

**Village of Middlefield Planning & Zoning
Meeting Minutes
June 25, 2015**

The Village of Middlefield's Planning & Zoning meeting was called to order at 7:00 p.m. with the following members present: Mayor Garlich, Mr. Scott Klein, Mr. Dan Gyure, Mr. Jim Linberg and Ms. Edna Davis.

Also present: Mr. Dan Weir-Administrator, Latisha Stupka-Tax Administrator, Leslie McCoy-Zoning Inspector, Tom Lee- Solicitor, Kim Breyley, Krystal Brown-Silverbear Labs, Terry Brown-Silverbear Lab, Jaime Fisher-Middlefield Care Center, Pauline Burnett- 15134 Woodsong Homeowner, Dave Ford-Federal Improvement Company., Dan Neff-Neff and Associates, and several residents from the Orchard Avenue area.

Agenda: No Additions/Deletions

Minutes from April 23, 2015 were presented for approval. Additions to minutes requested to include conditions regarding Silverbear Labs' operations until June 2015 hearing. *Mr. Linberg made a motion to approve the minutes as presented, seconded by Mr. Klein. All in favor: Yeas (5).*

PUBLIC HEARING:

- 1. Conditional Use Request – Silverbear Labs – Home Business Operation – 14876 Orchard Ave.:** Ms. McCoy stated that the residents (Krystal and Terry Brown) at 14876 Orchard are the owners and operators of Silverbear Labs. Mr. Klein stated that at the May 2015 Planning and Zoning meeting the Browns were requested to come in and discuss the complaint and what was needed to apply for a conditional use permit. Conditions to allow to operate under violation were given through June 25, 2015 that consisted of no breeding of the dogs, removing of waste daily from the yard and taking it off site, pending litter is allowed to be born at the home if born prior to June 25, 2015 meeting. Mr. Lee asked Ms. Brown if she had been in compliance with these conditions. She responded that she had been. Ms. Brown asked if she could address the board with information regarding her kennel. Ms. Brown asked that Mr. Brown speak for her. Mr. Brown stated that she has been in compliance with the conditions and that they have the allowed number of dog at the residence. Ms. Brown stated that they have removed the male dog from the home as they thought he was the reason for most of the noise coming from his barking. Mr. Klein opened the floor to those who wanted to voice their opinions on this matter. Ms. Karen Garlich of 14886 Orchard stated that as a neighbor she has been dealing with smell and barking of the dogs. Ms. Garlich also stated that the yard of the home has been destroyed from the size and number of dogs at the residence and the home has also started to look bad from the outside. Ms. Garlich stated that Mr. Brown after the May planning and zoning meeting attached a roller to the back of his lawnmower and

rolled the animal waste into the yard. Mr. Brown stated he had to roll the yard due to mold growing in the yard and not to flatten the animal waste. Mr. Klein thanked Ms. Garlich for her comments. Another audience member Mr. Brian Lew, of 15720 W. High, asked to speak to the odor smell that is often smelled when he is in his backyard. Mr. Lew stated that most recently he had a family gathering and those over thought it was coming from his yard because the odor was pungent. Mr. Brown stated that they had been on vacation for a week and did have someone come over to the house to clean up the yard but could not say if it was done regularly. Mr. Lee asked if there were any other comments. Mr. Dick Schill of 14885 Orchard Ave., stated that he lives across the street from the Brown's and is opposed to businesses being in residential districts. Mr. Schill stated that he has heard barking but no smell. Mr. Lee thanked Mr. Schill for his comments. Ms. Brown stated that she is AKC accredited and has received awards for how she keeps her animals as well as she has them tested for disease. Mr. Lee said that how she cares for her dogs are not in question the matter is just dealing with the business in a residential district. Mr. Lee went on to explain to the board what would be needed to grant a conditional use-home occupation permit. Mr. Lee asked Mr. and Ms. Brown if as a business they are filing their business taxes with the Village. Mr. Brown stated he is pretty sure that they filed their municipal taxes showing a small profit. Ms. Brown stated that they have approximately 3 litters of pups per year of around 6-9 puppies and most of the costs go to testing, vaccinations, and boarding of the animals. Mr. Klein asked Ms. McCoy if she received any new complaints regarding the property on Orchard. Ms. McCoy stated on 6/2/15 she received a complaint regarding foul odor and on 6/25/15 a resident on Standish who could not make the meeting tonight was not in favor of a business operating out of a residential district. Mr. Brown asked again how many dogs they are allowed to have at the property. Mr. Lee stated that they can have up to five (5) animals as pets at their property. Mr. Brown stated that he called village hall and was told the same but was never told they needed a zoning permit. Mr. Donald Anderson, 14857 Standish, stated that he is concerned about parking and it being an agricultural issue with water runoff. Mr. Lee asked Ms. McCoy if there was a parking issue she stated no. Mr. Gyure asked if there was a way to regulate the dogs at the property if the permit was not issued. Mr. Lee stated they would be considered pets and the code allows for up to five (5) animals in the home. Mr. Klein stated that he felt this business in the residential district would not be conducive to the neighborhood. Mr. Klein asked the other members for their opinions. Mr. Linberg was in agreement with other members that this type of business could put a burden on the neighborhood. Ms. Davis stated that she had a similar issue with cats on a property and understands the neighbors' concerns. Mr. Dan Thayer of 14875 Orchard stated that he is also not in favor of a business being operated out of a home on his street. Mr. Lee asked if there was any more discussion or comments before closing the public hearing. Ms. Donna Anderson, 14857 Standish, stated that she was also not in favor of a business being run out of a home on Orchard. ***Ms. Davis made a motion to approve the conditional use-home occupation permit through August 31, 2015,***

along with the conditions that there are no sales done from the property after this date, animal waste is cleaned daily and removed off site, and there is to be no more breeding at the residence, seconded by Mr. Linberg. Roll Call: Yeas (4) Nays (0) Abstentions (1)

2. **Conditional Accessory Use Request – Middlefield Care Center- 14999 Lenny:** Ms. McCoy stated that due to a complaint received by the neighbors it was found that there was a solar panel installed next to the Care Center’s sign. The solar panel assists in supplying the energy to light the sign that was requested by the Fire Marshall at the Care Center’s last inspection. When the solar lights started to go on over Memorial Day weekend the neighbors experienced a blinking light that was going on and off shining through their window. Mr. Klein asked Mr. and Mrs. Evans if the light was still blinking they responded that it was not and that had been corrected but the solar panel is still there. Ms. Jaime Fisher, of Middlefield Care Center, explained that her electrician advised that the current solar panel is the smallest available to power light to the sign as it is now. Mr. Klein asked Ms. McCoy if the center was in violation of zoning regulations. Ms. McCoy stated that they were not due to the fact that the Village does not have regulations for solar panels. She also stated that the height of the solar panel is lower than the max height allowed of an accessory structure however, she did not have enough regulation to issue a permit so she had to bring the application to the board. Mr. Lee stated that this is how new legislation is created because situations like this arise and this may be something the board may want to consider looking into. Mr. and Mrs. Evans asked Ms. Fisher if there was a different place the panel could be located. Ms. Fishers stated to please come talk with her and she would try to work with their requests on placement. Mr. Klein asked if anyone else wanted to speak on this matter. Mr. Carl Hornung, 15140 Sawgrass, asked if a dimmer light could be used or something to control the light’s direction. Ms. Fisher stated that she will ask her electrician this question as well. ***Mr. Klein made a motion to table the conditional use for the solar panel, seconded by Mr. Linberg. Roll Call: Yeas (5)***

3. **Variance Request – Pauline Burnett – 15134 Woodsong Drive:** Ms. McCoy stated that the resident would like to put a shed 4 feet from the lot line where 7.5 is required through the R-PUD. Ms. McCoy stated that she did receive a call from Ms. Burnett’s neighbor however, she was just calling to see what was going to be built and did not have any objections. Ms. McCoy also stated that she also advised Ms. Burnett as a courtesy that she was also going to need to receive approval from her HOA. Mr. Klein asked if anyone had anything to say on this matter from the audience. There was no response. ***Mr. Linberg made a motion to approve the variance for a side-yard setback of 3.5 feet, seconded by Ms. Davis. Roll Call: Yeas (5)***

OLD BUSINESS:

NEW BUSINESS:

1. **Mary Yoder's Amish Kitchen – Lot Split and Consolidation -14743 N State Ave. & 16008 Button St.:** Mr. Klein asked Ms. McCoy to give an overview of the split and consolidation. Ms. McCoy stated that the proposed split would happen at 16008 Button Street. Ms. McCoy stated that the back part or (parcel 1 of 19-040300) would then be consolidated with parcel 2 of 19-040200 and 19-016700. Ms. McCoy stated these three parcels would be consolidated under the address 14743 N. State Ave. Mr. Klein asked Ms. McCoy if this created any zoning issues. Ms. McCoy stated that it does not. ***Mr. Linberg mad a motion to allow the lot split and consolidation as presented, seconded by Mr. Klein. Roll Call: Yeas(5)***

2. **Improvements plans for an industrial building and roadway expansion project by Federal Improvement Company:** Mr. Klein stated that Mr. Ford and Mr. Neff were present to explain their proposal. Mr. Neff started the presentation by showing the board where the roadway expansion would take place and how the two phased building would be designed. Mr. Neff stated that he just received today (6/25) the engineer's comments. Mr. Klein stated they also received the comments and asked Mr. Neff and Mr. Ford if there were objections. Mr. Garlich stated that he is questioning some items referenced to the roadway construction due to the fact that at the last meeting the roadway regulations were changed to follow county specifications. Mr. Garlich asked Mr. Weir if he had a chance to ask the Engineer about this and Mr. Weir had not. Mr. Klein asked if there was time to table this issue in order to ask the engineer his reasoning. Mr. Neff and Mr. Ford said they would like site approval tonight so that they can start preparing bid documents to have the project started this September. Additional discussion regarding tenants at the new facility. ***Mr. Klein made a motion to approve the site plan pending final approval by the Village Engineer, seconded by Mr. Linberg. Roll Call: Yeas (5)***

ZONING INSPECTORS REPORT: Ms. McCoy stated that there are no additions to her report as submitted other than the zoning department is continuing to be very busy.

There being no further business before the Planning & Zoning Commission Mr. Klein made a motion to adjourn the meeting at 8:35 pm, seconded by Mr. Linberg. All in favor: Yeas (5).

Latisha Stupka-Tax Administrator

Scott Klein-Chairman