

BEREA MUNICIPAL PLANNING COMMISSION
May 15, 2014 – 7:30p.m.

The Berea Municipal Planning Commission met on May 15, 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. 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 April 17, 2014 Planning Commission meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

The witnesses were sworn in by Mr. Madzy.

REQUESTS FOR VARIANCES/APPEALS:

Application #14-05-01
Application for Display Area Variance
786 Front Street, P.P. #362-02-007

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, Jack Stitak, was present this evening. Mr. Madzy noted that Lake City Tavern purchased the ground sign that had been used by the neighboring Mexican restaurant that is no longer in business. Mr. Madzy felt the proposed sign, complete with larger base, was very attractive.

Mr. Fay wondered if Mr. Stitak would consider planting a few additional shrubs around the base of the sign. Mr. Stitak responded in the affirmative.

Moved by Mr. Fay, seconded by Mr. Borowski, that the display area variance be approved with the condition that additional shrubs be considered around the base of the sign. Vote on the motion was ayes: Borowski, Dozier, Fay, Madzy, Sawyer and Smith. Nays: None. The motion carried and the variance was approved.

Mr. Madzy reminded Mr. Stitak that, due to the variance, no permit can be issued for 20 days.

Application #14-05-02
Application for Pool Setback Variances; Rear Lot Coverage Variance
416 Park Place, P.P. #361-04-179

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. Mr. Madzy also read in to the record an email from Diane Kirschnik, a neighbor of Mr. Fleming, which was received by the Planning Commission Secretary. In the email, Ms. Kirschnik stated her support for the application.

The applicant, Jamie Fleming, was present this evening. He explained that he was lead astray by his pool company, The Great Escape, who informed him that they would take care of securing the pool permit. The process of purchasing a pool began one year ago, and the pool company never secured the permit. Mr. Fleming explained that when he arrived in the Building Department to pull the permit himself, he was made aware of the variance necessities. Mr. Fleming added that the pool has already been purchased, and he finds himself at the mercy of the Commission.

Mr. Fleming suggested that he move the pool one foot closer to the primary structure, whereby alleviating the need for the rear yard variance. The Commission agreed, and thus the application was modified.

Mr. Sawyer inquired as to the fencing situation, and Mr. Fleming responded that he is replacing the current fence and his neighbor's gate. Mr. Madzy informed the Commission that the 6' fence would satisfy the yard enclosure requirement, adding that the gate must be self-latching.

Mr. Sawyer questioned whether any other neighbors offered an opinion on the application, and no one in the audience offered to address the issue. Mr. Sawyer was concerned about the amount of rear lot coverage, but Mr. Fleming assured him that the reason he purchased the pool was so his family could get maximum enjoyment out of what is, in reality, a rather small space.

General discussion commenced about safety requirement for the pool, and Mr. Madzy explained that those concerns will be addressed by the Building Department.

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

Moved by Mr. Fay, seconded by Mr. Smith, that the accessory structure setback variance be approved. Vote on the motion was ayes: Borowski, Dozier, Fay, Madzy, Sawyer and Smith. Nays: None. The motion carried and the variance was approved.

Moved by Mr. Smith, seconded by Mr. Fay, that the rear lot coverage variance be approved. Vote on the motion was ayes: Borowski, Dozier, Fay, Madzy, Sawyer and Smith. Nays: None. The motion carried and the variance was approved.

Mr. Madzy reminded Mr. Fleming that while the pool permit can not be released for 20 days, he is able to secure the fence permit at any time.

Application #14-05-03
Application for Garage Setback Variance
72 Prospect St., P.P. #363-13-025

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. Mr. Madzy also read in to the record an email from David Jorgensen, a property owner who received notification of the variance request. The email was received by the Planning Commission Secretary. Mr. Jorgensen stated that he felt the Code requirements should be enforced.

The applicants, Jeffrey Myers and Lori Luken, were present this evening. Mr. Madzy noted that while a variance is necessary, the new garage will, in fact, be a bit smaller than the current one.

Mr. Sawyer acknowledged that the current garage has rotted away and must be taken down. He further reminded the Commission that, in the past, they have granted several requests from applicants who are in need of a variance simply to rebuild on the same footprint.

Mr. Fay complimented Mr. Myers and Ms. Luken for the substantial improvements they have made to the property. Mr. Sawyer agreed with Mr. Fay.

Mr. Madzy stated that the placement of the current structure has not been a problem, and he is, therefore, inclined to support the application.

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

Mr. Madzy reminded the applicants that they must wait 20 days before picking up their building permit.

NEW BUSINESS – GENERAL PLANNING MATTERS:

Application #14-05-04
Application for Driveway Widening
292 Fowles Road, P.P. #364-21-022

Mr. Madzy read the Administrative Review.

The Applicant, Jake Miceli, was present this evening. Mr. Madzy noted that, due to the location of the driveway, the Eastland Road curve presents a visibility hazard when cars are exiting the property in question. Mr. Miceli agreed, stating that he hoped to widen the driveway and add the turn-around in order to alleviate safety concerns. He also felt this addition would improve the property.

In response to a question from Mr. Smith, Mr. Miceli explained that he is proposing a mounted landscape design that will sit about 8 inches high and be decorated with various vegetation. Mr. Smith neither felt that 8 inches constituted a significant mound, nor that the plantings would grow year round. Mr. Armagno, however, explained that the mound is an appropriate height, based on engineering standards. Mr. Smith asked that Mr. Miceli plant more boxwood, and other things that will bloom all year. Mr. Miceli agreed, adding that he wants his yard to look nice.

Moved by Mr. Fay, seconded by Mr. Dozier, that the driveway widening be approved with the condition that Mr. Miceli reconsiders his proposed plantings, and adds plants, such as boxwood, that will grow all year long. Vote on the motion was ayes: Borowski, Dozier, Fay, Madzy, Sawyer and Smith. Nays: None. The motion carried and the driveway widening was approved.

Mr. Madzy reminded Mr. Miceli to pick up his building permit before commencing any work on the project.

Application #14-05-05
Application for Signage
711 West Bagley Road, P.P. #361-35-007

Mr. Madzy read the Administrative Review.

The agent, Christopher Posey, was present this evening. General discussion commenced concerning the disarray of the property. Mr. Madzy reminded the Commission that this property is zoned Bagley Road Commercial District (BRCD) and, therefore, screened outdoor storage is permitted.

Mr. Fay noted that there are several signs in front of the property in question. He wondered why only two business names were being included on this monument sign. Mr. Posey explained that he spoke with the other businesses to see if they wanted to participate and share the cost of the sign, but no one else chose to be included.

Mr. Smith said that he liked the proposal, but found it odd that the landlord would agree to a sign with only two tenant names upon its face.

Mr. Fay asked what materials would be utilized for the sign, and Mr. Posey responded that the sign is a composite with double faced spacer. It is poly-aluminum and should last for 20 years without rusting. Mr. Posey agreed to replace the graphic if, and when, it fades.

Mr. Fay inquired about lighting, and Mr. Posey answered that silver spots will be utilized along with solar lighting.

Mr. Madzy reminded Mr. Posey that, should a face change be desired at any time, the sign would have to come back before the Commission. Mr. Posey stated his understanding.

General discussion commenced about the colors of the sign. Mr. Posey apologized for not including the final sign design in the packet he submitted, but displayed a picture of the sign for all to see. The sign was green and blue, and thus the application was amended.

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

Mr. Madzy reminded Mr. Posey that he must secure a building permit before sign construction begins.

OLD BUSINESS:

Application #12-10-03 Application for Approval of Parking Site Plan Sandstone Ridge South Subdivision

Mr. Madzy read the Administrative Review.

The agent, Dan Neff, was present this evening. He reminded the Commission that the townhouse parking in Sandstone Ridge has long been an issue, and following the latest meeting, a definitive plan was agreed upon. Mr. Neff explained that the Board agreed to add parking in front of the main drives and at the rear of the building. He stated that landscaping will be incorporated as well, in order to provide some screening.

Mr. Madzy clarified that 8 of the proposed spots will be added in front, and 1 additional space will be added on each side. Mr. Neff noted that the mailboxes will be moved as well.

Debora Sorenson, a member of the audience, expressed concern over the grading in back, and Mr. Neff assured her that the height of the mound and the path of drainage will not change. The mound is simply being reshaped.

Mr. Erdman worried that cars would park illegally, and Mr. Neff suggested that he contact Barnett Management if there is a continuous problem. Mr. Erdman continued by informing the Commission that the issue is not so much with the parking as it is with the lack of policing on the private street. He said the City has no jurisdiction, the management company is slow to respond, and some neighbors are simply not courteous. Mr. Neff committed to putting up "No Parking" signs wherever necessary. Mr. Madzy suggested stripping the ground and adding "Tow Away Zone" signage. Mr. Smith asked that Mr. Armagno consider proper site distance before any signs are installed.

General discussion commenced about whether or not the Berea Police Department has any jurisdiction on a private street.

Mr. Madzy suggested that Mr. Neff take some of the policing concerns back to Barnett Management. Mr. Neff agreed to do as such.

Mr. Armagno clarified that the proposed number of new parking spots is 44, and Mr. Neff added that the project should be completed within 4-6 weeks, as long as the weather cooperates.

Moved by Mr. Fay, seconded by Mr. Dozier, that the site plan 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.

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 8:53p.m.

Matthew Madzy, Chairman

Attest: _____
Alycia Esson, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 15th day of May, 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