



**NEW CASES:**

**CASE NO. 001-11  
VINTAGE GALLERY  
150 LEAR ROAD  
CONDITIONAL USE APPROVAL  
PUBLIC HEARING REQUIRED**

**REQUEST OF VINTAGE GALLERY, 150 LEAR ROAD, AVON LAKE FOR APPROVAL OF A CONDITIONAL USE AT THE EXISTING BUSINESS TO CONDUCT ART CLASSES. NO MODIFICATIONS TO THE EXISTING STRUCTURE ARE PROPOSED FOR THIS USE. THIS PROJECT IS LOCATED IN A B-3 BUSINESS ZONING DISTRICT.**

Mr. Reitz stated the existing art studio on Lear Road is requesting approval to conduct art classes in the existing building. Based on the regulations per Planning and Zoning Code Section 1244.02(E)(2) this new use requires Conditional Use approval by Planning Commission with confirmation by Council. No structural expansion to the existing building is proposed only a new use approval is required. The owner of the studio is requesting a recommendation of approval from Planning Commission so this can then move on for City Council approval. Per the requirements of the Codified Ordinances, Conditional Uses are required to be discussed at a Public Hearing by Planning Commission and will be forwarded on to the City Council for final approval. The Notice of Public Hearing has been posted on the website, at City Hall, properties within 300 feet have been notified by mail, advertised in the Morning Journal and posted at various locations within the City.

Ms. Catherine Nowak, Owner, Vintage Gallery, 150 Lear Road was present tonight to represent this case and answer any questions the commission may have.

Ms. Nowak stated that she was aware of the comments of the Fire Department and stated that she will meet any requirements that the Fire Department place upon the occupancy permit.

Mr. Knilans opened the meeting to the public for comments. There were no comments from the public regarding this case. Mr. Knilans closed the public portion of the meeting.

Mr. Sherban wanted to clarify the comments of the Fire Department and stated that he thought that the maximum number of people could be 12 upstairs, but if they were younger than the 12 grade there could only be 5 people total.

Ms. Nowak stated that she thought it could be a total of 12 people upstairs for the classes. If there were children under grade 12, there could only be 5.

Law Director Kerner stated that the fire code is not for the Planning Commission to enforce. The Fire Department would grant the approval and that will be up to them to allow.

Mr. Simonovich moved to recommend approval to City Council the request of Vintage Gallery, 150 Lear Road of the Conditional Use at the existing business to conduct art classes. The approval is with the understanding that no more than 12 people will be on the second floor and no more than 5 people will be under 12<sup>th</sup> grade on the second floor per the State Fire Code. Mr. Hamman seconded the motion.

**AYES: All NAYS: None**

Mr. Knilans stated this case has passed and will now move on to City Council for approval.

**CASE NO. 002-11  
AVON LAKE COMMUNITY  
GARDEN/ AL SCHOOLS  
237 BELMAR/ TROY SCHOOL  
SITE PLAN**

**REQUEST FROM THE AVON LAKE  
COMMUNITY GARDEN COMMITTEE, 237  
BELMAR BLVD. FOR APPROVAL OF A THE  
SITE PLAN AT TROY SCHOOL TO CREATE  
A COMMUNITY GARDEN. THIS PROJECT  
IS LOCATED IN A R-1A RESIDENTIAL  
ZONING DISTRICT ON AN PREVIOUSLY  
APPROVED CONDITONAL USE SITE.**

**THIS REQUEST WILL REQUIRE WAIVER UNDER THE EQUIVALENCY  
PROVISIONS OF 1217.03(G) TO THE FOLLOW CODE SECTION:  
WAIVER TO 1240.06(D) FOR FENCE HEIGHT IN A RESIDENTIAL DISTRICT.**

Mr. Reitz stated this project being proposed at Troy School is a first for the Avon Lake Community. This garden will not only provide an opportunity for people to grow their own produce it will also provide a number of educational opportunities for the public. The garden will be promoted through various venues and is anticipated to be a very popular community asset. The waiver being requested is for permission to install a fence around the garden that is high enough to keep the deer out. The maximum fence height in a residential district is six feet in a rear yard. The applicant will address the commission on the need for the fence height at the meeting on how the current permitted height is inadequate for the need at this site.

Mr. Dale Cracas, 256 Avon Belden Road, Garden Committee Member and Mike Abfall, 175 Avon Belden Road, Avon Lake City Schools were present tonight to represent this case and answer any questions the commission may have.

Mr. Cracas stated that this garden has taken much time and effort to get to this point, and he is glad to be in front of Planning Commission for approval. We have been through many meetings trying to decide where the gardens would be placed. There is no room in the City parks, so the school embraced the idea of a non-athletic activity on their property and are happy to see the space being used. The schools will be provided 6-8 plots for school use and will be used along with classroom education. After the Press interview we have 41 people interested in purchasing

lots. The maintenance will be done by the committee and the fence/fence height is required to keep the deer out of the gardens. We are requesting a waiver for the fence height.

Mrs. Fenderbosch stated that she was glad to see the gardens coming forward in the City.

Mr. Cracas stated that there will be 3 handicapped raised beds for wheel chair residents to use.

Mayor Zuber stated that he too was happy to see the gardens in to the City, it has been worked on for some time now.

Mr. Knilans asked if the mulch piles on the side would only be temporary until the gardens get set up, or will they be there all season?

Mr. Cracas stated that the piles will only be there when the gardens are being set up. The people will use the mulch and dirt and then they will be gone until next season.

Law Director Kerner asked Mr. Cracas how far the houses are from the gardens.

Mr. Cracas stated that the nearest house is 218 feet from garden. 125 feet and 40 feet of right-of-way and is all school property.

Mrs. Fenderbosch asked where the debris will be going when the season is over.

Mr. Cracas stated that he would like to use the City compost site for the end of the season debris and clean up.

Mr. Simonovich asked the distance from the garden plots to the parking and asked if that would be the parking available for the gardens.

Mr. Cracas stated that the school parking lot would be used for the gardens. The school is putting a new drive alongside the garden that would connect to Canterbury Road. The school has stated that parking would be available along that drive as well when it goes in.

Mayor Zuber stated that would be put in with the Canterbury Road project and would be gravel. When the project is complete next year the school would be asphalt paving the drive.

Mrs. Fenderbosch moved to approve the request of the Avon Lake Community Garden Committee, 237 Belmar Blvd. for approval of the Site Plan at Troy School to create a community garden. This project is located in an R-1A Residential Zoning District on a previously approved Conditional Use site to include a waiver under the equivalency provision of 1217.03(g) to 1240.06(d) for the fence height in a residential district. Mayor Zuber seconded the motion.

**AYES:                      All                                      NAYS:                      None**

Mr. Knilans stated that this item has passed.

**CASE NO. 003-11  
REVISIONS TO CODE SECTION  
1240.06(d) FENCES**

**THIS AGENDA ITEM IS FOR THE  
DISCUSSION AND APPROVAL OF  
REVISIONS TO THE FENCE CODE IN  
ORDER TO FURTHER CLARIFY ISSUES  
ENCOUNTERED BY THE ZONING  
ADMINISTRATOR THAT ARE UNCLEAR  
WITHIN THE EXISTING CODE.**

Mr. Reitz stated the proposed revisions to the fence code regulations have been proposed by Zoning Administrator Booher and are herein attached.

Ms. Booher explained the changes to the code.

Law Director Kerner said that he had a wording/grammar change to Item #6, second page.

Mrs. Fenderbosch moved to approve the request of the Zoning Administrator the revisions to the fence code in order to further clarify issues encountered by Zoning that are unclear within the existing code to include the wording/grammar change on page 2, item 6. Mr. Sherban seconded the motion.

**AYES:                    All    NAYS:                    None**

Mr. Knilans stated that this item has passed. This case will now move on to City Council and have three readings for approval.

**INFORMATIONAL ITEM**

Administrative Approval Minor Alteration Zoning Permit has been issued for placement of a liquid propane tank and fuel dispenser system at National Fleet Services of Ohio, 607 Miller Road.

**DISCUSSION ITEM**

Joe Reitz stated that he will be speaking at the North Coast BIA on Thursday, March 3, 2011 at 3:30 on storm water issues in Lorain County for anyone who would like to attend.

Mayor Zuber stated that the May 3, 2011 meeting will land on a primary election day. He suggested that the commission consider moving the meeting to another day.

There was no discussion on the item.

Mayor Zuber motioned to move the May 3, 2011 Planning Commission Meeting day to May 10, 2011. Mr. Knilans seconded the motion.

AYES: All NAYS: None

Mr. Knilans stated the May Planning Commission will be May 10, 2011.

**GENERAL PUBLIC COMMENT**

None

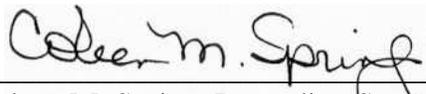
**ADJOURNMENT**

Mayor Zuber moved to adjourn at 8:10 p.m. the March 1, 2011 Planning Commission meeting. Mr. Sherban seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on April 5, 2011.

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Gary Fell, Chairperson

  
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Coleen M. Spring, Recording Secretary