

West Jefferson Ohio Planning & Zoning Commission

28 East Main Street

Regular Meeting 6:30 PM

Wednesday, July 7, 2021

Meeting Minutes

Call to Order: Chairperson Hay called the meeting to order of the West Jefferson Planning & Zoning Commission and asked for a Roll Call at 6:33 PM.

Roll Call: Mrs. Paula Hay, Mr. Jimmy Little and Mr. James Graham

Absent for Roll Call: Mrs. Sandy Boucher and Mr. Roy VonAlmen

Approval to accept June 9, 2021 minutes:

Chairperson asked for a motion to approve the minutes from the June meeting.

Motion by Mr. Little to accept the minutes, seconded by Mr. Graham to **approve** the minutes from the June 9, 2021 meeting.

VOTE YES: Mr. Little, Mr. Graham and Mrs. Hay

VOTE NO: none

ABSTAIN:

Motion Carried

New Business:

Case # V21-0019 - Property address: 796 Celine Court - Request: is a variance for the setback for poultry.

Mr. Tom Hale (Staff), stated Mr. and Mrs. Chrysler at 796 Celine Court is requesting a variance for poultry. Mr. Hale read regulation 555.15. He showed the power point and the aerial photo of the home and then showed the pen. Mr. Hale said the pictures were provided by the homeowner. He also explained that out of about 5 homes all of them are within 100 feet except for one.

Mrs. Hay explained the process and swore in everyone that planned on speaking.

Mrs. Hay opened the public portion of meeting at 6:35 pm.

Mrs. Chrysler (Applicant), stated that she received chickens from her daughter-in-law. She explained that her children had researched it and told them they were allowed to have chickens. Mrs. Chrysler explained that they couldn't find one of them and put that on Facebook. They later found out that they were in violation of the zoning laws. She said they are requesting a variance. Mrs. Chrysler explained that they keep the pen very clean. She also said she had letters from neighbors, even the one behind them, in support of the chickens.

Mr. Chrysler (Applicant), spoke and said he bought a book (Raising Chicken's for Dummies) since he has never raised chickens before. He said they were concerned about the smell with the warmer weather.

Mrs. Hay stated that the board did have 4 (four) letters in support of the chickens.

Mr. Chrysler said that their goal is not to be a nuisance. He said they would be willing to get rid of them but would like to give it a try if possible.

Tina Mitchell (797 Celine Court), said she didn't even know they had chickens until she got the letter.

Donna Smith (762 Celine Court), asked the applicant what was their long-term goal and how many did they have.

Mr. Chrysler said that they have 2 (two) chickens. He said they do not plan on increasing the flock.

Diana Wertenberger (812 Celine Court) said she didn't not know they had chickens. She said that the house is beautiful and the yard is well kept.

Mrs. Hay asked if there was anyone here to speak against the request.

Patricia Hill (775 Converse Avenue) asked when did we become an agricultural area. In her opinion chickens are agricultural.

Mrs. Hay read the Ordinance and said that we are here today because the pen is within 100 feet of a dwelling.

Mark Warner (759 Converse Avenue) is concerned that if we allow a variance, where would we draw the line. He doesn't agree with and it affects his whole neighborhood.

Mr. Graham asked if it was passed, would it be transferred to the next property owner.

Mrs. Hay said that a variance is to a person not an address. It is not transferrable to anyone else.

Mrs. Hay asked if anyone had any questions.

Mr. Chrysler asked if there was a way to change the ordinance to give guidance on having chickens.

A motion was made by Mr. Little and seconded by Mr. Graham to table the variance because it conflicts with Ordinance 1135.09.

VOTE YES: Mr. Little, Mr. Graham

VOTE NO:

Motion Carried

Mrs. Hay stated that this would be tabled until the August meeting and closed the public portion of the meeting.

Case # V21-0018 - Property address: 111 Jackson Street - Request: is a variance exceed the allowable lot coverage.

Mr. Hale stated the property was in a B-1 zoned district. He said the request from the applicant is go from 75% lot coverage to complete 100% lot coverage.

Mr. Chris Snyder, Fire Chief (Applicant), explained that Jefferson Township is in the process of building a new fire house. He said they just purchased 10 acres and that this project would give them access to both sides of the railroad track. Chief Snyder said that they negotiated a 35-foot right-of-way with the owners. He pointed out the property on the screen. After the 35-foot right-of-way is put in, they would asphalt the remaining grass which would provide additional parking to the business.

Mrs. Hay asked if going to 100% would be taking out the bushes out front. She explained that it faces the residents and would like to know why they wouldn't leave a little bit.

Chief Snyder said they concern was that it was such a small portion to have maintenance on. It would also give additional parking spaces.

Mrs. Hay asked what is in that building and asked if the property owner was here.

The property owner (Name-inaudible) said it was not residential. It was a business. She explained there is a birthing room used by nearby hospitals and only used occasionally there.

Chief Snyder would like the variance at 100 %.

Mrs. Hay said if they would do that, then it would stand at 100% and could not be taken back.

Mr. Little asked where would all the water or drain off go.

Chief Snyder said there would not be an extensive amount and that the drainage will come back to the fire department area.

Mr. Little asked again what is the plan to keep the water staying in that area.

Chief Snyder said he felt that there would be a way to keep the drainage to the back portion of the property.

Mr. Hale explained that storm water drainage issues should be addressed on the approved plans. The drainage issue is separate from the lot coverage issue.

Mrs. Hay asked if anyone in the audience would like to speak for the case that had been sworn in.

Mr. Smith, asked if it was to eliminate the bottle neck at the bridge.

Chief Snyder said that they would have access to provide response to all four over passes.

Mr. Mike Conway said that if people found out, they would use it as a cut through.

Chief Snyder stated that the entire area would be private.

(Name-inaudible) asked if they planned to get the big fire trucks down the street.

Chief Snyder said that the right-of-way was 35 feet and would not compromise any on street parking.

(Name-inaudible) said that the storm drains back up and will flood the houses on Jackson Street.

Mr. Little asked the owner if they would need all the parking spaces.

The owner explained no they would not.

Mrs. Hay closed the public portion of the meeting at 7:14 pm

A motion was made by Mr. Graham and seconded by Mr. Little to approve the variance as presented.

VOTE YES: Mr. Graham and Mr. Little

VOTE NO: none

Motion Carried

Case # V21-0019 - Property address: Parcel #10-02022.000 - Request: to rezone from an R-1 to (C) Condo's.

Mr. Hale stated that the request is to rezone from an R-1 to (C) Condo's.

Mr. Dmitry Chmil (Applicant), stated that he is representing West Jefferson Estates. He said they are looking to purchase the 50 acres next to the Richmir Condos. Mr. Chmil explained that they are looking to purchase the land from Mr. Dick Bobo and continue Phase II. He said it was his understanding that Mr. Bobo planned on finishing this with condos but decided to sell instead. Mr. Chmil pointed out the property and said they just wanted to mirror what was already there. He said there is a separate entrance to enter this part of the project. The condo would be similar style of what is out there currently. He read the Condo zoning and said they would be following that zoning.

Mrs. Hay explained that she felt it would not be phase two because it has nothing to do with Richmir Adult Condominiums.

Mr. Chmil said that was very true.

Mrs. Hay said that there would be one entrance since they are not connected to Richmir. She reminded the audience that they are here only to vote on the zoning.

Mr. Chmil said these are preliminary and are actually what Mr. Bobo said.

Mrs. Hay asked if there was anyone to speak for the property.

Alex spoke that these plans are from about 20 years ago and explained that they were supposed to be connected. The design will change and it will be designed for the stormwater. It will be dictated by a lot of things and there will be many layers. He pointed out that it is zoned R-1 and they could build about 80 or 90 homes.

David Detrow (618 Elaine Drive), said you should have the preliminary work complete first. How can they vote on this.

Alex said that study would cost about \$100,000 but couldn't be done until you know for sure how many houses. He said that the condo zoning would be need to done first.

Mrs. Hay explained that it is zoned residential for homes. The only thing is before us is to vote on the zoning. When they bring in the final plans then we would go over the drainage and the sewage.

Tom Miller asked Alex if they would work with the Homeowners Association that they have now.

Alex said in order for them to tie into the streets, they would have to approach the association.

Tom Miller said that he wanted the condo board to talk directly with them.

Mike Howley (706 Shawn Drive) asked if they planned to make this for just seniors.

Mr. Chmil said he did not have an answer to that question because he said there could be some legal issues with that.

Mr. Smith is worried about covering more land as it will create more water run-off. He submitted pictures to the board.

Mr. Chmil said that they don't have an exact design but it would have to be able to handle the run off.

Mrs. Hay again reminded the audience that we are only looking at the rezoning. Once the development plans are brought in then we can discuss the drainage.

(Name-inaudible) 202 Kingsway asked to clarification of the land that was being discussed.

Alex said yes, what they are requesting to be rezone is in yellow. The whole parcel had to be rezoned. The design will be required to drain everything on the lot and can only release a certain amount. He said it is in the Big Darby Water Shed and the requirements are very strict.

Mr. Chmil explained that they never said they would tie into the street in Richmir Estates.

Mr. Smith said it would be even for him to vote against it.

Alex explained the condos. The minimum would be 1500 square feet and one story.

Debra Pang (321 Ashley Lane) and asked why are we sitting here with a 20-year plan. She wants to see what their plans are and wants it to be updated. She proposes that they table it until we have an updated plan.

Mr. Chrysler stated that he feels the real debate is do we want homes or condos.

Mrs. Hay said again we are only here for the zoning not for the site plans.

Mr. Chmil said he looks forward to sitting down with the condo association to be good neighbors.

Jack Eiselstein (527 Eldon Drive) said he likes the way it is and doesn't want to see it changed but he appreciates them wanting to zone if Condos because they have more rules and won't lose what they have.

Ms. Jen Warner said they met with an attorney and said that they can't say no kids. Most people figure that they are for people retiring.

Alex said that there are state guidelines they have to follow. Once 75 % of the condos are sold the association takes over.

Alex said no there is not and there is no plan to.

Mrs. Hay closed the public portion of the hearing at 8:03 PM.

A motion was made by Mr. Little and seconded by Mr. Graham to recommend to Council that the sign ordinance be changed.

VOTE YES: Mr. Little and Mr. Graham

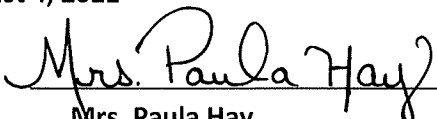
VOTE NO: none

Motion Carried

Motion was made to Mr. Little at 8:05 PM.

Next Meeting: August 4, 2021

Chairperson:


Mrs. Paula Hay

Date:

8-4-2021

Respectfully submitted:

Kristie West, Staff

Building, Planning, and Zoning Department