

**Minutes of the Planning Commission
Village of Mantua
Special/Emergency Meeting: February 28, 2012**

1. Call to Order

Meeting called to order at 7:00 p.m.

2. Roll Call

Members Present: Chairperson Aaron Snopek, Commission Members Wes Hawkins, Ben Prescott, Randy Weaver, and Mayor Linda Clark.

Others Present: Solicitor Michele Stuck, and Zoning Inspector John Vechery.

Citizen Present: Robert Bradley

3. Review, if Necessary, of Amended Bradley Site Plan

Mr. Snopek stated that he had obtained, from the office of the Village Clerk, the following: (a) Bradley Site Plan, which was approved by the Planning Commission on May 10, 2011; (b) Application for a Zoning Permit, which was approved by the Zoning Inspector on May 17, 2011, and; (c) copies of the Minutes of the Planning Commission for May, 2011, and June, 2011.

Mr. Snopek distributed to the Members of the Commission, as well as to Solicitor Stuck and Inspector Vechery, copies of: (1) Bradley Site Plan (approved on May 10, 2011), and; (b) Application for a Zoning Permit (approved May 17, 2011). The procedure is that, first, a Site Plan is approved (or not), by the Planning Commission, and then if a Site Plan is approved an applicant then submits an Application for a Zoning Permit to the Zoning Inspector.

Mr. Snopek stated that this meeting had been called because Mayor Clark had notified him of some discrepancies between: (1) Bradley Site Plan (approved May 10, 2011), and; (b) Application for a Zoning Permit (approved May 17, 2011). Therefore, it was necessary for the Commission to determine whether it was the Bradley Site Plan which was inaccurate, or whether it was the Application for a Zoning Permit which was inaccurate.

Mr. Snopek then requested that Mayor Clark speak to the Commission regarding the discrepancies she had discovered.

Mayor Clark stated that there was a difference between the square footage stated on the Bradley Site Plan, and the square footage stated on the Application for a

Zoning Permit. Additionally, Mayor Clark discovered that, attached to the Application for a Zoning Permit, was an un-signed, and un-notarized Quit Claim Deed. Mayor Clark went on to state that she had since obtained from the website of the County Recorder, a signed, notarized, and recorded copy of the relevant Quit Claim Deed.

Mr. Snopek suggested that the Commission begin by examining the Bradley Site Plan (approved May 10, 2011), and the Application for a Zoning Permit (approved May 17, 2011) for further discrepancies. Mr. Snopek asked if there was any objection to proceeding in this manner. There was no objection made. Therefore, the Commission proceeded to review the Bradley Site Plan, and the Application for a Zoning Permit for inconsistencies.

The following inconsistencies between the Bradley Site Plan and the Application for a Zoning Permit were discovered by the Commission:

(a) Mr. Prescott:

Zoning Application, on Page 2, Section entitled "Area, Height, Bulk, Dimensions, Units," sub-section "b," states: "b. Residential Square Footage Total Living Area Proposed 2800 (sq. ft.)"

In contrast, Bradley Site Plan, on the page marked "Project Description," and under the heading "Square Footage" states a total square footage of 2245.3.

(b) Mr. Prescott:

Application for a Zoning Permit, on Page 2, Section entitled "Area, Height, Bulk, Dimensions, Units," subsection "b," states: "First Floor 1400 (sq. ft.)," and "Second Floor 1400."

In contrast, Bradley Site Plan, on the page marked "Project Description," and under the heading "Square Footage" states a first floor ("Down") total square footage of 1080.0, and a second floor ("Up") total square footage of 1080.

(c) Mr. Weaver:

Application for a Zoning Permit, on Page 2, Sub-section entitled "Area, Height, Bulk, Dimensions, Units," subsection "c," states: "c. Non-Residential Square Footage of Floor Area 80 (sq. ft.)."

In contrast, Bradley Site Plan states, on the page marked "Project Description," and under the heading "Square Footage" a Non-Residential ("Common") Square footage of 85.3.

(d) Mr. Prescott/Mr. Weaver:

There is an issue with the height of the structure. The Application for a Zoning Permit, on Page 2, Sub-section entitled "Area, Height, Bulk, Dimensions, Units," subsection "e. Height of Structure," states: "21" feet.

However, and after discussion with Mr. Bradley, and further review of, and calculation from the Site Plan, Mr. Bradley agreed that the accurate height of the structure is 23 feet and 3 ¼ inches.

(e) Mayor Clark:

There is a potential issue with the parking area. On the Application for a Zoning Permit it is unclear whether the number of spaces is "0" (zero) or "10" (ten).

Mr. Bradley advised that the Application for a Zoning Permit was intended to indicate "0" (zero), and not "10" (ten).

Additionally, the Application for a Zoning Permit, on Page 2, Sub-section entitled "Area, Height, Bulk, Dimensions, Units," subsection "f. Off Street Parking," states a parking "Area" of "2800 (sq. ft.)."

However, and after discussion with Mr. Bradley, and further review of, and calculation from the Site Plan, Mr. Bradley agreed that the accurate square footage of the parking "Area" is 1300 square feet.

Mr. Snopek asked the Members of the Commission if they desired more time to review the Site Plan and/or the Application for a Zoning Permit. No desire for more time was expressed.

Mr. Snopek proposed that the Commission proceed by determining whether the Site Plan was in error or whether Mr. Bradley had been in error when completing his Application for a Zoning Permit.

Mr. Snopek stated that he proposed the Commission make this determination by requesting that Solicitor Stuck (in her capacity as a Notary Public) swear-in

Mr. Bradley to be questioned under oath in this regard. Mr. Snopek then asked if there was any objection to proceeding in this manner. There was no objection.

Solicitor Stuck administered the oath to Mr. Bradley.

Mr. Bradley, under oath, stated that his Site Plan was accurate, but that his Application for a Zoning Permit was not accurate, and that he had merely been careless in completing his Application for a Zoning Permit. Mr. Bradley stated that he desired to amend his Application for a Zoning Permit.

Upon questioning from Mr. Snopek, Mr. Bradley stated that he wished to amend his Application for a Zoning Permit, Page 2, Sub-section entitled "Area, Height, Bulk, Dimensions, Units," as follows:

- (a) Amend "b. Residential Square Footage Total Living Area Proposed" to state 2245.3 square feet as stated in the Site Plan.
- (b) Amend subsection "b," "First Floor" to state 1080.0 square feet as stated in the Site Plan.
- (c) Amend subsection "b," "Second Floor" to state 1080.0 square feet as stated in the Site Plan.
- (d) Amend subsection "c," "Non-Residential Square Footage of Floor Area" to state 85.3 square feet as stated in the Site Plan.
- (e) Amend subsection "e," "Height of Structure" to state 23 feet and 3 ¼ inches as calculated from the Site Plan.
- (f) Amend subsection "f," Parking "Area" to state 1300 square feet as calculated from the Site Plan.

Mr. Snopek asked if any Members of the Commission had any questions for Mr. Bradley. There were none asked.

Mr. Snopek stated that, in an effort to create a clearer record, he had marked Mr. Bradley's stated proposed amendments to his Application for a Zoning Permit on a document marked "Draft Amended Application." Mr. Snopek stated that he would like to make the "Draft Amended Application" a part of the Minutes. Mr. Snopek asked if there was any objection to making the "Draft Amended Application" a part of the Minutes. There was no objection. The "Draft Amended Application" is a part of these Minutes and is attached and marked as "Exhibit A."

Mr. Snopek stated that Mr. Bradley could amend his Application for a Zoning Permit by meeting with the Zoning Inspector and doing so, and that the Zoning Inspector had the authority to approve the application as amended.

Mr. Snopek stated that because the Site Plan was accurate there was no point in amending it to conform with an inaccurate Application for a Zoning Permit. The alternative to an amended Application for a Zoning Permit would be the submittal of a new Site Plan, for review, which would delay construction.

Mr. Snopek asked if there was any objection from any Member of the Commission to proceeding in the manner of Mr. Bradley amending his Application for a Zoning Permit. There was no objection raised. Therefore, the Commission took no action in regard to amending the Bradley Site Plan.

Mr. Bradley, and Inspector Vechery indicated that they planned to meet February 29, 2012 to permit Mr. Bradley to make amendment to his Application for a Zoning Permit.

Mr. Snopek suggested Inspector Vechery speak with Solicitor Stuck if he has any questions in regard to the particulars of completing an amended Application for a Zoning Permit.

Mr. Snopek asked if any Members of the Commission had any further business to discuss. No Member raised any new business. Mr. Snopek asked for a motion to adjourn.

4. Adjournment

Motion to adjourn by Mr. Prescott. Seconded by Mr. Hawkins. All ayes.
Meeting adjourned at 7:50 p.m.

Minutes Approved Without Amendment:

Aaron Snopek, Chairperson

Minutes Prepared by: Mayor Clark

Minutes Approved as Amended:

Aaron Snopek, Chairperson

Minutes Prepared by: Mayor Clark

Exhibit A
“Draft Amended Application”

PAID
\$150.00 4/14/11 JA

DRAFT AMENDED APPLICATION

AI \$120.00

APPLICATION FOR ZONING PERMIT
MANTUA VILLAGE, OHIO

PAID
\$120.00 5/17/11 S.S.
chk # 1009

Application No. 2011-4
2011-5

Date Submitted: 4/11

This form shall be used to apply for zoning permits for permitted and conditionally permitted uses as specified in the Mantua Village Zoning Ordinance. All applications shall be filed with the Village Zoning Inspector and accompanied by all information, plans and supporting documentation required in this application. Fees for the zoning permit application will be as specified by the fee schedule and payable prior to issuance of permit. Incomplete applications will not be acted upon. Two (2) copies of this application, plans and information shall be required to be submitted.

The undersigned applicant applies for a zoning permit. Decisions on this permit application will be made on the basis of the information contained in this application. The applicant certifies that all information made a part of this application is true and correct.

1. Applicant Information

Name of Applicant Robert Bradley Jr
Address of Applicant 4736 E High St
Phone of Applicant 330 357 9931 Fax _____
Email address _____
Status of Applicant: Owner of Property Agent _____
If applicant is agent for the owner, attach a letter of authorization from the owner.

2. Owner of Subject Property Information

If property owner is same as applicant, you do not need to complete section 2.
Name of Owner _____
Address of Owner _____
Phone of Applicant _____ Fax _____
Email address _____

3. Occupant of Property if Other Than Owner

Name of Occupant _____
Phone _____
Rental _____ Other _____ (Explain) _____

4. Legal Description of Property Attached or Enclosed: Yes No _____

5. Existing Use: Multi Family

6. Proposed Use-General Description: Multi Family

This form subject to change. Please check with the Zoning Inspector for the latest form.

Accessory Structure Uses

- a. Sign _____ Size of Sign Area _____ Sign Height _____
Illuminated _____
- b. Pool _____ In Ground _____ Above Ground _____
Height Above Ground _____ Size _____
- c. Garage _____ Size _____ Height _____
- d. Fence _____ Height _____ Material _____
- e. Storage Building _____ Size _____ Height _____
- f. Other Accessory Structure _____ Specify _____
- g. Percentage of Lot Coverage of Accessory Structures in Residential Districts

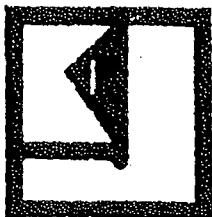
8. For single family dwelling units and their accessory uses that are not part of a platted subdivision, include a plan, drawn accurately to scale, and based on an accurate survey showing the following information:
 - a. Property boundary lines and the exact dimensions and area of the lot to be built on, modified, or demolished.
 - b. The right-of-way of adjacent streets.
 - c. Location, dimensions, height, bulk of all structures to be erected, altered or demolished.
 - d. The existing and intended use(s) of all land and buildings.
 - e. Exact dimensions of yards, driveways, and required parking spaces.
 - f. Open spaces on the lot.
 - g. Number of occupants and bedrooms.
 - h. Topography of the property at 2-foot contour intervals.
9. Written evidence that the proposed use does or will comply with the Village or other authority requirements for public services, including:
 - a. Sewer, water, storm sewer will require approval from the Village Administrator (Zoning Inspector will submit to Village Administrator for review)
 - b. Curb cut(s)/Driveways and Sidewalks
 - Driveways proposed on Village Street requires permit from Village Administrator
 - Driveways proposed on State Highway require permit from ODOT, District 4 Office
 - Driveways proposed on County Roads require permit from Portage County Engineer
 - c. Flood Plain Regulations
 - d. Wetland Regulations
 - e. Other Pertinent Environmental Protection Regulations
10. Such other information as may be necessary to determine conformance with the provisions of this ordinance.

Quit Claim Deed

(O.R.C. 5302.11)

I(We) I Robert E Bradley
single (marital status), the Grantor (s) of Portage County, for valuable
consideration paid grants to Robert E Bradley
The Grantee (s), whose tax-mailing address is 4736 E High St Mantua, OH.
The following Real Property, situated in the City of Mantua, County
of Portage, and State of Ohio.
Known as being see attached legal " B "

The above is intended to convey property known as: Prospect St Man
Parcel # 027&028 Alt Id # tua St
Prior Instrument Reference: V68 p506, V1124 p266, V1134 p178 Mantua, OH



KENNETH JENSEN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS

3543 DARROW ROAD
STOW, OHIO 44224
PHONE 330 - 688 - 6049
FAX 330 - 688 - 6040

2010-4006

LEGAL DESCRIPTION

PARCEL TWO " B "

MARCH 28, 2011

Situated in the Village of Mantua, County of Portage and State of Ohio, being a part of Sublot 39 and the vacated College Street in the original survey of said Village by D. Atwater, recorded in Deed Volume 68, Page 506 of the Portage County Record of Deeds, and further described as follows:

Beginning at an iron pin at northeast corner of Sublot 38 and in the southerly line of High Street, (C.H. 256-F 60' R/W) and the westerly line of Prospect Street (60' R/W);

Thence S 4° 30' 00" W 82.05 feet along the easterly line of Sublots 38 and 39 and the westerly line of Prospect Street to a point and the true place of beginning for the parcel of land herein described (witness an iron pin found N 4° 30' 00" E at 16.05 feet from said point;

Thence S 4° 30' 00" W 80.04 feet along the easterly lines of Sublot 39 and the vacated College Street to an iron pin at the southeasterly corner of the vacated College Street and the northeasterly corner of Sublot 40 (PPN - 024);

Thence N 90° 00' 00" W 97.00 feet along the southerly line of the vacated College Street and the northerly line of Sublot 40 to an iron bar at the southwesterly corner of PPN - 027;

Thence N 4° 30' 00" E 30.09 feet to an iron pin in the northerly line of vacated College Street and at the northwesterly corner of PPN - 027;

Thence N 90° 00' 00" E 1.00 feet along the northerly line of vacated College Street to an iron pin at the southwesterly corner of PPN - 028;

Thence N 4° 30' 00" E 49.95 feet along the westerly line of PPN - 028 to a point (witness an iron pin found N 4° 30' 00" E at 16.05 feet from said point;