

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, APRIL 05, 2022**

Pursuant to notice duly given, the regular meeting of the Planning and Zoning Commission, also sitting as the Board of Zoning Appeals, was called and held on **Tuesday, April 05, 2022 at 5:00 PM** in the Council Chambers of the Town Hall.

Members present: Craig Steinbrink; Chair, Scott Broome, Jim Deacon, Chip AuWerter, Nancy Sogg, and Jeannine Voinovich.

Members absent: Emily Hamilton.

Also present: Chris Courtney, Village Engineer
Todd Hunt, Law Director.

1. Roll call.
2. The minutes of **Tuesday, March 01, 2021** regular meeting of the Planning and Zoning Commission were submitted for approval.

A motion was made to approve the minutes as *revised*.

Motion by: N. Sogg 2nd: J. Deacon

Roll Call: Ayes: All others.
 Nays: None.

Motion Approved

3. A request to alter a detached non-conforming structure for the **TRIVISONNO** residence at **1810 County Line Road** was heard. Kevin Macfarlane, Payne & Payne Builders; Eric Payne, Payne & Payne Builders were present.

Mr. Deacon recused himself from the discussion as an adjoining property owner.

Mr. Payne explained the proposed request for the Commission. He indicated his cousin recently acquired the property and would like to renovate the interior of the existing detached structure so he can live in it while the main house is either renovated or a new house built. The structure currently has a living space on the first floor. He indicated the existing main house structure is currently in an unlivable state because the previous owner started some interior renovation work without finishing any of it.

Mrs. Voinovich asked if the structure is currently being lived in and how long has it been vacant.

Mr. Payne stated the building has been occupied for at least 2 years. The last 2 months someone has been living in the structure to watch the property for the owner who travels a lot for work.

Mrs. Deacon from 1960 County Line Road asked to speak to the Commission. She stated the detached structure has not been occupied since Phil Artz, a previous owner, owned the property. She also stated the building is a storage garage and not a cottage.

Mr. Hunt stated the applicant will need to submit a signed affidavit or give sworn testimony the structure has been occupied within the past two years.

Mr. Payne stated the structure is not just a storage garage, it already has living quarters on the second floor.

Mr. AuWerter asked about non-conforming uses. He indicated it appears the intention of the non-conforming ordinance is to have structures of this type go away over time, "die on the vine".

Mr. Hunt stated the applicant can only renovate the structure to a point that does not exceed 60% of fair market value of the existing structure or is required to make the structure conforming.

Mr. Steinbrink stated he thought the proposed renovations would cost more than 60% of fair market value.

Mrs. Sogg suggested the applicant should submit proof someone has been living in the structure within the last two years and a cost for the proposed renovation not exceeding sixty percent of the value of the existing structure. She also suggested, if the request moves forward, the Commission should consider requiring natural plantings to screen the view of the structure from the neighboring property.

Mr. Payne asked for a summary of what additional information the Commission is requesting for a following meeting.

Mr. Hunt stated:

1. Proof the existing structure has been occupied within the last two years. Should be in the form of a signed affidavit or sworn testimony.
2. Fair market value appraisal of the existing structure.
3. Total cost of the proposed renovation.

After further discussion, a motion was made to table the request until a future meeting and the additional requested documentation has been submitted.

Motion by: S. Broome 2nd: C. AuWerter

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

4. Motion to adjourn the regular meeting of the Planning and Zoning Commission and convene a meeting of the **Board of Zoning Appeals**.

Motion by: S. Broome 2nd: N. Sogg

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

5. Request to expand a non-conforming structure and setback variance requests for the **GATES MILLS HISTORICAL SOCIETY** at **7580 Old Mill Road**.

No representative for the request was present.

A motion to continue to the next meeting when a representative can be present was made.

Motion by: J. Voinovich 2nd: N. Sogg

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

6. A rear yard setback variance request for the **BAGGOTT** residence at **550 Chagrin River Road** was heard. Notice has been provided to adjoining property owners.

Richard Kawalek, Architect and Dr. Brian Baggot were present.

Mr. Kawalek reviewed the proposed setback variance request for the Board. He indicated the homeowners are hoping to add an enclosed exercise pool structure to the rear of their existing house. He indicated it is the only logical location for the structure and pool. To move forward on the proposed addition a 2'-6" setback variance is needed. He also stated no trees will need to be removed for the proposed addition.

Mr. Broome reviewed the *Variance Worksheet* for the Board.

After further discussion, a motion was made to approve a 2'-6" variance (83'-3" rear setback) as requested.

Motion by: S. Broome 2nd: J. Deacon

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

7. A roof mounted solar panel variance request for the **DAVIS** residence at **7670 Old Mill Road** was heard. Notice has been provided to adjoining property owners.
Zak Lalkowski, Project Manager was present.

Mr. Lalkowski reviewed the proposed solar panel request. He indicated the panels will be located on the west side of the existing roof. The panels and trim are black and should blend in with the existing shingles. The goal for the proposed system is a 100% utility offset. He also indicated no other location on the property would meet the necessary criteria or goal for a solar panel system.

Mr. AuWerter asked if there are any options for a more pleasing appearance.

Mr. Lalkowski indicated there is a black mesh animal screen that could be added to make the panels appear flatter.

Mr. Broome stated this property is a challenging location for a solar panel system. Because of the current position of the house, the panels would be visible no matter what direction you are heading on Old Mill Road.

Mrs. Voinovich asked if any other location, such as a ground mounted system, was considered.

Mr. Lalkowski stated he was not aware of any other location being considered.

Mr. Steinbrink asked if half of the system could be installed on the northeast roof and the remaining half on the southwest roof.

Mr. Lalkowski stated they would never install a solar system on a north facing roof.

Mr. Broome reviewed the *Variance Worksheet* for the Board.

After further discussion, a motion was made to approve a solar panel installation variance as requested based on the fact there is no other way to resolve the predicament on seeing the panels from any direction on Old Mill Road and pending the installation of the animal screen to soften the appearance.

Motion by: S. Broome 2nd: C. AuWerter

Roll Call: Ayes: All others.
 Nays: Steinbrink.

Motion Approved

There being no further business the meeting was adjourned at **6:23 P.M.**

Craig Steinbrink, Chair

David Biggert, Secretary