



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF DECEMBER 19, 2012

The Zoning and Planning Commission of the Village of Galena met on Wednesday December 19, 2012 in the Council Chambers of the Municipal Building at 9 West Columbus Street, Galena, Ohio. Present were members; President Tom Hopper, Stan Swisher and Mark Brooks. Member Nancy Feole arrived at 7:43 due to another engagement and Mike Bragalone was absent taking care of his family after his wife passed away on Sunday. Also present were Deputy Zoning Inspector Dave LaValle, Zoning Clerk Sally Hopper and visitors: Dave Adams, Grace Piper, Daisy Rooney, Bob Carpenter and Eddy Ambrose. The meeting was officially called to order at 7:07 PM.

Mayor Hopper made a brief state of sympathy and support for Mr. Bragalone and his family on the unfortunate passing of his wife Candace on Sunday. Mrs. Bragalone was a long time member of the community and had been active in Village affairs for many years. She will be missed by the entire Galena family. These sentiments were echoed by the Commission and all present.

Copies of the minutes from the meeting of June 20, 2012 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.

Because there had been no meetings since June, due to lack of business, the Commission was asked to approve minutes for each of the months from July through November reflecting that. A motion to approve the minutes, as presented, was made by Stan Swisher, seconded by Mark Brooks and passed unanimously.

Zoning Inspector Dave LaValle had issued a written report for the Monday Council meeting which he also submitted for this meeting. It is attached and incorporated as part of these minutes. He gave a brief summary of the report. He is working on multiple prior violations with actions in process and has a number of new complaints, primarily exterior property maintenance, which will be investigated. No new zoning permits were issued. He spent a lot of time on an investigation of Sambuca's which will be handled later in the meeting.

Mr. Dave Adams spoke on his continuing concerns with 138 North Walnut St. His issues include, but are not limited to, junk in the front yard, rats, firewood in the driveway, boring bees and a smell of "sewer" coming from the property especially in the evening when clothes are being washed. Mr. LaValle has investigated some of these including the sewer smell. There followed a lengthy discussion between Mr. Adams, Mr. LaValle and the Commission. Mr. LaValle reported that he had not found a smell during his two visits to the property. Mr. Adams advised him that he needed to go back during the evening when clothes were being washed. It was discussed that there may be an issue with the gray water lines from the house not being properly hooked to the Village sewer system.

The rules on how enforcement of zoning matters are handled under state law was explained to Mr. Adams. It was also pointed out that issues inside a residence are not covered under the Village Exterior Property Maintenance Code and that the Delaware General Health District has always declined to assist in interior investigations. Mr. Bob Carpenter, Berkshire Township Trustee, spoke up about his experiences with the long periods of time that have been required on enforcement cases within the Township. Mr. Adams discussed possibly taking personal legal action to have the property declared a public nuisance if the situation does not improve. Mr. LaValle will continue to follow-

up on the property and will bring in the sewer system operators, if necessary, for an inspection.

Mr. LaValle presented his findings, in a lengthy report which is attached and incorporated as part of these minutes, in an investigation into Sambuca's Italian Greenhouse at 577 North Walnut Street. Mr. LaValle explained the history of the progression of the business on the site from a small, seasonal, roadside plant sales stand to the current large greenhouse operation with a retail sales showroom, in a former house, that is operating almost year round. It is located on two tracts of 1.35 and 0.2 acres both of which are zoned Farm Residential (FR1). A conditional use permit was granted for some of the uses in 2007 and a deck permit was issued by the previous zoning inspector in 2010. The owner, Mr. Eddy Ambrose, recently enclosed the front porch of the house to expand the retail sales area without a zoning permit or a building permit. When he was approached by Mr. LaValle about the issue their discussions led to a post-dated zoning application for the enclosure as well as an application for alterations to a garage door to allow access by forklifts. After review of the current zoning approvals and the restrictions under the farm residential zoning district, Mr. LaValle chose to hold both permit applications and bring the matter before the Commission for discussion and instructions. He reports that the current operation clearly exceeds that which is allowed under the FR1 zoning or the conditional use permit from 2007.

Mr. Ambrose spoke to the Commission and explained that business is good and that was driving the expansions of the operation including the conversion of the former single family rental residence into a commercial showroom. It was explained to him that was a good thing and while the Village only wished him well with the business that the operation must be brought into compliance with the applicable codes. The Village will assist him to come into compliance.

There followed a lengthy discussion back and forth between the Commission, staff and Mr. Ambrose on the best course of action to take. At the end the Commission agreed that they would continue to hold the permit applications and would not take additional enforcement actions pending the timely application by Mr. Ambrose to make the property into a Planned Commercial (PC) District with a development plan that accurately reflects the current scope of the business. Some changes may be needed to the operation to make it acceptable. The Mayor explained that one such area will be signage which is currently not in compliance with the sign section of the zoning code. Mr. LaValle will assist Mr. Ambrose, his attorney Mr. Dave Brehm, and Village Solicitor Ken Molnar to be sure all the necessary application procedures are completed. Such application should be made in the next month or so that this matter can be satisfactorily concluded.

The clerk had nothing additional to report.

In old business Mr. Bob Carpenter asked what was being done about the rezoning of properties along Holmes St. from Planned Industrial (PI) to Planned Commercial (PC) which had been previously discussed by the Commission. He was told that the matter had been delayed due to other ongoing projects and staff changes but was expected to proceed sometime in 2013.

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 Stan Swisher, and passed unanimously. **The next scheduled meeting will be on Wednesday, January 16, 2013 at 7:00 PM.** The meeting was officially adjourned at 8:12 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