

REGULAR MEETING
AGENDA

PLANNING COMMISSION
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: July 15, 2014
TIME: 6:30 P.M.

WORK SESSION – 6:00 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
 - a. Approval of Minutes of the Work Session of July 1, 2014
 - b. Approval of Minutes of the Regular Meeting of July 1, 2014
4. **NEW BUSINESS**
 - a. Suburban Land & Homes Company, Metropolitan Park Subdivision, James Fertig, 82 Southwick Drive, Bedford, OH – installation of a fence (Tabled 7-1-14)
 - b. Elles Daniels, 675 Broadway Avenue, Bedford, OH is seeking to relocate to 711 Broadway Avenue, Bedford, OH – Conditional Uses 1944.051 (b) Beauty Salons
5. **MISCELLANEOUS**
6. **ADJOURNMENT**

Bedford, Ohio

July 15, 2014

Planning Commission met in a work session at Bedford City Hall on Tuesday, July 15, 2014 at 6:01 P.M.

Present: Dickard, Dzomba, Powers, Briggs. Absent: Mallis.

Also Present: Secretary Lorree Villers and Building Commissioner Calvin Beverly.

The Commission had no issues with the July 1, 2014 minutes.

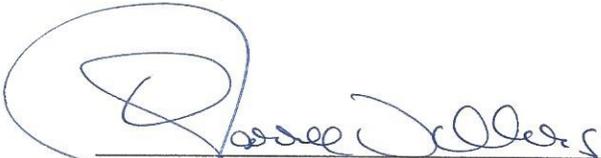
Suburban Land & Homes Company, Metropolitan Park Subdivision - James Fertig – 82 Southwick Drive – Installation of a Fence (Tabled 7-1-14)

Mr. Beverly passed two (2) pictures/drawings for the Commission to review. He noted this issue was before the Commission on July 1, 2014. He had no opposition with the installation of the fence, but according to the code he could not approve it. Mr. Fertig was requesting either a 36 inch or 42 inch fence beginning at the front corner of the garage to within two (2) feet of the driveway. The fence would then continue two (2) feet on the other side of the driveway to the property line. There would be a narrow strip of five (5) feet of fencing next to the garage. If the fence were installed, it would be very close to the sidewalk. The exact measurement was not clear, but it was estimated to be about six (6) inches from the sidewalk. The reason Mr. Fertig wants the fence was he was having problems with residents who walk their dogs and were not cleaning up after their animals. Mr. Beverly stated Mr. Fertig originally wanted a living fence, but this would create a visual obstruction of pedestrian traffic. The picket fence would allow visibility for pedestrian traffic. The Commission felt a 42 inch fence would be too high but they would consider a 36 inch fence. It was determined the Commission did not have many issues with the request this evening; however, the Commission had a couple questions for Mr. Fertig.

Elles Daniels, 675 Broadway Avenue, Bedford, OH was seeking to relocate to 711 Broadway Avenue, Bedford, OH – Conditional Uses 1944.051 (b) Beauty Salons

Mr. Beverly explained the current landlord increased Ms. Daniels rent from \$750 to \$1,125 per month. The Commission did not understand the reasoning for the large increase in rent. Mr. Dzomba questioned whether Ms. Daniels would be grandfathered in this type situation. There was discussion that there were several empty units in the downtown area and it was important to maintain the businesses in Bedford. The thought was any landlord should be content if they had a renter in their unit that was paying rent; a slight increase was understandable but not a 150% increase. It was understood the renter/business owner needed to make a profit and a large increase in rent could be devastating. The Commission had a few questions but understood the situation.

Work session adjourned at 6:15 P.M.


Secretary


Chairman

Bedford, Ohio

July 15, 2014

Planning Commission met in Regular Session at Bedford City Hall on Tuesday, July 15, 2014 at 6:30 P.M. The roll was called. Present: Dickard, Dzomba, Powers, Briggs. Absent: Mallis. Also in attendance was Building Commissioner Calvin Beverly.

Motion made by Dzomba seconded by Briggs to excuse Mr. Mallis. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

Motion made by Briggs seconded by Dzomba to approve the minutes of the Work Session of July 1, 2014. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

Motion made by Dzomba seconded by Powers to approve the minutes of the Regular Meeting of July 1, 2014. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

Chairman Dickard informed those present that according to a ruling by the Law Department, anyone wishing to speak at a public hearing is to rise, raise their right hand and the following oath administered. “Do you solemnly swear or affirm that the statements you are about to make are the truth.” Then give your name and address for the record.

Suburban Land & Homes Company, Metropolitan Park Subdivision - James Fertig – 82 Southwick Drive – Installation of a Fence

Present: Mr. James Fertig, 82 Southwick Drive, Bedford, Ohio

Chairman Dickard noted this item was tabled at the July 1, 2014 meeting; nobody was present.

Motion made by Briggs seconded by Dzomba to remove this item from the table. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

Mr. Fertig, having previously been sworn in, stated the length of the fence was in two pieces; 7’ and 23’. One section would be installed between the drive and the corner of the garage with a setback from the sidewalk of 38”. Mr. Beverly explained the applicant was seeking approval to install a fence on the driveway side of the home. The current Codified Ordinances prohibited a fence within five (5) foot of a public sidewalk. He suggested Mr. Fertig submit an application to the Planning Commission for discussion and possible approval. Mr. Fertig said he would like to install the fence 38” from the sidewalk at the height approved by the Commission. There was concern that the driver would not be able to see a small child or pet when exiting the drive. He had no problem moving the fence further back from the driveway; possibly 2-3 feet.

Mr. Fertig explained several situations he had experienced concerning his property; he wears his garage door opener when he was outside to keep the children out of his garage. He hoped to use pressure treated lumber when personally building his custom built fence. He asked the Commission what height they preferred and what the picket gap needed to be on a custom built fence. Mr. Beverly noted the application stated 36” or 42” height. Ms. Briggs suggested for safety reasons the fence should be 36” in height. Mr. Fertig pointed out the fence would be two (2) inches off the ground so the overall height would be 38” if

the Commission recommended the fence be 36". He also showed a picture of a fence style he liked with a squared off pointed type fence top. He felt if safety was an issue, he did not have a problem with a wider gap between the boards. It was determined that the gap should be half the size of the board. Mr. Powers suggested the gap be 1/2 the distance of the board. If the boards were 4" wide; the gap could be 2". He was very interested in building a fence that pleased the Commission and was in line with the codified codes. The Commission wanted to make sure a child could not get their head stuck between the boards.

Motion made by Dzomba seconded by Briggs to approve the application for a 36" fence and stipulating the space of the slats not exceed the width of the slats so the fence could be custom built by James Fertig, 82 Southwick Drive subject to compliance with all City Codes and Ordinances. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

Mr. Dickard said the decision of the Planning Commission will go to City Council for final approval on Monday, July 21, 2014 at 8:00 p.m. Mr. Fertig said he hoped to start the fence in August.

Elles Daniels, 675 Broadway Avenue, Bedford, OH was seeking to relocate to 711 Broadway Avenue, Bedford, OH – Conditional Uses 1944.051 (b) Beauty Salons

Mr. Beverly explained Ms. Daniels hoped to relocate her salon from 675 Broadway Avenue to 711 Broadway Avenue.

Ms. Daniels, having previously been sworn in, stated she had been at this location for 3 years and 2 months after her lease expired. She had been renting month to month without a lease since July 2013. The landlord, Mr. Bernstein, did not inform her until recent that he was increasing her rent from \$750 to \$1,125 per month; an increase of 150%. She understood Mr. Bernstein was not interested in signing another lease with Ms. Daniels. She received a letter from Attorney Sherry Pidala dated June 23, 2014 explaining the wishes of Mr. Eugene Bernstein. (See attached) She questioned whether she could relocate with the recent Ordinance that was passed by Council. (Ref: Ordinance 9170-14, Chapter 1944.05 entitled "Prohibited Uses", passed April 21, 2014) She was in the process of discussing issues with Attorney Pidala. Chairman Dickard strongly suggested Ms. Daniels hire an attorney to address her issues with Mr. Bernstein; the Commission couldn't comment or address the situation. Ms. Daniels had other documentation if the Commission wanted to review it. Chairman Dickard said it was not necessary. Ms. Daniels explained she had to be out of building by July 23, 2014 or she would lose her belongings.

Mr. Beverly explained after the issue was before the Planning Commission and Council for approval she would have to submit a Change of Use and a set of architectural drawings; this was not going to happen overnight. Ms. Daniels was interested in staying in Bedford to keep her clientele. Mr. Beverly asked what her desire was. Ms. Daniels still wanted to relocate to 711 Broadway Avenue regardless of the outcome of her situation with Mr. Bernstein. She had three children and an adopted child to support.

Motion by Dzomba seconded by Briggs to approve the relocation of Elles Daniels from 675 Broadway Avenue to 711 Broadway Avenue subject to compliance with all City Codes and Ordinances. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

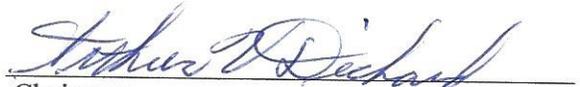
Mr. Dickard said the decision of the Planning Commission will go to City Council for final approval on July 21, 2014.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Briggs seconded by Dzomba to adjourn. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

Meeting adjourned at 7:00 P.M.


Secretary


Chairman