

Brookville Planning Commission
Regular Meeting
January 16, 2020

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on January 16, 2020 in the City Council Chambers. The Pledge of Allegiance was recited. Mayor Letner; Members Boose, Claggett, Cordes, Schreier and Sievers; City Manager Keaton, Zoning Officer Snedeker, Law Director Stephan and Interim Clerk Duncan were present

Chairperson Henderson announced the Meeting is being recorded.

Roll Call by Interim Clerk Duncan.

Motion by Claggett, second by Boose to approve the Agenda as presented. All yeas, motion carried.

Motion by Claggett, second by Cordes to approve the Minutes of the October 17, 2019 Regular Planning Commission Meeting. All yeas, motion carried.

Motion by Claggett, second by Schreier to nominate Member Henderson as Chairperson and Member Boose as Vice Chairperson. Letner yea, Schreier yea, Claggett yea, Cordes yea, Sievers yea, Boose and Henderson abstained. Motion carried with five yeas and two abstentions.

Zoning Officer Snedeker stated Dean Sutter, of 241 Charlie Court, is requesting approval to build a 1,500 square foot detached garage on his lot. The proposed garage exceeds the City's Codified Ordinance maximum size of 768 square feet. Zoning Officer Snedeker reported he researched the neighborhood and found that 238 Charlie Court has an 1,800 square foot garage, 277 Johnsville Brookville Road has a 1,200 square foot garage, 278 Johnsville Brookville Road has an 1,800 square foot garage and Tim Via at 228 Charlie Court just received approval to build an 864 square foot garage. Zoning Officer Snedeker stated that Mr. Sutter is present tonight to answer any questions.

Member Schreier inquired whether the referenced garages are all within the city limits?

Zoning Officer Snedeker replied that is correct.

Dean Sutter, of 241 Charlie Court, stated the HOA requires the proposed garage must match the house as close as possible. The garage will not be any higher than the house, with a 10 foot inside dimension, an 18' x 8' garage door and constructed of 4' brick with the remainder cedar.

Mayor Letner asked what the pitch of the roof would be?

Mr. Sutter replied the roof pitch will be 8/12.

Mayor Letner asked what the intended use of the proposed garage is?

Mr. Sutter replied the proposed garage will be used for car parking and as a workshop to make furniture for his grandchildren when he retires.

Mayor Letner asked if the proposed garage will be in the woods?

Mr. Sutter replied most of the woods were taken out by the tornado. Mr. Sutter stated the proposed plan positions the garage to block the view of the school and Terrace Park, which were not visible from his lot prior to the tornado.

Mayor Letner inquired whether there is an HOA in his subdivision and whether any of the other homeowners would object to the proposed garage?

Mr. Sutter replied he is not aware of any objections from his neighbors. The HOA states an outbuilding must be constructed within City specifications and must match his house as close as possible.

Member Schreier commented the proposed garage is two times the permitted size in our ordinance and while we did make an exception in the past, the question is where does Planning Commission draw the line as to how big is big and on what lots?

Mr. Sutter stated his lot is just shy of an acre, which is three times the size of the average lot on Charlie Court.

Chairperson Henderson said the surrounding properties and the school being behind the proposed garage means there will be no new construction whose site line would be impacted. Chairperson Henderson also stated the oversized lot is favorable because when an entire lot is covered in building it creates stormwater runoff to deal with. Chairperson Henderson stated he has no major concerns with where the building is proposed.

Member Cordes inquired about the driveway placement?

Mr. Sutter indicated the driveway placement on the proposed site plan and stated the sidewalks will be redesigned so that the kids can still walk to school safely. Mr. Sutter stated he installed the sidewalks years ago for all the kids in the neighborhood to get to school without having to cross Johnsville Brookville Road.

Member Boose stated despite the oversized lot and location he is concerned about the precedent Planning Commission is setting. Member Boose stated our citizens might not understand that Planning Commission considers things on a case by case basis.

Tim Via, of 228 Charlie Court, asked where the maximum 768 square footage came from to begin with?

Law Director Stephan replied this Code Ordinance was reviewed approximately 15 years ago and adopted some additional regulations related to it.

Member Schreier commented 24' is a standard truss size.

Chairperson Henderson stated the square footage maximum is based on a 24 x 32' outbuilding.

Member Schreier observed that the proposed garage is proportional to the lot size.

Motion by Schreier, second by Claggett to approve a 1,500 square foot garage at 241 Charlie Court. All yeas, motion carried.

Zoning Officer Snedeker stated Tim Via is requesting a Special Use Permit in a R1-B Zoning District for a Day Care Facility at 533 Western Avenue. Mr. Via is present to answer any questions about the project.

Tim Via, of 228 Charlie Court, stated he has spoken to Brookville School Superintendent Tim Hopkins about the need for an expanded latchkey and day care program. Mr. Via proposed his blue barn at 533 Western Avenue is the perfect location with its proximity to the school. Mr. Via stated this would be a joint venture with his sons-in-law, Benji Hughes and Devon Walton, who are also present this evening.

Mr. Via advised his daughter and her husband are both high school teachers and they are looking to expand on day care and offer tutoring and year-round daycare for kindergarten through fifth grade, versus the latchkey program at the school which is only open during the school year, and is only open to kindergarten through third grade. Mr. Via stated fourth and fifth graders are by law too young to stay home alone, so many of them end up at the library, which is becoming an issue for the library staff.

Mr. Via reported he has reviewed both the State and the City of Brookville requirements and the only one they fall short is the state requirement of 500' of lot size per child. Mr. Via stated the existing blue barn has been inspected and meets all the requirements for the age group they are proposing. Mr. Via stated they are planning a 4,000 square foot addition with windows so the gymnasium can be observed from the classroom area. Mr. Via stated the other side of the barn will be a cafeteria and craft area, keeping structure for the kids. Mr. Via stated the plan is to keep the cost as close to the Brookville Schools latchkey program.

Member Claggett inquired about the gym size on the plans?

Mr. Via replied it is most of the blue barn, the rest of it is the addition. The State of Ohio requires 35 square foot per child, not including the restrooms. Mr. Via advised there will be an upstairs in part of the building to house mechanicals.

Member Claggett asked about the parking at the house that Mr. Via owns next to the blue barn and whether the driveway will have to be modified to a circular drive?

Mr. Via replied he sold that house on a land contract to his nephew, so he can surely take care of the cars that are parked there. Mr. Via stated there are numerous State regulations that will have to be followed regarding the driveway and the drop off area.

Chairperson Henderson commented Planning Commission is only considering the Special Use Permit to allow a daycare in R1-B and any site plans would be submitted and approved at a later date.

Member Letner asked what the proposed hours of operation are for the facility?

Mr. Via replied during the school year they would be open from 6:00 a.m. until 9:00 a.m. and 2:30 p.m. until 6:00 p.m. The summer hours will be from 6:00 a.m. until 6:00 p.m.

Member Letner inquired if Mr. Via has spoken to any of the neighbors about the proposed day care as many were opposed to Bath Fitters moving into this same location a few years ago?

Mr. Via replied he was embarrassed for the community by the comments made by the neighbors at that time and stated the end result was to drive another business out of town. Mr. Via stated if the community feels the same about the proposed day care then he will leave the blue barn as is and be done with the proposed project. Mr. Via commented his proposed latchkey and daycare will turn the barn into something the whole community can benefit from.

Mayor Letner agreed and commented this would take a lot of weight off the library as currently there are so many kids congregating there after school that the library had to hire a security guard.

Mr. Via replied that fourth and fifth graders are at an awkward age and need something to do to keep them busy. Mr. Via stated he truly believes all kids want structure and that is what he plans to provide with this program. Mr. Via said he and Tim Hopkins have discussed the fact that this could be a difficult business, especially dealing with the parents. Mr. Via commented he is not in a public position and this business will be well run just as he runs all of his other businesses.

Law Director Stephan commented the motion for approval be subject to approval of a site plan either by staff or by Planning Commission as entrances, setbacks and parking will need to be reviewed.

Mr. Via advised all the State requirements including the items mentioned by Law Director Stephan will have to be met before they can receive a license to operate the business. Mr. Via said that is one reason they won't open for kids below kindergarten age as there is a whole new set of regulations for that age group. Mr. Via reported that LJB architects have reviewed the blue barn and found it extremely solid since it is constructed with metal studs and 3/4" tongue and groove plywood. Mr. Via stated he will have to install different doors for egress.

Member Schreier inquired about the 500' per child lot size versus the play area of 100' square feet per child?

Mr. Hughes, of 148 Timberwolf Way, commented the State requirement is actually 60' square feet per the number of children that are going to be using the outdoor play space at one time. Mr. Hughes said there is an exemption that exists for the outdoor play space if you have an indoor

space that meets the requirements, so it is possible that they may not even need an outdoor play space.

Mr. Via observed it doesn't make sense that he can have an outdoor play space of 6000' square feet for 100 children yet he can be exempt from an outdoor play area as long as he has an indoor area of 1,400 square feet. Mr. Via stated either way they will have 25' x 100' square feet of usable space in the back. Mr. Via commented he spoke with Tim Hopkins about leasing additional property from the school and fencing it in.

Member Boose asked how much of the lot will come out between the houses on March Avenue?

Mr. Via indicated on the proposed site plan where the lot will extend to and advised that in discussions with Tim Hopkins he has learned the school sees the need for the proposed latchkey and daycare center. Mr. Via stated Mr. Hopkins has indicated that the school board would likely be receptive to leasing the proposed daycare some land for the outdoor space.

Member Schreier stated as presented the plan meets the requirement for indoor space and the outdoor play space is not required.

Mr. Via replied that is correct, but they plan to meet both requirements because with the different age groups they will need different play areas.

Mayor Letner asked if the blue barn is currently heated by propane?

Mr. Via said that is correct, but the plan is to change the heat to natural gas if they go forward with the proposed daycare.

Member Boose asked what the occupancy rate is at Brookville Schools latchkey program?

Mr. Via replied the school is licensed for 127 children.

Member Schreier asked if the current daycare center we have in Brookville meets the State and City standards?

Zoning Officer Snedeker replied Little Angels Daycare was an established business when he began employment here. Zoning Officer Snedeker stated he believes they probably just meet the requirements as they are just shy of an acre. They do have a drop off area, but he has never measured.

Mr. Via commented the Little Angels Daycare is for children in diapers through third grade. Mr. Via commented he does not want to get into transportation and thinks his location is ideal because the kids could walk to school. Mr. Via stated he is considering adding sidewalks so the kids can go right out the door and to the school.

Zoning Officer Snedeker inquired if there are regular inspections by the State after they open?

Mr. Via replied he has looked online and can see the Little Angels inspections and any issues they need to correct, so he assumes he would also be subject to regular inspections. Mr. Via stated Little Angels' inspections are probably more intense because of the age kids they have, and the liability goes up tenfold when you have younger children.

Mr. Sutter stated his company does business with a lot of day care centers and they have regular state inspections and health inspections.

Mr. Via stated they plan to have a kitchen to feed kids in the summer so they will definitely have health inspections as well.

Member Claggett inquired in view of recent events, is Mr. Via making any provisions for tornado safety?

Mr. Via stated he has not gotten that far with his plans yet.

Member Cordes asked if they plan to replace the school's latch key program altogether?

Mr. Via replied the school only takes 50 children in their latchkey program and turns away 25 to 50 children per year because they don't want a staff any bigger than that. Mr. Via stated the school offers ala-cart which means you only pay for the hours you use but he will not offer this option. Mr. Via stated he has researched other latchkey and daycare programs and most charge for the whole day whether the child attends or not. Mr. Via stated the average cost is \$100 per day and they plan to charge \$65 per day. Mr. Via stated whether the school continues their program or not is entirely up to the school.

Motion by Cordes second by Claggett to approve Special Use Permit 20-01 for 533 Western Avenue in R1-B zoning, subject to site plan approval by Planning Commission. All yeas, motion carried.

Zoning Officer Snedeker reported in 2019 the City issued 86 Zoning permits, seven new home construction permits and 23 out of 27 homes that were demolished in Terrace Park have received permits to rebuild. Zoning Officer Snedeker reported there are three vacant lots for sale in Terrace Park and several contractors have already purchased lots and are constructing homes that they will list for sale. Zoning Officer Snedeker encouraged Planning Commission members to drive through the Terrace Park plat to see the new patio covers and the mixture of cedar, vinyl and brick on the homes, which is much improved.

Zoning Officer Snedeker reported DMAX is on track to be completely enclosed by April 1 and the BP station is in the final stages.

Zoning Office Snedeker reported he is working with a development company who says smaller lots are what young buyers are looking for. Zoning Officer Snedeker advised our Zoning code is outdated and Planning Commission needs to work to update them in 2020. Zoning Officer Snedeker suggested updating the side and front yard setbacks. Zoning Officer Snedeker stated our R1-A district is already zoned for larger homes, it is the R1-B and R1-C districts that need to be

revised as well as considering a zoning area for creative residential and or mixed PUD zoning. Zoning Officer Snedeker stated the company he is working with is looking at the 18 acres by the Fire Station where they would like to construct what is called an “easy living development” of patio homes. Zoning Officer Snedeker advised he has seen a preliminary site plan which would require different setbacks in order make it work.

Zoning Officer Snedeker advised Trevor Hopkins recently came into the office and stated his plan is to come to the next Planning Commission Meeting regarding changing our Ordinance code to allow residents to have chickens within the city limits.

Mr. Sutter commented he thought Brookville allows three chickens but no roosters.

Zoning Officer Snedeker replied that is incorrect. Some cities, including Dayton, are changing their ordinances to allow chickens. Dayton’s ordinance limits residents to five chickens which must be cooped.

Mr. Via commented he has seen chickens roaming around his business in Dayton and recently the gaming agent paid him a visit regarding his dog chasing a chicken. Mr. Via said the gaming agent told him they get calls every day about chickens and advised Mr. Via to call next time and he will come pick them up if they are a nuisance.

Mayor Letner stated we already have wildlife of coyotes, deer and fox within the City and we would be inviting more wildlife to come in if we allowed chickens. Mayor Letner stated he personally tries to be good neighbors to the wildlife and feed them, however, he does not want to feed them a chicken.

Mayor Letner inquired if there is any movement on the old library building?

Zoning Officer Snedeker replied there has been some activity, but he is not at liberty to discuss it at this time.

Member Claggett asked Zoning Officer Snedeker if he has heard anything regarding the K’s Restaurant building?

Zoning Officer Snedeker replied reconstruction is nearly finished but the owners did not put it back together as a restaurant so it would appeal to other businesses. They also saved a lot of money by not having to put in kitchen fire suppression.

City Manager Keaton had no report.

Law Director Stephan had no report.

There was no Old Business.

There was no New Business.

Member Schreier commented we do need to look at the patio home possibility suggested by Zoning Officer Snedeker as other entities are incorporating them into their zoning. Member Schreier stated patio homes would allow older people to move from a large home to a smaller, maintenance free home and free up the larger homes for families to move into our school system.

Member Boose asked Zoning Officer Snedeker what the struggle is to encourage new construction in the Meadows of Brookville which is mixed use zoning.

Zoning Officer Snedeker speculated that no one wants to face Westbrook Road. The developer has told him numerous times he is going to construct a model home to encourage development but has not done so to date.

Zoning Officer Snedeker stated the 18 acres near the fire station would be the prime location for patio homes as it already includes PUD in the zoning.

Chairperson Henderson asked what happened to the developer who was going to construct craftsman style homes on the old school lot?

Zoning Officer Snedeker replied that developer was Alan Thrush, and the tornado put him behind. Zoning Officer Snedeker stated another developer was interested, but he became too busy as well.

Motion by Claggett, second by Schreier to adjourn. All yeas, motion carried.



Kimberly Duncan, Interim Clerk



Ryan Henderson, Chairperson