



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF DECEMBER 8, 2004

The Zoning and Planning Commission of the Village of Galena met on Wednesday December 8, 2004 in the Council Chambers of the Municipal Building at 9 West Columbus Street, Galena, Ohio. Present were members; President Tom Hopper, Jim Slifko, Denny Morris, Stan Swisher and Mark Brooks. Also present were Zoning Clerk Sally Hopper, Zoning Inspector David LaValle and visitors Dick Brahm, Jeff Strung, Bob Kane, Jim Wampler, Michelle Dearth, Michael Boye, Gene Smith, Margaret French, Jeff & Jandi Strickland, David Schumick, Janet Hurr, David Heumn and Andrew Hopper. The meeting was officially called to order at 7:02 PM.

Copies of the minutes from the last meeting of November 10, 2004 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Mark Brooks, seconded by Denny Morris and passed unanimously.

A hearing was held on an application for a variance to minimum lot frontage and other variances, as required, to allow a lot split and other specified uses for 322 Harrison Street by Robert H. Kane. The property is zoned Farm Residential (FR1). Mr. Bob Kane made a brief presentation concerning his plans to split the property into two house sites and possibly work with the Village on a bicycle path on part of the property in the future. The proposed lots are 1.325 and 3.619 acres.

The Commission then held a discussion concerning the property and reviewed Zoning Inspector Dave LaValle's report which states, "Both lots conform to front, side and rear setbacks and appear to have adequate building space for a minimum floor area building. By accepting the south lot with a road frontage of only 60 feet, the Village will be a position of permitting the creation of a substandard frontage for the north lot. I believe a frontage reduction variance from the required 200 feet to varied frontage of 80 feet is required to make the residual north parcel as conforming as possible." There were no comments or questions by audience members.

A brief discussion was held and the Commission noted practical difficulties exist and standard road frontage requirements cannot be reasonably met because of the long narrow configuration of the original parcel and the restricted existing road frontage. The Zoning Code permits a reduction of frontage to not less than 60 feet under Section 7.06 part b of the Zoning Ordinance of 1995.

A motion was made by Denny Morris to permit the minor subdivision of the property at 322 Harrison Street into two parcels and granting the following variances with conditions as listed below, seconded by Mark Brooks and passed 5-0 in a roll call vote as follows:

Swisher - Yes Morris - Yes Hopper - Yes Brooks - Yes Slifko - Yes

Variations:

1. A variance from the 150-foot standard to a reduced frontage of not less than 60-feet. (90-foot reduction) for the south lot.
2. A variance from the 200-foot standard to a reduced frontage of not less than 80-feet. (120-foot reduction for the north lot).

Conditions:

1. The driveway to the north lot will be about 800 feet long. Provisions for a pull off area about half way down the drive should be included to permit emergency and other vehicles to pass.
2. The development of the south lot is conditioned on the improvement of drainage in the ditch and culvert.
3. Grinder pumps are the sole responsibility of the homeowner and not the Village. Grinder pump installations and sewer taps are subject to inspection and review by the Village Engineer, the County Sanitary Engineer and by Health Department. Plans and specifications will need to be submitted to the Village for review and approval before any installation.
4. Access to the north lot is subject to an easement to be granted by the owner of the south lot to the owner of the north lot. Care should be given to the drafting of the easement to make sure access is properly provided and that maintenance issues are addressed and clarified.
5. The driveway to the north lot crosses the 910-foot flood elevation and could become flooded and temporarily blocked. The floodway areas should not be filled or otherwise developed so as to create a backwater effect upstream.
6. The regulations require new homes to have at least a two-car garage. Sufficient space exists on the north lot to accommodate a home with a two car attached or detached garage. The South lot has a very restricted building envelope and care will be needed to pick a house and garage style to fit into the narrow envelope without additional variances.

A hearing was held on an application by Homewood Corporation for an amended final development plan for a 32.34 +/- acre property, known as "The Woods at Blackhawk" Subdivision, located on Dustin Road, to allow a name change to "The Estates at Blackhawk" and to change the open space reserve. The property is zoned Planned Residential District (PRD). Attorney Dick Brahm and Mr. Jeff Strung of the engineering firm EMH & T spoke for the applicants.

The Commission then held a discussion concerning the property and reviewed Zoning Inspector Dave LaValle's report. The name is being changed at the request of the owners of the Blackhawk Golf Course who wish to retain the future rights to the "Woods at Blackhawk" name. Ownership of a 1.7 acre section of the open space reserve along Hawking Drive needs to be retained by the developer to allow for the orderly addition of an expansion of the subdivision to the west if the land is annexed to the Village at a future date. Additional open space would be created in the expansion to replace the section in question.

A brief discussion was held with audience members. Questions concerning the existing sanitary sewer service were answered and the neighbors were told ODOT controlled the placement of traffic signals at Dustin Road and State Route 3. No traffic signal is expected to be required by any development currently anticipated. A discussion was held with neighbor Margaret French concerning her concerns about grading along her property line and the sewer lift station and the possibility of additional mounding and fencing along the property line. She was told final grading is not complete around the lift station and the idea is that it will be as unobtrusive as possible when complete. There will be no additional fencing or mounding required by the Village along her property line except that already approved at the time of the original development plan hearing. She may negotiate with the developer for additional improvements if she wishes.

A motion was made by Stan Swisher to grant the following amendments to the final development plan for the property:

1. A change in the name of the subdivision from the existing, *Woods At Blackhawk* to an amended name with the subdivision now to be known as the *Estates at Blackhawk*.
2. A change in the open space consisting of about 1.75 acres located on the west side of Street "A" also called Hawking Drive near the entrance to Dustin Road to be shown as Reserve "A" subject to descriptive note "E" on the Final Amended Development Plan, subject to the following terms and conditions:
 - a) The ownership name shown in Reserve "A" should be changed to, "Trinity Home Builders, Inc."
 - b) Reserve "A" shall have a reverter period of not more than 10 years wherein if not rezoned in conjunction with the land to the west, the reserve area shall revert back to common no-build open space subject to the same regulations as the other open spaces in the subdivision development as regulated by the Village approved homeowners association agreement.
 - c) Submission of an acceptable homeowners association agreement to the Village
 - d) The lots should be renumbered to follow the numbering sequence assigned by the Delaware County Map Room.

The motion was seconded by Denny Morris and passed 5-0 in a roll call vote as follows:

Swisher - Yes Morris - Yes Hopper - Yes Brooks - Yes Slifko - Yes

Zoning Inspector David LaValle had issued a written report which is attached and incorporated as part of these minutes. He gave a brief summary of the report. He reported issuing one violation for dumping of construction debris, updated the Commission on progress on the various housing developments under construction as well as the law suit with Delaware County concerning the sanitary sewer plant and the Ohio to Erie Rails to Trails plans to purchase some of the old rail bed.

The Clerk had nothing 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, January 12, 2005 at 7:00 PM.** The meeting was officially adjourned at 8:20 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