

Village of Middlefield Planning & Zoning
Minutes
December 7, 2021

The Village of Middlefield's Planning & Zoning meeting was called to order at 7:00 p.m. with the following members present: Mr. Dave Dietrich, Mr. Scott Klein, Mayor Garlich, Ms. Carissa Shaffer and Mr. Linberg.

Also present: Mr. John Boksansky-Zoning Inspector, Leslie McCoy-Village Administrator, and Mr. Thomas Lee-Village Solicitor, Mr. Joe Svete-Middlefield Parkway, Mr. Don and Mrs. Angela Perry, Mr. Barry & Mrs. Sue Bishop, Mr. Carl Hornung, Mr. Robert Difford, Mr. John Stein, Mrs. Carol and Mr. Dennis Hart, Ms. Marsha Brede, Mr. Wolfgang Brede, Ms. Laura Money, Mr. William Money, Mr. Dan Mendenhall, Ms. Joan Czuchra and Marsha Mikolaj.

Agenda: No additions or deletions to the agenda.

Minutes: The minutes of the November 9, 2021 meeting were presented for approval. Mr. Dietrich made a motion to approve the minutes as presented, motion seconded by Mr. Linberg. All in favor: Yeas (5).

PUBLIC HEARING: None

OLD BUSINESS:

1. Solar Array Located at 15145 Woodsong Drive (Ordinance Pending): Mr. Klein stated that the ordinance has Mr. Lee's notes included. Mr. Dietrich stated that he would like to have more time to review. Should define this as residential; will work on commercial and industrial at a later date so not to hold up the resident that is requesting. Gave provisional approval to the residents that are proposing to install the solar panel. Lengthy discussion regarding some of the things that should be included in this legislation. Mr. Klein asked that the commission review this further and it will come to the next meeting.

NEW BUSINESS:

1. **Woodsong Phase 12 Proposal:** Mr. Boksansky stated that Mr. Svete submitted plans to extend Woodsong Drive. Phase 11 was recently approved by does have some significant topographical concerns that need to be addressed. Mr. Klein asked how many lots are included in phase 12. Mr. Boksansky stated 20 lots and they meet the requirements. Mr. Svete stated that the change was due to the topographical challenges that arose with phase 11. The dirt from the construction of phase 12's retention pond will be used to decrease the topographical challenges in phase 11. Eventually the extension of Timber Ridge will wrap around and connect to the Woodsong extension. The setbacks are consistent with the other lots within the subdivision. Mr. Boksansky stated that the plans have been

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submitted to the fire department but has not received any response. There are currently only 3 lots available in the subdivision. **Mr. Klein made a motion to approve Phase 12 and recommend to council contingent on the Village Engineers and Fire Department approval, motion seconded Ms. Shaffer. Roll call: Yeas (5).**

- 2. An Administrative Appeal of the Decision of the Zoning Inspector under 1101.02 of the Zoning Code. The Subject Properties are located in the Woodsong Development and Involve Tree Lawn Treatment at Sawgrass Lane, Woodsong Drive, and Knox Circle:** Mr. Boksansky stated that this issue first came to light when he observed large boulders in the Knox Circle area and compared to the current legislation on the books. This was discussed with the planning commission. Draft legislation was reviewed at the October 2021 meeting and the commission decided to leave the ordinances as they currently are and send each property owner a violation letter due to not meeting the current legislation. The HOA informed the residents that they were in violation and would be receiving a violation letter from the village. The resident at 15364 Knox Circle has already removed the stones and prepped the soil for turf or sod. One resident stated that the stones have been there for 15 years. Mr. Klein stated that the ordinance does say turf or sod.

Mr. Hornung-15140 Sawgrass lane stated that he is a currently Village of Middlefield Council member has been on P&Z and also a member of the Woodsong HOA. He stated that the stone in Mr. Stein's yard has been there for 15 years. Mr. Stein purchased the boulder from his landscaper; this is the house on Woodsong. Mr. Hornung stated that he does not see any problems with the stones and does not see any reason for this. Feels that this is picking on hard working residents with newer homes.

Mr. Klein stated that per the villages codified ordinances the tree lawns are required to be turf or sod so those homes are in violation.

Mr. Hornung responded that P&Z should give the current residents that have it done a variance to keep what they have or bring an amended ordinance to council permitting the stones. These residents paid a lot of money to have this landscaping installed. Does not understand why this is an issue.

Mr. Boksansky stated that the issue was brought to his attention due to the large boulders being installed on Knox Circle. The tree lawns are much wider on Woodsong Drive versus the smaller tree lawns on Knox Circle.

Mr. Klein feels the issue is with the small pebbles in the tree lawn.
Mr. Linberg asked if there is any concern regarding the snow blower used for the sidewalk clearing picking up the smaller stones and throwing them and causing damage.

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Mr. Dan Mendehall-15318 Knox Circle, stated that if the snow blower is going that fast to throw the stones and cause damage then they should get a speeding ticket. His stone has been there for two years. Wants to know why the developer can have stone on his property at the entrance to Woodsong Subdivision by State Route 87 for approximately 30 feet.

Ms. Marsha Mikolaj, if there is concerns about stone in the tree lawn then why are the builders permitted to have temporary gravel driveways; that washes down into the road and can create safety hazards.

Mayor Garlich stated that what the resident need to be aware of is that this is a violation of the zoning code.

Mr. Wolfgang Brede 15324 Knox Circle, there was a large stone in his front yard and he seems to have upset someone in the subdivision. He also has smaller pebbles in his tree lawn and would like to keep them there. If he plants sod the salt trucks will destroy whatever is planted in that area. Furthermore. He is a firm believer in following the zoning code which could not have been in place when the landscaper was not given any guidance. Feels this is the villages fault and also the HOA.

Mr. Klein asked Mr. Svete his opinion.

Mr. Svete stated that he has seen the stones and they are attractive but also can see the safety issue.

Ms. Shaffer agrees with Mr. Svete and feels that there is a safety issue.

Ms. Mikolaj stated that the builders are allowed to use gravel.

Mr. Klein stated that is for temporary use due to construction not a permeant fixture.

Mr. Robert Difford-15331 Knox Circle, to further go on Marsha's point. The contractors dump the extra concrete and stone on vacant lot and that also causes a problem and washes into the road.

Ms. Marsha Brede 15324 Knox Circle, stated that if the village suddenly has a safety issue with the stones due to the plows or snow blowers. That she has snow blown her own property and has never launched a stone through the snow blower. Feels that the rocks will wash away. Will have to hire a landscaper to maintain the tree lawns with a push mowers or the residents will have to purchase a push mower themselves with a bagger due to not being able to put grass in the road or on the sidewalks. The road is extremely narrow.

Mr. Hornung stated that he has never received any complaints regarding the stones in the subdivision.

Mr. John Stein- 15115 Woodsong Drive, stated that the neighbor north of him and he planted trees in the tree lawn and the village came in and stated that they are not allowed.

Mr. Don Perry- 15368 Knox Circle stated that he has used a snow blower for years and has never thrown a stone and caused any damage.

Mr. Klein stated that his opinion is that the zoning code and these properties were in violation of said zoning code. The zoning inspector did

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his job and mailed violation letter per the code. The letters created quite a stir and with the residents and the commission invited the residents to come and give their opinion.

Mr. Dietrich asked Mr. Lee that this is in a dedicated road way. Asked who is allowed to do work in the dedicated road way. Mr. Lee stated that the village and the property owners. Mr. Lee stated that the property ownership starts on the inside of the sidewalks. Mr. Lee further stated that typically the villages and other utilities lines are under the tree lawn. So they have the right to dig it up if needed. Mayor Garlich stated that the utility easement was created when this was the condos. So yes the utilities are in the resident's front yard. Mayor Garlich stated that he spoke with the Service Director and he has no opinion either way. Mr. Lee stated that Council would be allowed to grant Planning Commission to grant exception for the current properties. Ms. Shaffer asked if the properties that do have grass tree lawns have any issue maintaining their tree lawn. The residents in attendance stated that they have never heard any complaints. Discussion regarding just permitting this in just the Woodsong Subdivision.

Mr. Don Perry stated that the first year they were in residence the planted grass and flowers in the tree lawn and the first winter the village snowplows and salt killed the grass and ruined the flowers.

Mr. Hornung stated that he was asking the give the properties that have already landscaped with stones as boulder a variance to keep the current landscaping not to give cart blanc to the whole subdivision.

Mr. Linberg stated that now that the utilities and the stones not being a safety concern he is okay with these residents keeping the current landscaping.

Ms. Shaffer asked for clarification that the stone is referring to just the tree lawn not the houses using it as an expansion of their driveway.

Ms. Laura Money 15335 Knox Circle and will be building soon at 15363 Knox Circle, stated that the driveway is very narrow, just barely fits two cars. They have temporarily installed 16" stone until they can increase the width of the driveway.

Mr. Perry stated that he has gravel along the side of his driveway for his drains.

Mr. Klein feels that the variance should only apply to the Knox Circle area due to the size of the tree lawn.

Mr. Svete stated that there are no lots left.

It is the consensus of the commission to only allow this in the Knox Circle area and the stones are permitted.

Ms. Mikolaj asked how residents in the other areas of the subdivision know that this is only allowed in the Knox Circle area.

Mr. Svete stated that the HOA does not have jurisdiction in the right of way.

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Mr. Klein stated that they should call the village if they want to change any of the landscaping. It was suggested that the HOA and the zoning code need to be cleaned up. Mayor Garlich stated that the village is not going to change the code for the whole village. Ms. Perry asked if the HOA would give the new residents bylaws and regulations. Mr. Svete stated that the full regulations and bylaws are on the website.

Mr. Klein made a motion to recommend to Council to amend the section of the code on tree lawns to allow stones for smaller tree lawns in the Knox Circle area only, motion seconded by Mr. Linberg. Roll Call Yeas (5).

3. **Parcel 19-081107 Proposing a 1.0003 Acre Split Located South of 16345 Kinsman Road (PPN 18-090681). (Ordinance Pending):** Mr. Boksansky stated that this is on Kinsman Road across the street from the Glen Valley Subdivision. They are looking to consolidate a one acre site from the Bonner site to the township property. Mr. Boksansky stated that there were several deed restrictions that need to be incorporated into the deed. Mr. Lee stated that this is a land lock parcel which is a nonconforming lot. They cannot consolidate a village parcel with a township parcel. Lengthy discussion regarding the language of the deed restriction. **Mr. Klein made a motion to recommend to council to approve the lot split contingent upon the two part deed restriction, motion seconded by Mr. Dietrich. All in favor: Yeas (5).**
4. **Re Plat of S/L 37R and 40R1 to Create S/L's 37r1 and 40r2 on Knox Circle in the Woodsong Development:** Mr. Boksansky stated that about a year ago this lot split was created and now they want to return it to the original parcels. Discussion held. It is the consensus of the commission to forward this to January Council Meeting.

ZONING INSPECTORS REPORT – Discussion regarding the Heritage Square plaza and the updates that are needed. The new owners are in agreement that it need to be cleaned up. Discussion regarding the lighted letters in Giant Eagle being out. Discussion regarding the barn that is in pretrial later this month. Discussion regarding the sale of Greenleaf.

PENDING

1. Lot Split on E. High Street re: 16095 E High Street
2. 15560 W. High Street Circle K Outdoor Storage and Equipment (renewal)

Next meeting is on January 11, 2022 at 7 pm.

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There being no further business before the Planning & Zoning Commission the meeting adjourned at 8:30 pm.

Leslie McCoy – Village Administrator

Scott Klein-Chairman

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