



Village of Galena PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF MAY 20, 2020

The Zoning and Planning Commission of the Village of Galena met in a zoom meeting on Wednesday May 20, 2020. Present were members; Jill Love, Alison Cherubini- Hillyer, Zach Hopper, Stan Swisher, and Kathy Krupa. Also present were Village Zoning Inspector Kenneth Levi Koehler, and Zoning Clerk Suzanne Rease. Michelle and Russ Dearth, Bob Molter and other members of the community were also present. The meeting was officially called to order at 7:01 P.M.

Copies of the minutes from the cancelled meeting on March 18, 2020 had been distributed to all members by the Clerk. A motion to approve the minutes was made by Alison Cherubini - Hillyer, seconded by Stan Swisher, and passed unanimously.

Copies of the minutes from the cancelled meeting on April 15, 2020 had been distributed to all members by the Clerk. A motion to approve the minutes was made by Alison Cherubini Hillyer, seconded by Stan Swisher, and passed unanimously.

At 7:03 p.m. A Public Hearing was called to order before the Planning and Zoning Commission for Wednesday, May 20, 2020 in the Council Chambers of the Village Hall located at 109 Harrison Street in Galena, Ohio or via Zoom re: the application of Russell and Michelle Dearth for a VARIANCE TO REDUCE THE REQUIRED SIDE YARD SET-BACK to allow for the construction of an accessory building on 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 1941 S. Old 3C Hwy., Parcel number: 41743101001000

Zoning inspector Kenneth Levi Koehler gave his report. The homeowner wishes to build an accessory building at the above address. The lot is located between the property of Brian Severs, and Kristen Jones.

The hearing for a variance has been advertised in a local publication for the required number of days (10) as found in the Village of Galena Zoning Ordinance, and all neighboring properties within 200' feet have been notified of the hearing by mail in accordance with the Village of Galena Zoning Ordinance.

The proposed accessory building measures 30' feet by 40' feet. The owner wishes to build the proposed accessory building 5' from the south property line, all other required setbacks will be met. The current required side setback for an accessory building in the R-1 district is 25'. The location and approximate footprint of the proposed building can be seen on the provided plot plan.

The existing hardship that allows for a variance is the presence of mature hardwood trees on the lot, and size and elevation of the backyard, which is damp and would require significant fill.

Recommendation: The lot in question is similar, or slightly larger, in size to the surrounding properties. Several of the surrounding properties contain buildings closer to the property lines than the requested variance. The variance request seems reasonable, and is recommended for approval.

Member Kathy Krupa asked how far the building would be from the existing fence. Zoning Inspector Kenneth Levi Koehler said the pole barn would be located between 20 and 25 feet from the fence line. Mayor Love stated that she had spoken to the Dearth's neighbor Brian Severs and he was okay with the pole barn. Alison Cherubini- Hillyer asked how many other buildings are on the property. Michelle Dearth answered two sheds. Alison asked the size, color and location of the pole barn. Russ Dearth answered the building would be 30x40, grey and even with the front of the house.

At 7:11, motion to close the hearing was made by Alison Cherubini Hillyer and seconded by Zach Hopper. The motion was approved unanimously.

A motion to approve the variance was made by Alison Cherubini- Hillyer and seconded by Stan Swisher. The motion was approved unanimously

Zoning commission guest Bob Lamb, Delaware County Economic Development director. He has held this position for the last 5 years. The mission of the board is Smart growth. Delaware County remains one of the fastest growing counties in the country. The purpose of the commission is to provide rescourses to support commercial business in Delaware County.

The focus of the board has changed with COVID-19. Currently providing businesses with support to face the challenges because of the COVID-19 crisis. They currently have a shop local campaign, are helping businesses secure PPE masks, and have produced a video with safe practices for reopening. The commission is working with Jobs Ohio to provide revolving loans to businesses with a strong history of profits in Delaware County.

The board supports two new interchanges off interstate 71. The first will be at Big Walnut Rd. They are hoping to have this interchange complete 2024-2025. The goal of this interchange is to divert residential traffic away from the Polaris interchange. The next interchange is referred to the Southern interchange near the 36/37 exit. They are working with the Ohio Department of

Transportation, O.D.O.T., Berlin and Berkshire Townships. They are working with the townships on a cloud overlay-zoning program. The cloud overlay allows properties to keep the current zoning and taxes on a property in place while an additional zoning is added to the property. The taxes on the property do not change to commercial until the commercial property is complete. This saves the owner of the property significant money and allows the owner the opportunity to add a commercial zoning option to their property without having to pay a commercial tax rate.

Zoning Inspector Levi Koehler commented that this would not apply to the Blackhawk golf course project.

Mr. Lamb added the Delaware County Economic Development commission is funded through the Delaware County Commissioners, and the Delaware Finance Authority. As an example of the benefits they can provide to developers, when a property is developed, the developers can offset costs with a 7% tax exemption on the cost of material. Mayor Love pointed out they also provide a free economic development analysis on potential projects. They are currently working on performing an analysis of the Romanelli and Hughes project.

Kathy Krupa asked about the timing of the Southern interchange, and Mr. Lamb responded they are hoping to begin the project in 2024-2025. The State Route 3 corridor study is currently on hold due to the COVID -19 crisis.

Alison Cherubini Hillyer asked for an estimate of how long it would be on hold, and Mr. Lamb responded that it depended on available rescourses.

The Zoning Commission thanked Mr. Lamb for his time.

Mayor Love introduced a discussion on proposed changes to the Zoning Code. She explained that Alison took a considerable amount of time and effort and divided the zoning code between the zoning commission members on a shared google document. Alison created a comparison between the old version and the proposed version with a section for recommended changes. The documents are 70 to 80 % exactly the same. Mayor Love stated the commission wants the community to be involved and that copies of the documents we are discussing are available upon request. Mayor Love suggested the commission begin with section 1, which was assigned to Zach Hopper.

Zach Hopper was assigned Articles 1.01 and 1.02. Article 1 covers the title, purpose and nature of the zoning code. He stated the sections are practically the same. The only difference is the proposed version expands in more detail. Alison Cherubini Hillyer added a note, as applicable under the Ohio Revised Code, O.R.C. She questioned why it was broken up. Zach Hopper added it was probably to add more detail.

Next Alison Cherubini Hillyer reviewed article 2.01 and 2.02. Article 2 covers interpretation, conformance and relief. She noted the word building was replaced with the word structure, and questioned why the change was made. Zoning Inspector Levi Koehler stated because not all structures are buildings. Each section refers to the type of structure that it addresses. Alison

Cherubini Hillyer questioned if we still need the section on Railroad right of ways. Zoning inspector Levi Koehler confirmed that there are no railroad tracks in the Village of Galena. Kathy Krupa recommended that section be removed.

Alison Cherubini Hillyer also reviewed Article 2.07, which refers to changes that can be made in the zoning code and how they are changed. Zoning Inspector Levi Koehler explained that in a planned district any proposed change must come before the Planning and Zoning Commission, and if recommended it will go before Village Council.

Article 3 was assigned to Mayor Love. Article 3 covers administration and enforcement. The first topic is the hiring of zoning staff. Mayor Love pointed out that the Mayor had done the hiring process and it is proposed to be done by council. Zoning inspector Levi Koehler pointed out that council hired him for his position. Council also hired clerk, Suzanne Rease. Alison Cherubini Hillyer pointed out that the mayor makes a recommendation to council for hiring. Zoning inspector Levi Koehler stated that the Village engineer, Mark Rufener and the Village Solicitor Ken Molnar, has reviewed the proposed zoning code. Mayor Love asked about the process for zoning violations in the Village. Zoning Inspector Levi Koehler stated he picks the worst violations, and works with the property owners to remedy the situation. Resident complaints do play a role in who gets the most attention. Mayor Love revisited the topic hiring and asked about the position of zoning assistant. Zoning Inspector Levi Koehler explained that with the current financial situation of the Village we would not pursue this position this year. When we revisit the position, the zoning inspector should have some input in the hiring process. Council would hire the position, and all positions, are hired annually.

Article 3.04 covers removal and appointment of Planning and Zoning Commission members. Alison Cherubini - Hillyer suggested that the Planning and Zoning Commission verses council should handle removal and appointment of commission members. It was suggested that the topic be proposed to Ken for compliance with O.R.C. Alison Cherubini Hillyer pointed out that chance removal of is very slim, and doesn't think it had ever happened before in the Village, Removal would occur for non-performance of duty, misconduct in office or other cause after a public meeting has been held regarding the charges.

Article 3.04 also covers with the reversal of decisions. Mayor Love suggested that the wording be changed to a majority instead of 4 members.

Article is 3.05 Mayor Love felt the section could be simplified. The Mayor also noted the Planning and Zoning Commission does not have a Vice Chair if a meeting is missed. Mayor Love also pointed out that there is no provision for a special meeting.

Article 3.08 contends with the role of council. Mayor Love questioned where Jeanna got the content from, Alison Cherubini Hillyer stated she felt it blurred the lines, and supported removal. Zach Hopper pointed out that the Planning and Zoning Commission exists to support council, not the other way around. Zoning inspector Levi Koehler pointed out that Planning and Zoning decisions are appealed to Council. Zach Hopper stated that is why Council nominates one of its own members to the Planning and Zoning commission. That member then reports to council.

Article 3.09 relates to enforcement of violations. Mayor Love questioned where it came from. Zoning inspector Levi Koehler stated that this section relates to the municipal court. When a violation is not remedied, and the zoning inspector has exhausted all other options he turns the violation over to the Village solicitor. The Village sets the fines because the municipal court does not have set fines and refers to the Village Zoning code.

Zoning inspector Levi Koehler read his report. The report is attached to these minutes. Alison Cherubini Hillyer asked if there was any news on the Galena Commerce Center. There was nothing to report. Zoning Inspector Levi Koehler added that 311 N. Walnut St. is up for private auction. He believed the minimum bid was \$120,000. Mayor Love asked if the Retreat at Dustin was comprised of all condominiums, and what the price range of the condos. Zoning Inspector Levi Koehler responded that they are all condos, and they are all occupied. The condos start at \$350,000, but he thought most went for \$400,000 when you add upgrades.

Mayor Love reported that she spoke to Jeff Dutiel and the baseball diamond is ready. He is excited for the start of the new season.

At 8:42 Stan Swisher made a motion to adjourn the meeting and Kathy Krupa seconded the motion. The motion passed unanimously.

Zoning Clerk

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.