



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF MAY 21, 2014

The Zoning and Planning Commission of the Village of Galena met on Wednesday May 21, 2014 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 Clerk Sally Hopper, Zoning Inspector David LaValle and visitors Karen Ambrose and D.J. Young. A court reporter was also present. The meeting was officially called to order at 7:03 PM.

Copies of the minutes from the meeting of April 16, 2014 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Nancy Feole, seconded by Jason Hillyer and passed unanimously.

A hearing was held on the appeal of a notice of violation of the Village of Galena Zoning Code by Edward Ambrose, DBA *Sambuca's Italian Greenhouse*, for 577 North Walnut Street.

Solicitor Ken Molnar advised the Commission on procedure. The court reporter swore in everyone wishing to testify.

Zoning Inspector David LaValle read the notice of violation, dated March 25, 2014, into the record. The violations are primarily connected to the "Sambuca's" sign being unpermitted for its location and being placed in a public right-of-way. Other violations had to do with a fence and nursery materials being in a location not permitted under the approved development plan because of height restrictions recommended by the Village Consulting Engineer.

Mr. LaValle explained the appeals process to date and entered the Village's exhibits onto the record.

Attorney Mr. D.J. Young of the firm Firestone & Brehm, of Sunbury, spoke on behalf of the applicant. He questioned Mr. LaValle's inspection process and the validity of the survey of the property that showed the location of the public right-of-way. The survey by Vance Surveying of Mt. Vernon had been furnished by Mr. Ambrose as part of the approval process of his development plan last year. Mayor Hopper asked if Mr. Young was now claiming that the survey supplied by his client was invalid at the time of submission. Mr. LaValle stated that he had used multiple techniques to verify that the sign was in the public right-of-way.

Mr. Young also said the fence was required by ODOT and questioned Mr. LaValle about the nursery stock being above ground or being planted. Mr. LaValle stated that the nursery stock was clearly "bagged and burlapped" in mulch and it, and the fence, were taller than allowed in the 90 foot triangle area defined by the Village Consulting Engineer as causing line of sight issues for the intersection of N. Walnut St. and Ohio SR 3.

Mr. Young questioned Mr. LaValle about a series of photos of other signs around the Village and issues related to right-of-way and his job. Mr. Young then questioned Mr. LaValle about a series of around 40 signs about issues related to the placement of the Sambuca's sign and line of sight issues.

Mr. Young then had Mrs. Karen Ambrose, wife of Eddy Ambrose, testify as to her concerns about the sign and the

other items on the letter of violation. She also stated that she does not consider the sign a sight distance issue nor has anyone else told her it caused visibility problems. There have been no accidents caused by their sign that she is aware of. It has been there since they owned the property.

Mrs. Ambrose was then questioned by Village Solicitor Ken Molnar. He asked about the sign that she claimed had been there since they owned the property. She agreed that the cross and "pray for the troops" had been added later but said that was her religious freedom right. Upon further questioning she acknowledged that the cross and the "pray" addition had been added after the notice of violation was received from the Village. There followed a period of discussion about various pieces of paperwork and which exhibits applied and what was Mrs. Ambrose's level of understanding of the paperwork and the rezoning and appeal process.

A brief recess was called to review paperwork and various exhibits and the hearing resumed at 9:35 PM.

After the recess Mrs. Ambrose continued to speak concerning that no signs had been moved and no agreements with ODOT had been entered into and no written complaints had been received on the sign. Upon questioning by member Mark Brooks, Mrs. Ambrose acknowledged that when the property had been a residential rental house the fence discussed in the violation had not been on the property, even though children may have been present. There was additional discussion and questions until everyone agreed they were finished.

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

Swisher – Yes Hillyer – Yes Hopper – Yes Brooks – Yes Feole – Yes

The hearing was officially closed at 9:49 PM.

Mr. Molnar explained to the Commission that they had 30 days to make a decision. At the suggestion of Mark Brooks, due to the late hour, it was decided that a decision would be made at the June 18, 2014 regular meeting.

Zoning Inspector David LaValle issued a written monthly activity report which is attached and incorporated as part of these minutes. He gave a very brief summary to the Commission. He also updated the Commission on the new zoning citation process with the Delaware Municipal Court. It is hoped the new process will be more efficient than the current system of filing cases in the Delaware County Common Pleas Court.

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, June 18, 2014 at 7:00 PM.** The meeting was officially adjourned at 10:09 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