

BEREA MUNICIPAL PLANNING COMMISSION
AUGUST 20, 2009

The Berea Municipal Planning Commission met on August 20, 2009 and was called to order by Mr. Madzy. Present: Borowski, Fay, Madzy, Rump. Absent: Draves, Sawyer. Also Present: Tony Armagno, City Engineer.

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 Fay, seconded by Rump to approve the minutes from the August 6, 2009 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

Witnesses were sworn in by Mr. Madzy. Mr. Madzy advised all in attendance that in order to have a quorum, four Planning Commission members must be present. There are four members present this evening, however, in order for an application to be approved, all four members must vote in the affirmative. All applicants agreed to go forward with their applications this evening.

REQUESTS FOR VARIANCE/APPEALS:

Application #09-08-03

Approval of Front Setback Variance for Porch

Carroll & Marlene Weiss – 330 Adrian Drive, P.P. #363-27-074

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 807.2 of the City of Berea Zoning Code.

The agent, Ronald Borchert of Borchert's Enclosure Systems, was present this evening. Mr. Madzy stated that he had a chance to take a look at this property and it appeared a tree in the front yard had been removed. In response, Mr. Borchert reported that the tree had just been removed. Mr. and Mrs. Weiss had just moved back to Berea from Arizona. They purchased this house and had renovations done, however, they would like to add the porch due to the fact that the back of the house faces the west and Mr. Weiss has an eyesight problem. In the evenings they want to spend time on the east side of home rather than the west side. In response to Mr. Madzy, Mr. Borchert indicated that the porch siding and shingles will match the existing house. They would like the porch to look like it has always been part of the house.

Mr. Rump raised concerns regarding the porch appearing to be a lot closer than 27 feet from the sidewalk that curves around to the cul-de-sac. In response, Mr. Borchert said when he measured out to the sidewalk, it was 36 feet from where the porch starts. Measuring from the middle of the porch to the middle of the sidewalk was 35 feet. He pointed out that the lot is rectangular and it did not have the curve built into it. In response to Mr. Madzy, Mr. Borchert confirmed that it is 27 feet from the closest point and he had measured it off of the cul-de-sac. Discussion ensued regarding how close the porch would be to the sidewalk.

Mr. Madzy inquired about the porch railings. Mr. Borchert explained that the railings will be white vinyl with a steel arm built inside so it will be a strong rail. Mr. Fay asked about lighting for the porch and Mr. Borchert reported that there is an existing porch light and they will install one more light into the porch ceiling. In response to Mr. Rump, Mr. Borchert stated that the porch will be 8 inches off of the ground. Mr. Fay questioned the landscaping and Mr. Borchert indicated that they will be putting in landscaping but have not come up with a definite plan yet. They have removed the tree and are working on finishing the front of the house.

Mr. Madzy reviewed the factors that are to be considered when reviewing a request for a variance. This variance, itself, is not substantial. The setback requirement is 35 feet and this porch will be setback 27 feet. The essential character of the neighborhood will not be substantially altered if this variance is approved and there will not be a detrimental impact to the adjoining properties with other properties on this street appearing to be even closer to the sidewalk than this one. This request is not incorporating something completely foreign to the neighborhood as porches are common throughout residential districts. This variance will not adversely affect governmental services with the spirit of the City's zoning code being kept intact with no substantial injustice being done.

Mr. Rump questioned this being a rectangular lot and whether or not the cul-de-sac was put in at a later date. In response, Mr. Armagno, City Engineer, explained that right-of-way lines are not always at the back of the sidewalk, typically they are in most locations in town but that is not always the case. The sidewalk can sometimes be out into the right-of-way a little bit so this is a rectangular lot based on the survey. The actual right-of-way is straight but the sidewalk does not follow the right-of-way around the curve. Some of the sidewalk may be on their property or the offset from the property line to the sidewalk is different as you go across the front.

Moved by Fay, seconded by Borowski to approve the 8-foot setback variance for the porch with the condition that landscaping be included around the porch area. Vote on motion was ayes: Borowski, Fay, Madzy, Rump. Nays: None. The motion carried.

NEW BUSINESS – GENERAL PLANNING MATTERS:**Application #09-08-04****Approval of Conditional Use Permit****Planet Aid – 447 W. Bagley Road, P.P. #363-07-001**

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

The agent, Serina Lopez with Planet Aid, was present this evening. Mr. Madzy swore Ms. Lopez in. Ms. Lopez reported that since submitting this application, Planet Aid has created a new collection container and she distributed photographs of it. She explained that this new container is more like a shed being made of wood and shingles. Mr. Rump asked about the size of the new container and Ms. Lopez stated that it is 6 feet wide, 4 feet long and 5 feet high. Mr. Rump commented that this looks nicer than the big metal boxes. In response to Mr. Madzy, Ms. Lopez said that the existing metal boxes are 3 feet wide, 4 feet long and 7 feet high.

Ms. Lopez indicated that the new containers will hold a little bit more which she pointed out was good especially being located in a plaza, if it were to bring in more weight, they would not have to worry about adding multiple containers at this location. Mr. Madzy asked about the positioning of the proposed container and Ms. Lopez reported that it will face the back of the Marathon and will face north.

Mr. Fay inquired how much they are picking up from the other containers in the City and Ms. Lopez stated that the Ready-Set-Grow container does not collect as much. The Recreation Center container does a little bit better. These existing containers get picked up at least once a week with their operation manager living in this area who drives around all of the time. Ms. Lopez pointed out that the existing containers can hold approximately 300 pounds and they are collecting approximately 200 to 250 pounds from the Recreation Center and approximately 150 pounds per week from the Ready-Set-Grow location.

Mr. Borowski raised concerns regarding this proposed container being only 1.10 miles away from the existing containers. Ms. Lopez replied that it gives people an option. The shopping plaza will have more visibility and more accessibility and will hopefully do better than the other containers. She explained that they are submitting this application because they would have had three containers in the City if the proposed container at CVS had been approved.

Mr. Borowski asked if they would consider pulling one of the existing containers and Ms. Lopez explained that they may do that. They are expanding and looking to remove some of the lower weight containers. She said she has not confirmed this but there was a good chance the container located at Ready-Set-Grow may get pulled.

In response to Mr. Fay, Ms. Lopez said they do not plan to replace all of the existing containers with the newly designed container. The new containers cost more to make and they hold more weight so the Ready-Set-Grow container does not warrant a bigger box because it already is not getting full. The Recreation Center container may end up getting replaced with a new one. Mr. Rump questioned how they determine pulling a container. Ms. Lopez explained that they usually pull containers that collect 50 pounds or less per week. The Ready-Set-Grow container is currently on the borderline and collects approximately 150 pounds per week. Ms. Lopez reported that they like to have at least two or three locations in a city to give people an option. One location may be more convenient for them and if a container is full, they can go to the next one.

Mr. Rump questioned whether it would be better to remove the Ready-Set-Grow container and put in the larger container at West Valley Plaza. Ms. Lopez explained that she is concerned about this proposed container not having good visibility because it will be located more on the side street. People may not know there is a container located at the Recreation Center but they may see the container at the shopping plaza. Discussion occurred regarding putting a time limit (review period) on approval of this proposed container as was done prior to approving the Ready-Set-Grow and Recreation Center containers.

Moved by Fay, seconded by Rump to approve a conditional use permit to Planet Aid for a container to be located at West Valley Plaza for 12 months (to be reviewed in September of 2010). Vote on motion was ayes: Fay, Madzy, Rump, Borowski. Nays: None. The motion carried.

Mr. Madzy reminded everyone that review of the existing containers located at Ready-Set-Grow and the Recreation Center would be coming up for review shortly. He told Ms. Lopez that he would call her to set this up.

Application #09-08-05

Approval of Permit to Widen Driveway Beyond Width of Garage

Richard Lehner – 744 Edwards Drive, P.P. #363-38-099

Mr. Madzy read the Administrative Review. The owner, Richard Lehner, was present this evening. Mr. Lehner confirmed that the parking area would not go beyond the width of the deck. Mr. Fay asked about drainage and Mr. Armagno said there should be no problems as long as the pad is poured along

with the existing grades. Mr. Lehner stated that this project will not interfere with the drains that have been installed in his side yard. In response to Mr. Fay, Mr. Lehner said that if there is a car in the driveway in the winter, you cannot get by it. This is the reason he is requesting to widen the driveway. Mr. Rump pointed out that this house sits on a weird angle and has a lot of green space due to the adjacent power lines.

Mr. Fay asked if he would consider putting in some plantings between the parking pad and the sidewalk. Mr. Lehner explained that he has had trouble getting things to grow there due to the clay soil but he could try again. He advised Mr. Fay that he would not be adding any additional lighting.

Moved by Fay, seconded by Borowski to approve the request to widen the driveway past the width of the garage, as submitted, with the condition that landscaping/plantings be installed along the parking pad. Vote on motion was ayes: Rump, Borowski, Fay, Madzy. Nays: None. The motion carried.

Application #09-08-06

Approval of Business Identification Sign

Creations by Lynn – 211 Front Street, P.P. #364-04-027

Mr. Madzy read the Administrative Review. He advised the Commission that this application went before the Heritage Architectural Review Board (H.A.R.B.) at their last meeting. The business identification sign and the plans for the exterior improvements to the building were approved by the H.A.R.B. Ms. Corrigan with the Berea Community Development Corporation (BCDC) has been assisting them with this as well.

The owners, Ed Heyduk and Christine Stasek, were present this evening. Mr. Madzy swore both of them in. In response to Mr. Fay, Mr. Heyduk indicated that the proposed sign will be two-sided with the arrow being different on each side. Ms. Stasek reported that the proposed sign will be illuminated and Mr. Fay asked how late in the evening would the sign be lit. Mr. Heyduk explained that it will be on a timer and would be lit until 11:00 p.m. He emphasized that they would only be changing the sign face insert. They would be removing the existing changeable copy. The proposed sign will be one flat panel. The footer, frame, lighting, etc. will remain the same. They will only be changing the face of the existing sign.

Mr. Madzy raised concerns regarding existing temporary signage on this property. Ms. Stasek said they would remove this temporary signage including the banner and other signs stuck in the ground. Mr. Madzy advised them that they can have the temporary A-frame sign displayed but only during business hours. Signage near the front door on the building itself that is advertising "Creations by Lynn" and the "All Design" sign located in the rear also must be removed. Mr. Madzy advised them that they would have to come before

Planning Commission for approval if they want additional signage. Mr. Heyduk stated that he would remove these additional signs right away.

Mr. Heyduk inquired about the use of neon signs in the window and Mr. Madzy explained that an "Open" sign can be used and up to 20% of the window space can be used to display "FTD" or "Teleflora". Mr. Heyduk described other changes he would like to make to the property. Discussion ensued.

Moved by Rump, seconded by Fay to approve the proposed business identification sign (change in lens) be approved, as submitted, with the condition that all temporary signs (as discussed) be removed and the existing A-frame sign to be utilized only during business hours. Vote on motion was ayes: Borowski, Fay, Madzy, Rump. Nays: None. The motion carried.

Application #09-08-07

Approval of Permit to Widen Driveway Beyond Width of Garage

Barb Anthony – 503 Fair Street, P.P. #363-20-001

Mr. Madzy read the Administrative Review. The agent, David Sterba of True North Cement, was present this evening. Mr. Madzy said he visited the property earlier and found there to be very little room in the driveway. Mr. Sterba pointed out that a full size truck does not fit in the driveway. The Anthony's are expecting a baby and will have full-time nanny. There is no parking on the street so they are in need of additional room to park vehicles.

Mr. Sterba explained they he will bring the parking pad up to the back of the existing patio so there is a walkway to the back door. He said they are hoping that 10 feet will be wide enough. He plans to extend the driveway 10 feet past the garage towards the sidewalk. The existing garage is only 20 feet long with the proposed parking space actually only being about 18 feet.

Mr. Sterba discussed the owner's plans to install a fence in the future. Mr. Rump asked about the angle he shows for them to pull the car around. He felt this looked fairly straight and questioned whether or not there should be more of an angle. Mr. Sterba replied that his drawing shows 10 feet which is usually more than enough space. Mr. Rump raised concerns regarding vehicles backing out of the driveway and suggested that he make it 12 feet instead. Mr. Sterba asked if that would be a problem to change it to 12 feet and Mr. Rump told him he would need to show this change on the drawing. Mr. Madzy said he did not have a problem with this being changed to 12 feet and pointed out that if they make it 12 feet, vehicles will not be driving over the grass. Discussion ensued.

Mr. Madzy inquired about landscaping being added along side of the parking space. Mr. Sterba reported that five existing bushes along the house will be removed. The elevation of the drive will be slightly lifted in the back to

meet the rear patio which has already been elevated. He discussed these elevations. Mr. Sterba pointed out that the owners plan on installing a fence after the driveway is done. He said he has not talked to them about landscaping because his job is to put in the driveway. He did try to convince the owners to widen the whole driveway over 9 feet all the way to the curb, however, they did not want this. They wanted to keep a grass area. He said that the rest of their yard is well maintained and that the owners recently moved here from D.C. Mr. Rump noted that this property is another single car garage home in Berea and Mr. Sterba indicated that the garage is 8 x 20 and a large vehicle such as an SUV will not fit in there.

Moved by Fay, seconded by Borowski to approve the request to widen the driveway past the width of the garage, as submitted. Vote on motion was ayes: Fay, Madzy, Rump, Borowski. Nays: None. The motion carried.

OLD BUSINESS: None.

OTHER BUSINESS: None.

ADJOURNMENT:

There being no further business to come before the Planning Commission, moved by Fay, seconded by Rump to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 8:30 p.m.

(signed copy on file in the office of Secretary to Planning Commission)

Matthew Madzy, Chairman

(signed copy on file in the office of Secretary to Planning Commission)

Attest: _____
Carol A. Hubler, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 20th day of August, 2009 has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

(signed copy on file in the office of Secretary to Planning Commission)

Carol A. Hubler, Secretary