

BEREA MUNICIPAL PLANNING COMMISSION
July 17, 2014 – 7:30p.m.

The Berea Municipal Planning Commission met on July 17, 2014 and was called to order by Chairman Matthew Madzy at 7:30p.m. Present: Conrad Borowski, Leon Dozier, Andy Fay, Don Sawyer and Dan Smith. Absent: Richard Koharik.

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 July 3, 2014 Planning Commission meeting be approved. Vote on the motion was ayes: Borowski, Dozier, Fay, Madzy and Sawyer. Nays: None. Mr. Smith abstained from the vote. The motion carried and the minutes were approved.

The witnesses were sworn in by Mr. Madzy.

REQUESTS FOR VARIANCES/APPEALS:

Application #14-07-02
Application for Fence Height Variance
593 Louis Drive, P.P. #362-22-015

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 102.04 of the City of Berea Zoning Code.

The applicant, Joseph Duchnowski, was present this evening. Mr. Madzy informed him that the City Engineer, as well as the City's Traffic Consultant, had been out to the property in order to access any site distance issues or concerns that may arise should the variance be approved. Mr. Armagno explained that vehicular site distance was not a concern, however, an issue arose with regard to pedestrian traffic. The fence, as proposed, sits very close to the driveway, and its solid structure will prevent pedestrians on the sidewalk from being able to see cars moving out of the driveway. The motorist on the driveway will also not be able to see approaching pedestrians. This creates a blatant safety issue. Mr. Armagno proposed that either the fence be set back off the property line, or angled so as to run from the house to the hedge.

Mr. Madzy continued by explaining that this visibility issue would exist even if the fence stood at 4 feet, because it has to do with the proximity of the fence to the driveway. With that in mind, he stated that he understood Mr. Duchnowski's desire for privacy and noted that the Commission has frequently been presented with requests from owners of corner lots, as it is difficult to achieve real privacy with 2 front yards and 2 side yards. Mr.

Madzy hoped to find a solution that would help Mr. Duchnowski and his family maximize space and achieve privacy, while also ensuring public safety.

General discussion commenced concerning what fence positioning would allow proper visibility, and Mr. Armagno clarified that he would need to go out to the property for a site visit before a final determination of proper placement could be made.

Mr. Fay asked if Mr. Duchnowski would consider adding lattice work on top of a shorter fence, so as to avoid a stockade appearance. Mr. Duchnowski responded that the style of fence proposed matches the fence that currently runs along the back side of his yard. He hoped to keep the style of fencing consistent.

Mr. Smith said that he had no reservations about the 6 foot high fence, but offered further suggestions on how proper visibility could be achieved. Mr. Duchnowski was appreciated of his ideas.

Mr. Fay was not comfortable voting without a finalized site plan, and made a motion to table the application. Mr. Sawyer felt comfortable moving forward with the condition that Mr. Armagno approve the final site plan. Mr. Madzy agreed, suggesting that approval of the height variance would commence the required 20 day waiting period, in which time Mr. Armagno could conduct a proper site visit and determine a safe and appropriate compromise for the fence placement.

Moved by Mr. Sawyer, seconded by Mr. Borowski, that the height variance be approved with the condition that the fence be of a dog eared, board on board style, and the layout of the fence be approved by the Engineering Department to ensure proper site visibility. Vote on the motion was ayes: Borowski, Dozier, Madzy, Sawyer and Smith. Nays: Fay. The motion carried and the variance was approved.

Mr. Madzy advised Mr. Duchnowski to make contact with Mr. Armagno, and reminded him of the 20 day waiting period before the permit could be issued. He also clarified that if the Engineering Department does not approve of his final site plan, the height variance will be void. Mr. Duchnowski stated his understanding.

NEW BUSINESS – GENERAL PLANNING MATTERS:

Application #14-07-03
Application for Signage
650 W. Bagley Road, P.P. #361-29-007

Mr. Madzy read the Administrative Review.

The agent, Ellis Lovell, was present this evening. Mr. Madzy explained that all the signs in question used to say "Attic", but the new owner is Five Star, and thus each sign underwent a face change.

Mr. Sawyer asked if the word "Attic" could be sandblasted off of the grindstone, and Mr. Lovell stated that the word is not visible to the naked eye.

Mr. Fay asked if permits were acquired before changing the sign faces, and Mr. Lovell answered that original permits were received before the Attic signs were placed. Mr. Madzy clarified that, if approved, a sign permit would need to be secured. Mr. Lovell stated his understanding.

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

OLD BUSINESS:

Application #13-07-04 Application for Conditional Use Extension 115 Lincoln Avenue, P.P. #362-12-020

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 102.04 of the City of Berea Zoning Code.

The agent, Bruce Carmichael, was present this evening. Mr. Madzy explained that he had been out to the property in December to ensure that all the conditions that were placed on last year's approval had been met. He continued that, over the harsh winter, a few plants were lost, but confirmed that they too have been replaced, and the beds re-mulched.

Mr. Madzy did note one issue that the City expressed with regard to the school. He stated that parking has continued to be a problem, as vehicles are often blocking access to the water tower. He recognized Ken Yee, the Superintendent of the Water Plant, who was present to discuss the issue.

Mr. Yee explained that he was concerned about the liability issue associated with vehicles being parked around the water tower. Not only can access be restricted by these cars, but both snowplowing necessities and student safety are also valid concerns. Mr. Madzy agreed, adding that the City leases space to the cell towers, and if access is restricted, the City could be in breach of contract.

General discussion commenced about possibly adding a fence to the property, and Mr. Carmichael noted that trees were planted instead of a fence being constructed.

Mr. Sawyer questioned the enrollment numbers, and Mr. Carmichael explained that enrollment has dropped by 3 for this coming school year. Mr. Madzy noted that enrollment was up by 11 last school year, thus necessitating the need for the mobile unit. Mr. Sawyer wondered if Mr. Carmichael would be back in a year to ask for an extension to the

Conditional Use, and Mr. Carmichael stated in the negative. He said that the school needs more space and is looking at possible locations outside of the County.

Mr. Madzy asked Mr. Carmichael if the school's relationship with surrounding neighbors had improved, and Mr. Carmichael felt that it had.

General discussion commenced concerning parking issues around the school. Mr. Carmichael explained that, during events, the school has an agreement with the owner of a lot on Lincoln Avenue, so parking issues have been less problematic. On an every day basis, however, he acknowledged that students and/or teachers sometimes park on the hydrant side of Kurtz Street. Mr. Madzy informed Mr. Carmichael that this violated a Parking Ordinance, and Mr. Carmichael said that he could commit to no school parking on the street.

Mike Surma, a member of the audience and resident on Wellington Street, stated that while street parking has remained an issue over the past year, the students have been properly supervised and better behaved.

Mr. Fay questioned the timeline for the removal of the mobile unit, and Mr. Carmichael stated that he hoped to have it removed by September of 2015. Mr. Smith suggested extending the continuation of the Conditional Use from 12 month to 14 months, to allow the school proper time to vacate the property.

Moved by Mr. Sawyer, seconded by Mr. Dozier, that the Conditional Use approval be extended for a period of 14 months with all prior conditions and the additional condition that street parking no longer be permitted. Vote on the motion was ayes: Borowski, Dozier, Fay, Madzy, Sawyer and Smith. Nays: None. The motion carried and the Conditional Use approval was thus extended.

Mr. Madzy reminded Mr. Carmichael that the Conditional Use approval will expire in 14 months.

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 8:15p.m.

Matthew Madzy, Chairman

Attest: _____
Alycia Esson, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 17th day of July, 2014, has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

Alycia Esson, Secretary