

**BEREA MUNICIPAL PLANNING COMMISSION**  
**November 6, 2014 – 7:30p.m.**

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The Berea Municipal Planning Commission met on November 6, 2014 and was called to order by Chairman Matthew Madzy at 7:32p.m. Present: Conrad Borowski, Leon Dozier, Andy Fay, Richard Koharik, Don Sawyer and Dan Smith. Tony Armagno, City Engineer, was also present.

This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea.

Moved by Mr. Fay, seconded by Mr. Dozier, that the minutes from the October 16, 2014 Planning Commission meeting be approved. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the minutes were approved.

The witnesses were sworn in by Mr. Madzy.

**REQUESTS FOR VARIANCES/APPEALS:**                      **None**

**NEW BUSINESS – GENERAL PLANNING MATTERS:**

**Application #14-11-02**  
**Application for Signage**  
**535 Wyleswood Drive, P.P. #364-35-009**

Mr. Madzy read the Administrative Review and reminded the agent, Paul Lange, that a landscape plan is required to be submitted along with the sign application. He questioned whether Mr. Lange had any additional information to submit. Mr. Lange declared that the School District will make those decisions in the Spring of 2015, and will likely plant low level bushes on either side of the sign, along with a combination of annuals and perennials.

Mr. Madzy emphasized that a detailed landscape plan, complete with designated plants and bushes, is required, and wondered how Planning Commission would like to proceed, since they are being asked to make a decision without having all the necessary information.

Moved by Mr. Koharik, seconded by Mr. Sawyer, that the application be tabled. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the application was thus tabled until the Applicant returned with a detailed landscape plan.

**Application #14-11-03**  
**Application for Razing**  
**941 W. Bagley Road, P.P. #361-34-002**

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 309.16 of the City of Berea Zoning Code.

The applicant, Lee Edmison, was present this evening. Mr. Madzy inquired as to when the demolition would commence. Mr. Edmison responded that he has to disconnect utilities, find a demolition company, and complete any necessary procedures that must be finished prior to the razing of the house. Mr. Madzy declared that the Building Department should be able to provide him with a list of utility companies and registered demolition contractors. He also suggested that Mr. Edmison return any remaining water meters to the Water Department. Mr. Madzy added that if Mr. Edmison wants to use a hydrant to spray down the demolished house, he will need to contact the City of Berea's Water Department and receive a separate meter.

Mr. Madzy questioned whether the property was less than an acre, and Mr. Edmison replied in the affirmative. Mr. Madzy asked Mr. Armagno if any EPA notification or storm water plan was necessary, and Mr. Armagno responded in the negative. Mr. Madzy informed Mr. Edmison that his demo contractor should ensure that an asbestos survey is performed.

Mr. Fay inquired as to whether or not the City has guidelines for proper grading. Mr. Armagno said that the City does have standards that are dependent on the time of year. In this case, the ground will likely have to be temporarily stabilized over winter and seeded in the spring. He noted that the City will do an inspection of the grading.

Mr. Sawyer wondered if the house was salvageable, and Mr. Edmison explained that a carpenter toured the house and declared it not worthy of any substantial investment.

A woman in the audience commented that the Fire Department has reached out and would like to use the house for training purposes. Mr. Madzy said that the owner can coordinate those plans with the Fire Department directly.

Moved by Mr. Fay, seconded by Mr. Sawyer, that the application for razing be approved. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the application was approved as submitted.

Mr. Madzy reminded Mr. Edmison that he should proceed to the Building Department to receive information about utilities and demolition contractors, adding that his contractor must be registered with the City. He concluded by recommending that the contractor pull the demolition permit.

**Application #14-11-04****Ordinance No. 10-6 – Referred from Berea City Council****ORDINANCE NO. 10-6: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING A CERTAIN AREA OF LAND AT 307 HIGH STREET FROM RESIDENTIAL SINGLE FAMILY B (R-SF-B) DISTRICT TO COMMERCIAL CENTER (CC) DISTRICT.**

Mr. Madzy introduced the Council referral, explaining that the applicant, Jason Lynch, has submitted a request for rezoning, and included with it a letter of intent, a parcel map, and a legal description of the property. He continued by noting that Planning Commission Members have also received a memorandum from the Building and Zoning Administrator, which states that the request is consistent with the City's Zoning Plan. A detailed report prepared by the City's Zoning Consultant, Jay Stewart, has also been submitted to the Members of Planning Commission, and this report makes clear that the rezoning of 307 High Street would be consistent with the City's Zoning objectives.

Mr. Madzy read comments from two concerned residents, Todd Stuart and David Deneke, in to the record. Both residents were opposed to rezoning 307 High Street. He reminded the audience that Planning Commission does not have the ultimate vote on this matter, but has been asked to make a recommendation to Berea City Council. Planning Commission can either recommend that Council approve the rezoning, not approve the rezoning, or approve the rezoning with conditions. Due notification was made on this application pursuant to Section 102.04 of the City of Berea Zoning Code.

The applicant, Jason Lynch, was present this evening. Mr. Koharik inquired as to whether or not the garage is in usable condition. Mr. Lynch stated that while a car can be pulled inside the structure, the garage is very old and in need of significant repair. He commented that he has considered razing it before it collapses on its own. Mr. Madzy informed Mr. Lynch that all residential properties must have, at minimum, a single car garage. Mr. Lynch acknowledged this Zoning Code requirement.

Margaret Key, Ward 1 Councilwoman, introduced herself, stating that she is a co-sponsor of the legislation. She added that she has spoken at great length with Mr. Lynch, and is here to discuss concerns and contemplate questions. She noted that she has received a few calls about the rezoning application.

In response to a question from Ronald Rohde, a resident of High Street and member of the audience, Mr. Lynch stated that he has had a realtor out to the property. The realtor stated that any proper repairs made to the house will cost a significant amount of money and render any sale useless, as he and his family will still take a huge loss. The realtor recommended that the owners attempt to rezone the property to Commercial Center. Mr. Lynch noted that the house was built in 1883 and is very cramped. He made it clear that he would like his family to be comfortable, and in a home of an appropriate size.

Mr. Rohde inquired as to whether or not anyone has expressed interest in the property, and Mr. Lynch stated that, a while back, John Kleem had approached him about selling the land. No agreement, however, is in place.

Mr. Rohde explained that he lives across from Mr. Lynch and does not want to reside so close to a commercial enterprise. He felt the rezone was not the best option for the neighborhood.

Robert Hammer, a member of the audience and professional realtor, asked if Mr. Lynch had listed the property with a real estate agent. Mr. Lynch stated that he was advised not to list the property. Mr. Hammer explained that, oftentimes, people loose equity on a property during its sale. He suggested that Mr. Lynch consider a short sale and other options that would allow the property to remain zoned R-SF-B.

Mary Brown, President of Berea City Council, informed Mr. Lynch that she is a banker, and wondered if he has considered the fact that, if the property is rezoned to Commercial Center, he will no longer be eligible for a mortgage or equity line of credit. She suggested Mr. Lynch also consider the language of the lease, and ensure that a rezone will not be deemed a breach of contract.

General discussion commenced concerning the value of the house and the value of the lot. Mr. Hammer declared that the lot values at \$30,000.00.

Mr. Sawyer expressed concerns similar to the audience, specifically his fear of commercial property creeping in to residential neighborhoods.

Mr. Lynch explained that he simply wants his family to be in a better, more comfortable, position. The rezone seemed to be the best option, but he is willing to look in to a short sale, as well as speak to Mr. Kleem about a potential property sale, should the rezone be approved.

Mr. Smith recommended that Mr. Lynch's neighbors in the audience consider that, if the property is not rezoned and simply sold to a landlord unwilling to renovate, they may have to stare at a dilapidated house, rather than a new, professional office building. He noted that large scale commercial operations like to be located right on a main street. As this property is situated off a main street, he expressed confidence that any proposed business would be a professional office, or something comparable. He doubted there would be a great amount of added traffic.

General discussion commenced concerning the Code requirements for a commercial lot. Mr. Madzy explained that the lot must have a 30 foot buffer yard between the building and any residentially zoned property, and a 30 foot front setback as well. Significant landscaping is also required.

In response to a question from the Commission, Mr. Madzy informed Mr. Lynch that the property owner will always be responsible for the upkeep of the property, regardless of who is living on site.

Mr. Fay expressed his concern that Mr. Lynch did not have a buyer lined up, or a plan as to what commercial enterprise would be going in to the residential neighborhood. Mr. Madzy noted that Jay Stewart did recommend that demarcation lines be added to the City's Zoning Map.

Moved by Mr. Koharik, seconded by Mr. Dozier, that the application be tabled to a date certain of November 20, 2014. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the application was tabled to the November 20, 2014 meeting of the Municipal Planning Commission.

Mr. Madzy reminded all in attendance that, since the application was tabled to a date certain, no additional notices are required to be mailed out. He encouraged everyone present to make a note of the fact that Mr. Lynch will return before Planning Commission on November 20, 2014.

Mrs. Key thanked the Planning Commission for reviewing the application, and all in attendance for their interest in the proposed rezoning of 307 High Street.

**OLD BUSINESS:**                      **None**

**OTHER BUSINESS:**                **None**

Having no further business before the Commission, adjournment was moved by Mr. Fay and seconded by Mr. Borowski. With no opposition, the meeting adjourned at 8:19p.m.

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Matthew Madzy, Chairman

Attest: \_\_\_\_\_  
Alycia Esson, Secretary

**CERTIFICATE OF COMPLIANCE**

The meeting of the Municipal Planning Commission held this 6<sup>th</sup> day of November, 2014, has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

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Alycia Esson, Secretary