

Brunswick City Planning Commission

June 16, 2022 - Caucus

6:30 p.m.

Joe Shirilla, Chairman
Brad Saeger, Vice Chairman
John Rocha, Recording Secretary
Jeff Arona, Member
Abbas Hasan, Member
Kristy Piper, Council Representative
Pamela Plavecski, Planning & Zoning Coordinator
Santo Incorvaia, Assistant Law Director
Grant Aungst, Community & Economic Development Director
Sarah and David Koehnlein, 3738 Magnolia Drive, Brunswick

Chairman Joe Shirilla called the meeting to order at 6:34 p.m. The Commission agreed to move the Koehnlein fence variance up on the agenda.

The first item was the review of the public hearing for Sarah and David Koehnlein, regarding a variance for a proposed fence located in a riparian zone, 3738 Magnolia Drive. Mr. Aungst read an email from Matt Jones, Consulting City Engineer, who was unable to attend tonight's meeting, stating he is in support of granting a variance. Mr. Arona noted there is a solid privacy fence on each side of the Koehnlein's backyard, but they are using an open design in the rear, and inquired if there is a concern about blockage of flood water with a solid fence. Mr. Aungst responded the city is working on legislation to revise the riparian zone setback chapter (Chapter 1238) of the Codified Ordinances and will take Mr. Arona's comments into consideration.

The second item was the review of the public hearing for text amendments regarding Planning Commission application fees, certificate of occupancy, utility easements, accessory buildings, and driveway locations. The Commission had no comments at this time.

Mr. Shirilla adjourned the meeting at 6:42 p.m.

Respectfully,

Pamela Plavecski

Brunswick City Planning Commission

June 16, 2022

6:48 p.m.

Joe Shirilla, Chairman
Brad Saeger, Vice Chairman
John Rocha, Recording Secretary
Jeff Arona, Member
Abbas Hasan, Member
Kristy Piper, Council Representative
Pamela Plavecski, Planning & Zoning Coordinator
Santo Incorvaia, Assistant Law Director
Grant Aungst, Community & Economic Development Director
Sarah and David Koehnlein, 3738 Magnolia Drive, Brunswick

Item 1

Chairman Joe Shirilla called the meeting to order at 6:48 p.m.

Ms. Plavecski called the roll: 5 Present 0 Absent.

Item 2

Regarding announcements or correspondence, Ms. Plavecski announced the Planning Commission agreed in the caucus meeting to move the Koehnlein fence variance up on the agenda.

Item 3

MR. ROCHA MOTIONED TO APPROVE THE MINUTES OF JUNE 2, 2022.

Mr. Saeger seconded the motion. The vote was 4 Ayes 0 Nays 1 Abstain (Mr. Shirilla).

Item 4(b) – moved up on the agenda

Regarding the public hearing for Sarah and David Koehnlein concerning a variance for a fence located in the riparian zone, 3738 Magnolia Drive, Mr. and Mrs. Koehnlein were present. Mr. Koehnlein explained they would like to enclose their backyard with a fence in order to keep their daughter and dog safe. Mrs. Koehnlein noted their neighbor has a fence located in the same area along their rear property line.

Mr. Aungst explained there are several residents on Magnolia Drive that have a portion of their rear yard located in the riparian setback and have structures, i.e. sheds, located on city

property. He stated the city is working with these residents to move the structures on to their own property.

The Commission agreed that the conditions of Section 1222.07(a) through (f) have been met and are in favor of granting a variance.

Mr. Shirilla declared the public hearing open; no one appeared, so he declared it closed.

MR. ARONA MOTIONED TO APPROVE A VARIANCE FOR THE KOEHNLEIN FENCE, 3738 MAGNOLIA DRIVE, TO BE LOCATED IN THE RIPARIAN SETBACK. THE PLANNING COMMISSION HAS FOUND THAT THE STIPULATIONS IN SECTION 1222.07(a) THROUGH (f) HAVE BEEN MET.

Mr. Saeger seconded the motion. The vote was 5 Ayes 0 Nays.

Item 4(a)

Regarding the public hearing for text amendments regarding Planning Commission application fees, certificate of occupancy, utility easements, accessory buildings, and driveway locations, Ms. Plavecski gave an overview of Ordinance Nos. 39-2022, 40-2022, 41-2022, 42-4022, 43-2022, 44-2022, and 45-2022.

Concerning Ordinance No. 44-2022, regarding attached accessory buildings, Mr. Incorvaia noted that Section 1280.06(b) should be clarified to state these requirements are for residential structures, to which the Planning Commission agreed.

Mr. Shirilla declared the public hearing open; no one appeared, so he declared it closed.

MR. HASAN MOTIONED TO RECOMMEND APPROVAL TO CITY COUNCIL OF ORDINANCE NOS. 39-2022, 40-2022, 41-2022, 42-2022, 43-2022, AND 45-2022, PERTAINING TO TEXT AMENDMENTS FOR PLANNING COMMISSION APPLICATION FEES, CERTIFICATE OF OCCUPANCY, UTILITY EASEMENTS, AND DRIVEWAY LOCATIONS. REGARDING ORDINANCE NO. 44-2022, SECTION 1280.06(b) PERTAINING TO ATTACHED ACCESSORY BUILDINGS, THE COMMISSION WISHES TO CLARIFY THESE REQUIREMENTS ARE FOR RESIDENTIAL STRUCTURES AND RECOMMENDS APPROVAL TO CITY COUNCIL.

Mr. Arona seconded the motion. The vote was 5 Ayes 0 Nays.

Item 5

There was no old business.

Item 6

There was no new business.

Item 7

No one appeared at the public comment period.

Item 8

Mrs. Piper gave the Council Representative's Report. She stated City Council has increased the budget for the inclusive playground at Neura Park.

Mr. Hasan suggested for the 2023 Planning Commission meeting schedule, that the two meetings in July should be on the second and fourth Thursdays, instead of the first and third, as some Commission members are on vacation around the July 4th holiday, to which the Commission agreed.

MR. ROCHA MOTIONED TO ADJOURN THE MEETING.

Mr. Saeger seconded the motion. The vote was 5 Ayes 0 Nays.

The meeting was adjourned at 7:35 p.m.

Respectfully,

Pamela Plavecski

PLANNING COMMISSION STAFF REPORT

June 16, 2022

Proposed Text Amendments

(Public hearing)

Text amendments to the City of Brunswick Codified Ordinances are proposed as follows:

Ordinance No. 39-2022: amending Section 1216.02(b) to update the Planning Commission preliminary subdivision fee schedule.

Ordinance No. 40-2022: amending Section 1216.03(a) to update the Planning Commission Site Plan Review Application fee schedule.

Ordinance No. 41-2022: amending Section 1228.03(a) pertaining to utility easements within a subdivision, whereby requiring electric and telephone lines along the rear or side lot lines to be buried, where previously not required.

Ordinance No. 42-2022: amending Section 1244.07(c) pertaining to certificate of occupancy, whereby requiring that a certificate of occupancy shall also be issued upon transfer of the property to a new owner, which was previously not required.

Ordinance No. 43-2022: amending Section 1278.02 pertaining to site plan review. Section 1278.02(c) is revised whereby a building permit application to amend an approved site plan in an industrial zoning district will not require Planning Commission approval, provided the total aggregate cost does not exceed \$150,000.00 (previously \$75,000.00), subject to Community and Economic Development Director, City Engineer, and Chief Building Official approval. Section 1278.02(d) is revised whereby a building permit application to amend an approved site plan in a commercial zoning district will not require Planning Commission approval, provided the total aggregate cost does not exceed \$50,000.00 (previously \$25,000.00), subject to Community and Economic Development Director, City Engineer, and Chief Building Official approval.

Ordinance No. 44-2022: amending Section 1280.06(b), pertaining to attached accessory buildings, is hereby revised to include these structures shall be constructed of materials comparable to the principal building. Section 1280.06(c), pertaining to detached accessory buildings, is hereby amended whereby detached accessory buildings exceeding 100 square feet shall be constructed of materials harmonious, as defined in Section 1242.02(41) of this Code, to the principal building. Detached accessory buildings measuring up to 240 square feet shall be located a minimum of 5 feet from the side and rear property lines (previously 10 feet) and a minimum of 15 feet from the rear of the principal building. Detached accessory buildings exceeding 240 square feet shall be located a minimum of 10 feet from the side and rear property lines and a minimum of 15 feet from the rear of the principal building. Only one shed shall be permitted per lot containing a residential building. No accessory buildings shall be permitted on vacant land.

Ordinance No. 45-2022: Section 1475.11 has been established whereby driveways shall be located a minimum of three feet from the side property line and shall not obstruct a drainage swale or drainage course. Previously, there was no established minimum distance of a driveway from the side property line.

City Council held their first reading on May 9, 2022 for the above proposed legislation.

Staff Recommendations:

Staff recommends approval to City Council of the above ordinances.

Koehnlein fence variance

(Public hearing – variance to riparian setback)

Location: 3738 Magnolia Drive
R-L District

Proposed Use & Background:

A variance application has been submitted by Sarah and David Koehnlein, appealing Section 1238.06(c) of the Codified Ordinances of the City of Brunswick, pertaining to a fence located in a riparian zone. The applicant is seeking a variance to construct a 4-ft. high black ornamental fence in their rear yard adjacent to Healey Creek within the 75-ft. riparian zone, which is prohibited by Code.

The Administration is in support of the variance, provided that only the existing rear yard mowed grass area is enclosed by the fence and no existing trees or vegetation shall be removed on or near the Healey Creek stream banks.

Staff Review Comments:

1. Pursuant to Section 1222.07 of the Subdivision Regulations, the Planning Commission may grant variances to the above Regulations where unusual or exceptional factors or conditions require such modification, provided the Commission finds the stipulations in subsections (a) through (f) have been met as follows:
 - a) Finds that unusual topographical or exceptional physical conditions exist;
 - b) Finds that strict compliance with these Regulations would create an extraordinary hardship as a result of exceptional conditions;
 - c) Permits any modification of these Regulations only to the extent necessary to remove the extraordinary hardship;
 - d) Finds that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Regulations;
 - e) Requires such other conditions to be met by the proposed plan or plat as the Commission finds necessary to accomplish the purposes of these Regulations when modified; and
 - f) Records such modification on the plat to be submitted to Council.

Staff Recommendations:

Staff recommends approval of the fence variance to the riparian setback.