



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF JUNE 18, 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 Inspector David LaValle, Village Solicitor Ken Molnar and visitors Sherry & Steve Shumate, Dave & Heather Adams, Karen Ambrose and D.J. Young. Village Zoning Clerk Sally Hopper was absent and Village Administrator Jeanna Burrell was present as Acting Clerk. Court reporter Natalie Ward of Spectrum Reporting LLC was also present. The meeting was officially called to order at 7:04 PM.

Copies of the minutes from the meeting of May 21, 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.

The Commission took up the matter of a decision in regards to the appeal of Mr. Edward Ambrose, DBA *Sambuca's Italian Greenhouse*, of a zoning citation for 577 North Walnut Street. The appeal hearing had been held at the May 21st meeting but a decision was postponed until this meeting. Solicitor Ken Molnar advised the Commission on procedure.

The floor was opened for Commission discussion. Member Stan Swisher commented that the sign was clearing non-conforming and that many of the items had been ordered removed by the letter from ODOT. He commented that even more trees had been moved into the area since the citation. He stated that the rules are not just for one, they are for all. He has had to change his own plans in the past to conform to the rules.

Mayor Hopper stated that the Commission had gone a long way to bring this property into compliance. The Commission had not done this to punish anybody or to shut anybody down. If the Commission had wished to do that they would not have gone through this process. The applicant has done almost all items needed to get into compliance. The Commission has not ordered the sign to be removed or even changed. It just has to be moved over 20 to 25 feet to get out of the right-of-way. It will still be along Route 3 and give him all the advertising it does now. He said he does not get the problem with the sign. The Commission made many allowances on the sign since that type of sign is not really permitted. He went on to explain how the engineer said things could not be over 24 inches in the 90 foot triangle area and that is why the fence and trees can't be there. No one is saying these things cannot be done on the property, just not in that area. They just need to be moved to another area. He went on to explain that for marketing purposes he felt that moving the trees would showcase the very nice greenhouses and the area could be used for parking. No one is asking anyone to give up anything. The applicant is just being asked to rearrange the locations of these items and parking. ODOT has also ordered removal of these items. He again stated that at this point he did not understand what the problem is.

Member Nancy Feole agreed with the comments by the Mayor. Stan Swisher also stated he agreed and went on to bring up the matter of the entrance gates that were ordered closed by the State and that the applicant has not complied with that either. The Mayor clarified that the gates were not included in the conditions by the Village.

Member Jason Hillyer commented that as the newest member of the Commission that he felt he “came in the middle of the movie” but felt the letter from ODOT could not have been clearer. One of the things his family had liked when they thought about moving here was Sambuca’s. He does not feel the things the Village is asking are out of line.

Member Mark Brooks stated he had nothing further to add.

Since there were no further comments, Ken Molnar gave final instructions for a decision.

A motion to disapprove the appeal 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

Attorney Mr. D.J. Young of the firm Firestone & Brehm, of Sunbury, spoke on behalf of the applicant. He stated that they would appeal to the Delaware County Court of Common Pleas and that the Commission should prepare the record.

A hearing was held on the appeal of a notice of violation of the Village of Galena Zoning Code by Larry C. Edwards, for 24 Front Street.

Solicitor Ken Molnar advised the Commission on procedure and what had taken place to date. The court reporter swore in everyone wishing to testify. The hearing was called to order at 7:14 PM.

Zoning Inspector David LaValle read the notice of violation, dated April 24, 2014, into the record. The violations are primarily connected to exterior property maintenance matters.

Mr. Larry Edwards, the property owner, spoke regarding his appeal. He stated that the electric company had cut down a large tree and left the wood and that is why it was there. He was working on the house last year until both his ladder and mower were stolen so work stopped. He has a weed whacker and is buying a longer ladder. He believes he is making a good faith effort to comply. He is also not a fan of herbicide.

Member Mark Brooks started a discussion regarding the applicant making progress and how an extension could be granted. Mr. Molnar stated that the applicant could request a tabling of the hearing decision. Mr. Brooks asked when Mr. Edwards thought he could complete the required items. Mr. Edwards stated August 1. Mr. Brooks then suggested the August 20 or September 17 meetings as possible ending dates for an extension.

Member Nancy Feole commented that the property had been unoccupied for a decade and has to be taken care of. Mayor Hopper stated that he gets a lot of negative public comments on the property and the repairs need to be completed. Mr. Edwards stated that he will make a good faith effort and requested a tabling of the appeal hearing decision until the September 17, 2014 meeting.

A motion to table the appeal hearing decision until September 17, 2014 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

A motion to close the hearing was made by Nancy Feole, seconded by Mark Brooks, 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 7:34 PM.

After the hearing Mr. Edwards asked some questions regarding the property map shown on the County website. There are errors. Mr. Molnar will help clarify the matter for him.

Mr. Molnar discussed matters of procedure with the Commission regarding the decision and transcripts of the Ambrose appeal decision. He then left at 7:45 PM.

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. The Commission thanked Mr. LaValle for all his hard work on the large number of zoning and legal matters that he has had to deal with lately.

The zoning clerk had nothing additional to report.

There was no old business.

In new business Jeanna Burrell reported on the meeting she had attended regarding a review of the current state of the proposed outlet mall. Mayor Hopper reported that in the last two month he had worked with 6 different developers on possible projects in Galena.

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, July 16, 2014 at 7:00 PM.** The meeting was officially adjourned at 8:15 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