

**MINUTES**  
**VILLAGE OF SUNBURY**  
**VIRTUAL PLANNING AND ZONING COMMISSION**  
**May 24, 2021**

Mayor Joe St. John called the virtual Sunbury Planning and Zoning meeting to order at 6:30 p.m., on May 24, 2021.

The meeting was started with a moment of silent prayer and the pledge of allegiance.

Members present: John Lieurance, Joe Gochenour, Greg Elliott, Rick Ryba and Joe St. John.

Also present – Dave Parkinson, David Brehm Allen Rothermel , Fire Inspector Huddleston (BST&G) and Steve Pyles

- **Preliminary Plat – Price Ponds**

EMH& T, on behalf of Pulte Homes, has submitted a Preliminary Plat application for Price Ponds located on the east side of Golf Course Road directly south and east of the intersection of Golf Course and Cheshire Roads.

Mr. Looby of EMH&T introduced the preliminary plat on behalf of the applicant. In general the plat is very close to the approved development plan. He mentioned that the comment regarding the CBU (Cluster Box Units) mailboxes. He agreed that those would be added to the plan at the construction plans level. There would likely be a few locations for the CBUs.

Mr. Looby also acknowledged a comment from BST&G, he stated they would comply with the comment regarding two entrances and that they might have to make some phasing changes to comply. He then offered to answer questions.

Mayor St. John stated the issues he had noted were the same as Mr. Looby addressed in his comments.

Mayor St. John recognized Inspector Huddleston. She noted their concern is two access points during construction and phasing of the project. Mayor St. John asked Ms. Huddleston about the state fire code and phasing of the development based upon the number of homes. She replied that during construction they have a policy of two access points. Mr. Looby asked if it was 30 homes, she replied that their policy does not have a minimum.

A graphic of the site plan was displayed. There are four points, two of which are dependent upon other developments that are at various stages in the planning and zoning process.

Mr. Looby has not officially responded to the fire department, but he stated his conversations with Pulte indicated they would comply with two access points. Mr. Parkinson read a letter from the applicant pledging compliance with state and local fire codes.

Regarding CBUs, Mayor St. John requested Mr. Parkinson review this item and his report. Mr. Parkinson noted that the inclusion of CBUs is a new challenge, and he believes they need to be part of the process in the plat development, including issues such as parking and lighting. He noted Mr. Looby responded to this comment in his report and stated they would work to address the comment.

Mayor St. John then opened up discussion to the Commission.

Mr. Parkinson asked a question regarding sheet 2 of the site plan. He noted a strip of land along lots T71-T79 that has been connected to the woodland reserve and would become part of the reserve as platted and belong to Sunbury. He asked the Commission if they would like to have it attached? Mr. Brehm noted it could serve as an access, but there are two other access points. He expressed concerns about liability, maintaining trees and would prefer the HOA being the owner. Mr. Gochenour and Mr. Ryba offered that there is existing access, and that HOA ownership is preferred. Mr. Parkinson asked about the timing for the dedication of the Reserve L woods. Mayor St. John, Mr. Brehm and Mr. Parkinson discussed. The rezoning ordinance indicates dedication at final plat and Phase 1. Mr. Brehm asked if the phase lines need to be redrawn?

Mr. Parkinson asked about the relocation of the electric line and if it would be underground. Mr. Prill from EMH&T indicated the discussions between AEP and Pulte are trending toward underground relocation.

There were no more questions or comments from the Commission. Mayor St. John summarized those written responses to address comments have been made by the applicant and asked if the Commission is comfortable moving to approval with that.

Mr. Brehm noted that there would be the following contingencies:

1. The developer meeting fire department approval
2. That Phase 1 would include dedication of the legacy woods at final plat and Phase 1
3. Dedication of the previously discussed 17' strip of land to the north of lots T71-T79 to the HOA. With clarification during the motion, the east boundary line of lot T78 is the line demarking the Reserve L from the strip to be dedicated to the HOA.
4. That CBUs be addressed per the Sunbury Engineer's review memo
5. That the phasing plan to incorporate fire department approvals be revised.
6. Final engineering approval.

Mr. Elliott made a motion to approve the preliminary plat, Mayor St. John seconded the motion.

Mr. Ryba asked about the comfort level of the number of contingencies. Mayor St. John replied that he is comfortable given the developer's history and the consulting engineer's commitments to resolve the contingencies.

Mr. Gochenour asked about the split line for the woods reserve and the strip of land. Clarification was made that the east corner of T78 would be the line separating the two areas and is incorporated in contingency #3.

There were no further comments from the Commission.

The motion was approved with five ayes from the Commission members.

Mr. Parkinson commended EMH&T on the submission and response to comments.

### **• Commission Review – Stewart Fence – 230 Orchard Lane**

Dustin Stewart is seeking Commission approval to construct a privacy fence within the building setback of the south side of his lot. His home is a corner lot located at the intersection of Orchard Lane and Arbor Drive.

Mr. Stewart presented what he would like to do. He stated the last property reviewed the corner of High and Greenbrier is different in terms of his lot. Because of the depth of the lot his rear yard is constrained and therefore he would like to place a privacy fence to the side of the lot to gain fenced-in space and also screen one edge of his house that has the original siding.

Mr. Gochenour asked him to point out the location of a maple tree on an aerial view of his lot. The fence would be between the house and that tree.

Mr. Elliott asked about code. Mr. Brehm replied that a decorative fence could come into the side yard, but a privacy fence cannot be in the house setback on yards that have street frontages. The question is to approve it as submitted, or deny the request or approve a compliant privacy fence that would come off the back corner of the house.

Mr. Gouchenour asked if that is his existing fence. Mr. Stewart replied yes. Mr. Gochenour asked about the distance he would come off the house in his proposal. Mr. Gochenour made some observations of the impact of the proposed plan and did not take exception because of the particular lot. Discussion continued with the applicant and the Commission.

Mr. Elliott asked about some existing fences on corner lots that seem to not comply with the code. It seems the ones under question were pre-code. Mr. Elliott commented perhaps the code is too restrictive.

Discussion of the interpretation of the code continued.

Mr. Elliott asked about the impact of building the privacy fence to the code interpretation. The applicant replied there is an aesthetic impact and a loss of fenced-in space because of the lack of depth of the backyard.

Mayor St. John asked for other Commission comments. Mr. Ryba stated there was a reason for the code being put in place, it is applicable and should be followed.

Mr. Lieurance commented that there is the code, but also a spirit of the code and that the presented request does not look objectionable.

Mr. Gochenour asked to discuss coming off the back corner and coming out to his proposed location in the side yard. The applicant replied that the fence would stick out and may not be an improvement.

Mr. Brehm also offered that the Commission could discuss the option the other property owner selected, which was to install a decorative fence in the side yard. The applicant responded that the decorative fence does not offer the privacy he is seeking.

Mayor St. John summarized the options and what the applicant has expressed in response to those options. The applicant verified that summarization.

Mayor St. John moved to not approve the application, second by Mr. Ryba.

Roll call vote

Lieurance – No

Ryba – Yes

Elliott – No

St. John – Yes

Gochenour – No

The motion did not pass.

Mr. Brehm specified to clarify the record a motion to approve should receive a roll call vote. Motion by Mr. Gochenour to approve the request, second by Mr. Lieurance.

Roll call vote

Ryba – No

Elliott – Yes

St. John – No

Gochenour – Yes

Lieurance – Yes

The motion did not pass.

Mr. Parkinson asked about an appeal right. Mr. Brehm will research.

Mayor St. John thanked the applicant.

Visitors – there were no visitors.

Minutes – were deferred because of late submission to OneDrive.

Mr. Pyles reviewed the zoning report and offered to answer questions.

Next Meeting June 28, 2021

Mr. Ryba asked for a special meeting of the Commission on July 12, 2021. There is a need for a separate meeting to discuss. After discussion July 13, 2021 was selected for the meeting. Motion by Ryba, second by Mayor St. John. There was a discussion of the approach and process for reviewing the proposed amendments to the code from the subcommittee.

There was no other new business.

Motion to adjourn by Mayor St. John, second by Mr. Ryba. Motion was passed with five ayes at 8:07 p.m.