

City of Geneva

PLANNING COMMISSION / BOARD OF ZONING APPEALS  
Agenda

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Monday, Dec. 5, 2016  
5:30 PM Regular Session

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Council Chambers, Municipal Building, 44 North Forest Street, Geneva, OH 44041

Pledge of Allegiance

Roll Call

Mr. Douglass, Mr. Grenier, Mr. Griffiths, Mr. Netzel, Mr. Starkey, Mr. Perkins, Mr. Cordova

New Business

- Case #013-16 **Deborah Sisteck has submitted an application for a Conditional Use Permit for 41 N. Broadway (parcel # 20-007-00-063-00) to use the basement for wine-making and storage.**

Old Business

- Zoning Code Revision draft: Signage

Adjournment

**Case #011-16 57 Cedar Ct.**

#### 1278.01 CONDITIONAL USE PERMITS REQUIRED.

(a) As set forth in Section [1268.05](#), conditional use permits shall be required as follows:

(1) R-2 and R-3 Districts.

- A. Churches
- B. Schools, public or private
- C. Public facilities
- D. Home occupations
- E. Libraries or museums
- F. Public utility structures
- G. Recreational uses, park, playground or golf course
- H. Family homes for mentally retarded/developmentally disabled children or adults
- I. Parking for commercial or industrial establishments

(2) CBD - Central Business District.

- A. Health club/spa
- B. Game rooms
- C. Retail/service incubators

(3) Industrial District.

- A. Terminal facilities
- B. Recreational facilities
- C. Automobile repair shops
- D. Accessory structures over forty-five feet
- E. Other similar uses

(b) In addition to those uses specified in subsection (a) hereof, conditional use permits shall also be required for the following when located in any zoning district:

- (1) Airports, heliports and helistops
- (2) Sand and gravel operations, or the removal from or deposit on land or soil of other substances in excess of 2,000 cubic yards per acre in volume or 25,000 cubic yards total
- (3) Electric substations
- (4) Telephone exchanges
- (5) Water towers
- (6) Pumping stations
- (7) Installations for the commercial transmission of radio or television
- (8) Gas regulation stations
- (9) Oil and gas wells, provided, however, that in R-2 and R-3 Single-Family, Mobile Home and PRD Districts, said wells shall be used only for on-site residential use and shall not exceed 1,000 feet in depth.
- (10) Power lines in excess of 13,200 kv
- (11) Temporary events
- (12) Railroad tracks and facilities

(Ord. 2337. Passed 10-20-92.)

#### 1278.02 APPLICATION PROCEDURE.

Any person, firm or corporation owning or leasing land, who or which desires a conditional use permit, shall file with the Administrator a written application therefor on the forms provided. If the applicant is not the owner of the land, the owner shall sign and be made a party to the application.

The applicant shall submit, with the application, information sufficient to the Planning Commission to describe the proposed use. Said information may include, but shall not be limited to:

- (a) A preliminary site plan
- (b) A traffic analysis
- (c) A drainage analysis
- (d) Evidence of financial capability
- (e) A construction schedule
- (f) Such other information as the Commission may deem necessary.

All applications shall be accompanied by a fee as set forth in Section [1262.05\(k\)](#).

(Ord. 2337. Passed 10-20-92.)

#### 1278.03 NOTICE AND HEARING.

The Administrator shall examine the application and all documents and data connected therewith and shall prepare and submit the application and his or her recommendations to the Planning Commission within a reasonable time. The Administrator shall schedule a public hearing upon the application before the Planning Commission and shall give notice thereof by publication in a newspaper of general circulation in the municipal corporation once a week for two consecutive weeks on the same day of the week, and no hearing thereon shall be held less than five nor more than ten days following the last publication. Said notice shall give the time, place and purpose of said hearing.

The Administrator shall also send written notice of the public hearing to the owners of property contiguous to and directly across the street from the subject property at least ten days prior to the date of public hearing. Notice sent by first class mail to the addresses shown on the current tax list shall constitute compliance with this section.

At least five days preceding the Planning Commission's public hearing, the applicant shall erect on the subject property a sign or signs furnished by the Administrator including the nature of the request and the date, time and place of the public hearing. The sign shall be erected by the applicant within ten feet of whatever property line abuts a public street and shall be so placed as to be clearly visible from the road. If no public street abuts thereon, then the signs shall be erected in the same manner as above on at least two property lines as directed by the Administrator.

(Ord. 2337. Passed 10-20-92.)

#### 1278.04 ACTION BY PLANNING COMMISSION.

(a) The Planning Commission shall conduct a public hearing and shall act upon the request within a reasonable time thereafter. In reviewing a request, the Commission shall consider whether the proposed use:

- (1) Will be in harmony with or adversely affect the use of neighboring properties;
- (2) Will adversely affect the health or safety of persons residing or working in the neighborhood;
- (3) Will change the character of the neighborhood;
- (4) Will be detrimental to the public welfare or injurious to property;
- (5) Is in accord with the purpose and intent of this chapter and the Comprehensive Plan of the City; and
- (6) Complies with any adopted policies relating to such uses.

(b) If, after review, the Commission finds that in its opinion a request does not meet the above criteria, the request shall be denied. In granting any conditional use permit, the Planning Commission may impose such conditions in connection therewith as it may deem necessary to protect the public welfare, preserve the purpose and intent of this chapter and protect the character of neighboring properties. Such conditions may include, but shall not be limited to, the regulation of:

- (1) Setbacks
- (2) Screening and buffers
- (3) Noise
- (4) Hours of operation
- (5) Access and traffic
- (6) Glare
- (7) Vibration
- (8) Odors
- (9) Dust
- (10) Smoke
- (11) Hazardous materials

(Ord. 2337. Passed 10-20-92.)

**Case #012-16 285 S Broadway**

**NONCONFORMING SIGNS**

(4) Nonconforming signs. Signs made nonconforming by the adoption of this Zoning Code shall not be enlarged, structurally altered or reconstructed, unless designed and arranged in compliance with this Zoning Code. Normal maintenance, such as cleaning, painting or minor repair, is permitted.

#### 1264.08 VARIANCE APPLICATIONS.

Any application for a variance shall be submitted on special forms supplied for that purpose and shall contain:

(a) A site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all existing and proposed structures and the types of buildings and their uses on the subject property.

(b) A statement of justification providing substantiating evidence regarding the required findings set forth in Section [1264.09](#).

(c) A fee, as set forth in Section [1264.07\(c\)](#).  
(Ord. 2337. Passed 10-20-92.)

#### 1264.09 REQUIRED FINDINGS FOR VARIANCES.

When considering a request for a variance, the Board of Zoning Appeals shall be subject to the powers and limitations previously set forth and to the required findings set forth herein.

No variance from the provisions or requirements of this Zoning Code shall be granted by the Board unless the Board has determined by clear and convincing evidence that a practical difficulty does exist or will result from the literal enforcement of this Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner seeking a variance has proved practical difficulty include:

(a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

(b) Whether the variance is substantial.

(c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

(d) Whether the variance would adversely affect the delivery of government services (e.g. water, sewer, garbage, fire, police or other).

(e) Whether the property owner purchased the property with the knowledge of the zoning restriction.

(f) Whether the property owner's predicament can be obviated through some method other than a variance.

(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance.

(h) Whether the granting of the variance will be contrary to the general purpose, intent and objective of this Zoning Code or other adopted plans of the City.

(i) Whether the variance requested arises from a condition which is unique, which is not ordinarily found in the same zoning district and which is created by this Zoning Code and not by an action or actions of the property owner or the applicant.

(j) Whether the variance desired will adversely affect the public health, safety, morals or general welfare.

**30 Park St.** (parcel #20-006-00-020-00), in the Central Business District, requests permission to put up a storage shed, which was required by the Zoning Department for safe storage of maintenance machines.

**Planning Commission determines all setbacks, height and other requirements for any structure installed in CBD**