

BEREA MUNICIPAL PLANNING COMMISSION
June 19, 2014 – 7:30p.m.

The Berea Municipal Planning Commission met on June 19, 2014 and was called to order by Chairman Matthew Madzy at 7:30p.m. Present: Leon Dozier, Andy Fay, Richard Koharik, Don Sawyer and Dan Smith. Absent: Conrad Borowski. 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 June 5, 2014 Planning Commission meeting be approved. Vote on the motion was ayes: 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:

Application #14-06-05

**Application for Accessory Structure Setback and Height Variances
78 Hartman Street, P.P. #363-18-048**

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, Ryan Lakatos, was present this evening. He explained his intent to raze the current detached garage and construct a larger detached garage to accommodate several personal vehicles and storage space.

Mr. Madzy questioned the capacity of the proposed garage and Mr. Lakatos responded that the garage will be capable of housing 4 cars while also preserving room for storage and work space.

Mr. Madzy informed the applicant that, if approved, the garage could not be utilized for a home occupation or residence. Mr. Lakatos stated his understanding, adding that there is no intent to do either.

In response to a question from Mr. Fay, Mr. Lakatos explained that the garage will be built from dimensional lumber, and include an attic truss. Vinyl siding will cover the

exterior of the garage and the color will complement the house and neighboring properties. Mr. Lakatos added that decorative doors will be installed.

Mr. Madzy asked if gutters would be utilized, and Mr. Lakatos answered in the affirmative. He continued by stating that rain barrels will be utilized to collect spill-off, and because of his expansive rear yard, excess water will be able to drain toward the back of the property without impacting surrounding neighbors.

Mr. Madzy acknowledged that the applicant desired to keep the garage on the same line as his neighbors, but wondered if he might consider setting it back off the property line a bit more, so as to achieve code compliance. Mr. Lakatos stated that while this is a possibility, he would prefer keeping his plans intact so as not to disrupt issues with the footer.

Mr. Madzy understood the applicant's intentions, but reviewed the standards that Planning Commission members are required to contemplate before granting a variance. In Mr. Madzy's opinion, few, if any, of the stipulations were being achieved. He stated that there are, in fact, ways to help the applicant attain his objective while also upholding the Zoning Code's setback requirements.

Mr. Fay questioned whether a fence stood between Mr. Lakatos' property and that of his neighbor. Mr. Lakatos answered in the negative, but added that a privacy fence has been discussed. Mr. Fay wondered how the area in between the fence and the garage would be maintained, and Mr. Lakatos stated that, currently, his neighbor uses and maintains the grassy area in question. Mr. Madzy reminded Mr. Lakatos that, regardless of who uses the land, it is the responsibility of the owner to appropriately care for and tend to that portion of the yard.

Mr. Sawyer questioned the necessity of the height variance, and Mr. Lakatos explained that a steeper pitch would be helpful during heavy snowfalls. He added that his builder wants a 6/12 pitch for both aesthetic and practical reasons.

Tracy Hopps, a member of the audience, wondered about Mr. Lakatos' intention to construct a lift inside the garage. Mr. Lakatos stated that historical vehicles require a lot of maintenance, and a lift would be convenient. By constructing 10 foot walls, the lift will have sufficient vertical clearance space. Mr. Lakatos informed Ms. Hopps that the lift would generate very little noise, and would only be utilized for his own personal property.

Jeff Weber, a member of the audience, stated his appreciation for all the positive things Mr. Lakatos has done with his property. He believed him to be a very sincere person, adding that he takes excellent care of his yard. Mr. Weber was, however, concerned by the precedent that would be established, should the application be approved. He felt the structure was disproportionate to others in the surrounding neighborhood.

Mr. Madzy explained the concept of lot coverage, conveying that only 25% of the rear yard can be occupied by accessory structures. Mr. Lakatos' rear yard is very expansive,

so he is able to lawfully construct something significantly larger than what the surrounding property owners would be permitted. He declared that this fact should help alleviate some of Mr. Weber's concerns.

Gary Sater, a member of the audience, offered his opinion that others in the neighborhood have received setback variances for garages, so he sees no reason why the application should not be approved as submitted. Mr. Sater added that he understands the Commission's mandate, but also believes that Mr. Lakatos' lot is large enough to properly accommodate the proposed structure.

Mr. Fay inquired about lighting, and Mr. Lakatos answered that the south face would have lighting, and the west side would include approximately 3 decorative coach lights.

General discussion commenced concerning whether or not Mr. Lakatos should be made to move the garage a few additional feet off of the property line. Mr. Madzy, once again, stated that the City's Zoning Code has established factors which must be considered when determining if a variance request should or should not be granted. He noted that no special circumstances exist upon what is a standard size lot. The applicant has the option of building a smaller accessory structure, and also has an appropriate amount of space to achieve code compliance should he wish to progress forward with the proposed project. Mr. Madzy continued by explaining that while government services may not be impaired, should the variance be approved, there will be a large structure that will produce a sheet flow of water. In order to ensure property drainage, it would be beneficial to set the structure further off of the property line. Mr. Madzy added that the 5 foot setback requirement has long been an established standard in the City, and the application contains no special circumstances that should be considered. Mr. Madzy, in conclusion, demonstrated that no practical difficulty was found to exist.

Mr. Sawyer stated that the variance was a bit insignificant, and Mr. Lakatos responded that he agreed, which is why approval of the variance should not be an issue.

Moved by Mr. Koharik, seconded by Mr. Fay, that the accessory structure setback variance be approved. Vote on the motion was ayes: Dozier, Sawyer and Smith. Nays: Fay, Koharik and Madzy. The motion failed and the variance was not approved.

Moved by Mr. Smith, seconded by Mr. Dozier, that the accessory structure height variance be approved with the condition that the building not be utilized as a residence or as a home occupation. Vote on the motion was ayes: Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the variance was approved.

Mr. Madzy reiterated that the setback variance was not approved, so Mr. Lakatos would have to submit a modified site plan to the Building Department. He continued by stating that the height variance was approved, adding that there is a 20 day waiting period before the permit can be issued.

NEW BUSINESS – GENERAL PLANNING MATTERS:**Application #14-06-06****Application for Conditional Use – Child Day Care & Learning Center
398 W. Bagley Road, P.P. #361-10-012**

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, Bailee Smith, was present this evening. Mr. Madzy explained that Ms. Smith has been operating her day care center out of St. Thomas Church for over 3 years. She has an interest in expanding and moving to a new location within Berea. Mr. Madzy stated that this application requires no variance approvals.

General discussion commenced concerning whether or not this area would be a safe place for kids. Mr. Smith stated that the owner is working to provide a cross walk that would lead to a fenced in outdoor play area. Mr. Madzy recommended that bollards be placed between the parking area and the play area, for the safety and security of the children. He added that a building permit would be necessary before the fence was constructed.

Mr. Fay inquired about Ms. Smith's plans for signage. Ms. Smith stated that, currently, they simply have a banner. Mr. Madzy explained that the City allows permanent signs, which require Planning Commission approval, and temporary signs that require a permit and come with specific stipulations. Mr. Madzy added that Ms. Smith can contact the City should she have questions about sign standards and regulations.

Moved by Mr. Fay, seconded by Mr. Koharik, that the Conditional Use be approved. Vote on the motion was ayes: Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the Conditional Use was thus approved.

Mr. Madzy informed Ms. Smith that her next step is to submit construction or remodeling plans to the Building Department, and apply for an occupancy permit.

Application #14-06-07**Application for Signage****359 Front Street, P.P. #362-11-015**

Mr. Madzy read the Administrative Review.

The agent, Matt Ranallo, was present this evening. He explained the components of the sign, adding that the landscaping plan is not definitive. Proposed colors for the sign were distributed to the members of the Commission.

Mr. Madzy expressed concern that the open spaces within the sign make it appear as more of a pole sign than a monument sign. He asked if this could be remedied. Mr. Ranallo responded that he would need to check with the business owners, partially because the uniqueness of the sign was what they liked best.

General discussion commenced concerning the deteriorating wall on the property, and Mr. Ranallo assured the Commission that he would speak to the landlord about repairing or removing the wall.

Mr. Koharik wondered why the agent chose to go with fluorescent bulbs instead of LED lighting, as he was concerned about the longevity of the tubes. Mr. Ranallo acknowledged the concern, but added that some people can not afford to put down all the money up front, even if it will save them money in the long run.

General discussion commenced concerning the lack of a definitive landscape plan. Mr. Ranallo explained to the Commission that the business owners are remodeling the entire property, and a cohesive landscape plan has yet to be established. Mr. Madzy informed the agent that, while a landscape architect should draw up the plans, this is not necessary. It is, however, necessary that the Commission fully understand what the landscaped area will look like before voting on the application.

Mr. Madzy also asked that the agent consult with the business owner about closing out the empty spaces in order to make the monument sign appear less like a pole sign.

Mr. Fay questioned the colors of the sign, and Mr. Ranallo noted that the owner was very particular about the blue and gold coloring. Mr. Madzy explained that these are the colors utilized on the business logo.

Moved by Mr. Dozier, seconded by Mr. Fay, that the application be tabled to a date certain of July 3, 2014. Vote on the motion was ayes: Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the application was tabled.

OLD BUSINESS: NONE

OTHER BUSINESS:

Mr. Koharik asked if the City could require property owners to attend Planning Commission meetings, along with their agents. Mr. Madzy stated that it is a possibility, but suggested that the Commission allow agents, who have the authority to make decisions, to attend meetings alone.

Having no further business before the Commission, adjournment was moved by Mr. Smith and seconded by Mr. Fay. With no opposition, the meeting adjourned at 8:41p.m.

Matthew Madzy, Chairman

Attest: _____
Alycia Esson, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 19th day of June, 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