>th</sup> District Court of Appeals. Violations at 51 Middle and 24 Front Street are continuing and still being processed. The owner of 24 Front Street is attempting to borrow money to contract with a demolition company. An unlicensed vehicle has been removed at 77 Holmes Street.

Mr. LaValle reported that he the required paperwork for administrative approval of work at the Galena Commerce Center had been submitted and work was proceeding. A new build permit had been issued for 488 Hawking Drive. The staff had worked on issues related to the variance violation at 369 North Walnut Street, a new sign at the Berkshire Lake Campgrounds and the deck music issue at the Mudflats Bar and Grill.

Exterior property maintenance issues are being investigated at 104, 112 and 124 Holmes Street, 63 High Street, 99, 152, 162, and 334 North Walnut Street and 129 Quinn Street. Notices of violation will be sent out as soon as the weather improves. The Subdivision Code review is underway and staff has assisted in gathering data on street name signs in the Village.

The zoning clerk had nothing additional to report.

In old business it was reported to the Commission that sanitary sewer easement work was underway for the Miller Farm development.

There was no new business.

There being no further business before the Commission, a motion to adjourn the meeting was made by Jason Hillyer, seconded by Stan Swisher, and passed unanimously. **The next scheduled meeting will be on Wednesday, April 15, 2015 at 7:00 PM.** The meeting was officially adjourned at 8:11 PM.

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Clerk

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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.

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Sally H. Hopper, Clerk