



## **Village of Galena ZONING AND PLANNING COMMISSION**

*MINUTES OF THE MEETING OF SEPTEMBER 19, 2018*

The Zoning and Planning Commission of the Village of Galena met on Wednesday September 19, 2018 in the Council Chambers of the Village Hall at 109 Harrison Street, Galena, Ohio. Present were members; President Tom Hopper, Mark Brooks, Kathy Krupa, Alison Cherubini-Hillyer and Stan Swisher. Also present were Interim Village Zoning Inspector Kenneth Levi Koehler, and Zoning Clerk Suzanne Rease. Also present were Belinda Brown and Chris Underwood of Underwood Business Systems. Additionally, many members of the community were present including Jeremy Hayes, Greg Scott, Jonathan Terborg, William Smith, Tyson Lane and Dave Walker. Court Reporter Cathy Cathell of Spectrum Reporting were also in attendance. The meeting was officially called to order at 7:02 PM.

Copies of the minutes from the meeting on August 15, 2018 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Alison Cherubini-Hillyer, seconded by Stan Swisher, and passed unanimously.

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A Public Hearing is scheduled for Wednesday, September 19, 2018 at 7:00 P.M. in the Council Chambers of the Municipal Building located at 109 Harrison Street in Galena, Ohio re: the application of Belenda Brown for a VARIANCE TO REDUCE THE REQUIRED SIDE YARD SET-BACK to allow for the construction of an attached garage to the west side of the home, and a bathroom/closet to the east side of the home for the following described property:

Situated in the Village of Galena, in the Township of Berkshire, in the County of Delaware, and the State of Ohio.

Being known as 34 High St., Parcel number: 41743105020000

The hearing was called to order at 7:03 p.m., and everyone who planned to speak was sworn in by the court reporter. Ms. Brown stated that when she purchased the property she assumed the auditor's website was correct, and the auditor's website showed the alley next to her home as part of her property. She applied for a variance to reduce the side yard setback in order to build an attached garage. After she applied for the variance the Village discovered that the alley was never vacated. Legally, if the Village were to vacate the alley, the property would be split between the owners on each side of the alley. Ownership of half the alley would not give Ms. Brown adequate land to build her garage. She will need the neighboring property owner to pledge their side of the alley in order to have enough space for a garage. Ms. Brown asked for a continuance of the hearing until she could speak to the adjoining land owner and look into the vacating process further. Mr. Brooks made a motion to continue the hearing and Mrs. Krupa seconded, and passed unanimously.

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The second hearing was called to order at 7:17 p.m. and Mr. Underwood was sworn in, concerning the application of Chris Underwood for an amended development plan to allow a change in use in a Planned Commercial and Office District (PC) for the following described property:

Situated in the Village of Galena, in the Township of Berkshire, in the County of Delaware, and the State of Ohio, the following:

Being a 1.94 acre +/- tract owned by Chris and Karin Underwood, PIN #41743102026000 and being known as 44 Holmes St.

Mr. Underwood asked that his development plan be changed to include other uses in the section of the building currently being used as storage units. One of the proposed uses is an auto repair shop, with the possibility of online car sales. There is a restriction of a maximum of 10 cars in inventory at one time. The Village Interim Zoning Inspector, Levi Koehler, recommended approval of the development plan from storage to business use as long as Mr. Underwood agreed to remove his sign from Village property. Mr. Underwood stated that he moved his sign once, and according to his calculations, the sign was on his property. He asked for a survey to be done to show the exact property lines, Mayor Hopper explained it was Mr. Underwood's responsibility to pay for a surveyor, since he was the one applying for a change of use. He then asked if someone from the Village could mark the property line, and Mr. Koehler agreed to do so. Mayor Hopper asked if anyone else had concerns, and Walter Morton, an adjoining property owner asked about noise restrictions. Interim Zoning Inspector Koehler stated that the development plan shows that no noise will be heard from the property before 7 a.m. and after 9 p.m.

At 7:43 p.m. a motion was made to close the hearing by Mr. Brooks and seconded by Mr. Swisher. the motion passed unanimously by a roll call vote.

Swisher – Yes    Cherubini Hillyer – Yes    Hopper – Yes    Brooks – Yes    Krupa – Yes

The Zoning and Planning commission approved the change in development plan with the following conditions; the sign be moved no less than 6 inches from the Eastern property line, no more than 5 feet from the Eastern property, and 15 feet from the road.

Member Alison Cherubini Hillyer made a motion to approve the change in development plan as described above and Mr. Brooks seconded the motion. A roll call vote was taken.

Swisher – Yes    Cherubini Hillyer – Yes    Hopper – Yes    Brooks – Yes    Krupa – Yes

It should be noted that Mr. Underwood made a formal request, that the Village, and its contractors would not use his driveway for any other purpose than entering and exiting their storage unit.

The court reporter was dismissed.

Interim Zoning inspector Levi Koehler gave his report to the commission. Concerning major subdivision submissions, The Retreat at Dustin, all documents have been submitted and a pre-construction meeting was held on August 20, 201.

Arrow head Lake Estates, Pulte Homes has purchased the property for Section One, Phase One. The development agreement has not been signed and the bond has not been posted, construction cannot begin until these conditions have been met. Blackhawk Phase C, only one lot remains, and Mr. Molnar is working on the easement concerning the Jeremy Miller tract. Blackhawk Phase D, construction will likely begin this winter and blacktop next Spring. Miller Farms they still waiting on permission from the City of Columbus to cross Big Walnut Creek for sewer service.

Violation Progress report, 173 N. Walnut, progress is being made. 51 Middle St., a violation notice was sent on 8/9/18 for high grass, broken and missing fence posts, debris, and a broken outhouse door. 73 N. Walnut St., a letter was sent 8/9/1/ for overgrown weeds, shrubs and trash along the side of residence.

Mayor Hopper informed the commission that the Village was considering a proposed change in Zoning district for some properties on Holmes and Harrison St. The property surrounding the old brick plant, has been zoned planned industrial, but is now mostly residential. Therefore, if anyone in the area wanted to improve their property they would have to submit a formal change in development plan. The Village feels that it would be a service to the residents to change the Zoning district from planned industrial to residential. In addition, the property at 435 N. Walnut was approved for a variance, and the dome home was shown on those plans. The Village does not have any architectural standards for residential homes.

Mayor Hopper asked if anyone in the audience wished to speak. Jeremy Hayes of 375 Hawking Dr. questioned the easement being requested to the Jeremy Miller property. Mr. Greg Scott of 451 Hawking Dr. stated that he had a problem with the easement. When he purchased his property, he was not informed of the original plat.

Mayor Hopper explained that the easement had been put there since the original plat. The owners of the Jeremy Miller property cannot be harmed because of a filling error on the final plat. The Jeremy Miller property would be land locked without the easement. O.D.O.T. will not allow any access from State Route 3.

William Smith of 465 Hawking Dr., and a member of the Blackhawk Home Owners Association (H.O.A.), stated Mr. Lipnos, of Homewood, turned over ownership of common properties to the H.O.A. today. He also asked for all relevant documents because the H.O.A. is planning to seek legal advice concerning this matter. Mayor Hopper said that Mr. Molnar, the Village solicitor, would be in contact with the H.O.A.

Mayor Hopper asked if anyone else wished to speak.

Mr. Underwood said he had a grievance. He stated Mrs. Burrell, the Village Administrator, complained about his sign needing to be moved as Law Construction trucks used his driveway to access the trail. He also said the construction workers told him, his sign was not in the way of the trail. Mayor Hopper explained that The Village was given the impression, by Law construction workers, Mr. Underwood had given Law permission to use his driveway. Mr. Underwood stated for the record that Mrs. Burrell did immediately tell the workers not to use his driveway once Mr. Underwood made is wishes known.

The zoning clerk had nothing additional to report.

There was no new business to report.

There was no old business to report.

The next meeting was scheduled for Wednesday, October 17 at 7 p.m.

At 8:26 p.m. Mark Brooks made a motion to adjourn the meeting. Kathy Krupa seconded the motion. Motion passed unanimously. The meeting was adjourned.

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Zoning Clerk

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Chairman

CERTIFICATION

I, Suzanne Rease, 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 Resolution No. 2015-18 enacted by the Council of the Village of Galena on November 23, 2015.