



Planning Commission Meeting
September 21, 2022, 5:30 PM

Tim Hauptert called the Planning Commission meeting to order at 5:30 PM.

PRESENT: Mayor Cegelka, Jeff Adie, Tim Hauptert, Neil DeCarlo, Scott McColl
ABSENT: Engineer Mike Henry
OTHERS PRESENT: Law Director Mark Marong, Building Commissioner Bob Rodic

Public Hearing for the purpose to discuss Permanent Parcel # 991-05-004. Joseph Kulis, the owner of the 20.78-acre parcel is seeking variances from the Zoning Code to construct an accessory building upon his property.

- 1. Table 1135.07(b)(2) permits a maximum area of an accessory building to be 1% of the lot area not to exceed 600 square feet.
A variance is sought to permit the maximum area to be increased to 2,560 square feet (64' x 40')**
- 2. Table 1135.07(b)(2) permits a maximum height of an accessory building of 18'.
A variance is sought to permit the maximum area to be increased to 19'.**
- 3. Table 1135.07(b)(2) requires a minimum setback to a side property line of 20'.
A Variance is sought to reduce the side setback (south property line) to 10'.**
- 4. Table 1135.07(b)(2) requires a minimum setback to a rear property of 20'.
A Variance is sought to reduce the rear setback (east property line) to 2'.**

The public hearing opened at 5:31.

There being no comment the Public Hearing closed at 5:32

Motion by Jeff Adie second by Neil DeCarlo to amend the minutes from the August 17, 2022 Planning Commission meeting to include the Airforce on the second page, first paragraph.

**Yeas—Cegelka, Adie, Hauptert, DeCarlo
4 yeas – 0 nays
1 Abstain-McColl
Motion carried**

Motion by Jeff Adie second by Neil DeCarlo to approve the minutes of the August 17, 2022, Planning Commission Meeting as amended.

**Yeas—Cegelka, Adie, Hauptert, DeCarlo, McColl
4 yeas – 0 nays
1 Abstain-McColl
Motion carried**

OLD BUSINESS:

None

NEW BUSINESS:

REQUEST FOR APPROVAL OF VARIANCES TO PERMIT THE CONSTRUCTION OF AN ACCESSORY BUILDING ON PERMANENT PARCEL # 991-05-004:

Building Official Bob Rodic reported; Joseph Kulis, the owner of the property known as PP# 991-05-004 is requesting variances from the Zoning Code to permit the construction of an accessory building upon his property. The 20.78-acre parcel has frontage on Richmond Road, is an agricultural use, and is located in the Country Home District. There are four variances for consideration. There may be modifications in the plan as it moves forward, so all four of these may not apply at this time. The variances are as follows:

1. Table 1135.07(b)(2) permits a maximum area of an accessory building to be 1% of the lot area not to exceed 600 square feet.

A variance is sought to permit the maximum area to be increased to 2,560 square feet (64' x 40').

2. Table 1135.07(b)(2) permits a maximum height of an accessory building if 18'. **A variance is sought to permit the maximum area to be increased to 19'.**
3. Table 1135.07(c)(b) requires a minimum setback to a side property line of 20'. **A variance is sought to reduce the side setback (south property line) to 10'.**
4. Table 1135.07(c)(b) requires a minimum setback to a rear property line of 20'. **A variance is sought to reduce the rear setback (east property line) to 2'.**

The application includes the nature of request, a site plan, a location plan, an aerial view, elevational views, and the public hearing notice. There was also a supplemental packet submitted by Joe Kulis included in the packets. This includes additional information along with the site plan and variance request. Each variance should be considered as a separate motion by the Planning Commission. All four variances are considered Practical Difficulties. The code has factors to be considered to grant an area and height variance.

Page 7 of Mr. Kulis' packet is his response to the seven factors developed by the Ohio Supreme Court, to be considered when determining whether an applicant will experience practical difficulties.

Building Commissioner Bob Rodic read a memo submitted by Village Engineer Mike Henry;

Based on the information submitted by the applicant, I would be unable to provide a recommendation for approval at this time. The applicant will need to provide engineered drawings showing property lines, existing condition information including but not limited to, topographic information, structures, roadway/driveway limits, edge of pond, adjacent property owners and limits of trees. In addition to the existing condition plan, the proposed information will need to be submitted to indicate grading, drive

access, setbacks, adjacent property owners, erosion control plan with abbreviated SWP3. Both plans will need to be to a scale with a north arrow and legend completed by an Ohio licensed professional engineer.

Based on the preliminary sketches supplied by the applicant and information pulled by the Village from the aerial information – see exhibit A - C, (Submitted with this memo) I would have the follow questions relative to the proposed variances:

- 1. The applicant mentioned the building will be accessed from Richmond Road. How would access to Richmond Road be maintained completely on PPNO. 991-05-004 for this project – see exhibit A?*
- 2. How does building installation occur as well as maintenance within the 2'-0" side yard setback without impacting the other property? If the 2'-0" set back is granted, does any of the building overhang into the adjacent property?*
- 3. Can the building fit on the flat area without impacting the existing pond and steep side slope – see Exhibit B & C?*

It would be my recommendation to table approval of the variances until more information has been provided by the applicant and a clearer understanding of the proposed improvements are provided by a professional.

Joe Kulis was in attendance and commented: When speaking with the Engineer, it was suggested to consolidate PPN# 991-05-004 and PPN# 991-10-601. This would join his residence with the 20.78-acre parcel. This would solve requesting approval for some of the variances. The Law Director explained the procedure according to the code of what the Village would need from Mr. Kulis to move forward. As of now it seems the variances that would be needed to move forward after consolidating the properties would be a request to have two accessory buildings on one lot, size, and height variance of the structure. Mr. Kulis would have to withdraw his current request and re-submit his request if he would like to consolidate the parcels to include new engineered drawings. He then can resubmit new engineered plans and a new application.

Tim Hauptert questioned if the size of the building he currently submitted is what he needs since it is a large sized building. Mr. Kulis responded; the size correlates to what implements he needs to store. That is the reason for the large size of the building.

Tim Hauptert questioned access to his property from Richmond Road. Mr. Kulis responded; he only uses it to go across to property he owns across the street in Oakwood Village. Tim suggested Mr. Kulis look at a similar entrance to property on Richmond Rd. (the Taussig property) at the gate that was installed there.

Mr. Kulis questioned whether or not he needs to have the consolidation of the two parcels completed before he can re-submit for approvals. Discussion took place on the documentation that Mr. Kulis needs to submit an application. Law Director Mark Marong commented; the applicant is instructed to submit new engineered site and building plans to the Building Department for building and engineering comment. A formal lot consolidation with the County can be a condition for a motion on approval but will need to be completed before the project can begin.

Motion by Jeff Adie second by Scott McColl, with the consent of the applicant, to withdraw the project the application and variance requests submitted by Joseph Kulis.

Yeas—Cegelka, Adie, DeCarlo, Hauptert, McColl

5 yeas – 0 nays

Motion Carried

The applicant stated he would re-submit engineered plans.

MISCELLANEOUS:

None

ADJOURNMENT

There being no further business to come before the Planning Commission, motion by Scott McColl seconded by Jeff Adie to adjourn the meeting. Vote on the motion to adjourn was all yeas and no nays.

The meeting was adjourned at 6:06p.m.



Planning Commission



Planning Commission Secretary-Lori A. Kovach