

PLANNING AND ZONING COMMISSION  
MINUTES OF **TUESDAY, DECEMBER 07, 2021**

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, December 07, 2021 at 5:00 PM** in the Council Chambers of the Gates Mills Town Hall.

Members present: Nancy Sogg; Chair, Scott Broome, Sally Burke, Jim Deacon, and Emily Hamilton,

Members absent: Craig Steinbrink, and Jeannine Voinovich.

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

1. Roll Call.
2. The minutes of **Tuesday, November 02, 2021** regular meeting of the Planning and Zoning Commission were submitted for approval.

Mr. Broome recommended on page 4, third paragraph, should be changed to read "concerned *about the ability*".

Mr. Deacon recommended on page 3, second paragraph on item 6, "built" should be changed to "built".

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

Motion by: S. Broome                      2<sup>nd</sup>: J. Deacon

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

**Motion Approved**

3. A boundary realignment for the **SVETE** property at **1090 Fox Hill Drive** was heard.  
Robert Kosie, Surveyor was present.

Mr. Kosie reviewed the proposed boundary realignment. He indicated the owner currently has 3 lots. One is a small strip of land that at one time was to be an extension of Fox Hill Drive. He is requesting to enlarge the small strip of land to contain the existing driveway and then add to the main house lot.

Mr. Courtney indicated the proposal cleans up some odd lot configurations.

After further discussion, a motion was made to approve the boundary realignment plan as *submitted*.

Motion by: S. Broome                      2<sup>nd</sup>: J. Deacon

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

### **Motion Approved**

4. Stadium lighting request for **GILMOUR ACADEMY** at **34001 Cedar Road** was heard.  
Kathryn Popp, Gilmour Academy; Robert Orovets, Architect; Joseph Ciuni, Civil Engineer were present.

Mr. Orovets reviewed the proposed stadium lighting request for the Commission. He indicated they are seeking permission to add 4 stadium light poles to the existing football/soccer stadium. The placement and type of lights used will not cause any light to go onto the neighboring properties. The lighting will be used approximately 60 times a year. He also stated the lights would be turned off by 10pm. The light poles will be 80' tall which is the most efficient and economical design and eliminates the need for additional poles and more lights.

Mr. Hunt advised the Commission Section 1165.08, Exemptions, allows the Commission to authorize specific exemptions when they determine that there will be no adverse impact from the lighting and is consistent with the spirit and intent of the ordinance. He indicated no variance is required for the higher poles.

Mr. Cuini stated the school will be installing 12' – 15' natural screening along the north property line before the poles and lighting is installed.

Mr. Biggert asked the Chair for an opportunity for Christian Todd, Professional Engineer to speak. He explained Mr. Todd was hired by the Village to review the proposed lighting design and provide consultation to him and the Commission regarding the stadium lighting.

Mr. Todd reviewed the submitted lighting design and spoke via cell phone. He stated the proposed design and lighting used will not produce any light "trespassing" onto the neighboring properties. He indicated the proposed lighting is a close to full "cut-off" as you can.

Mr. Todd provided written comments, see attached email.

After further discussion, a motion was made to approve an exemption to Section 1165.06(a) and (b) for the 80' lighting poles and output lighting based on the following findings and conditions as *submitted*.

1. The lighting information submitted, confirmed by Mr. Todd, shows the proposed lighting will not cause any adverse effects with 0 light pollution or "trespassing" across property lines.
2. The proposed lighting is consistent with the spirit and intent of the ordinance because there will be no light pollution across adjoining property lines.
3. The school shall install and maintain 12' -15' natural screening along the north property line.

Motion by: S. Broome                      2<sup>nd</sup>: S. Burke

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

### **Motion Approved**

5. A pre-review of a new cell tower for **GILMOUR ACADEMY** at **34001 Cedar Road** was heard.

Kathryn Popp, Gilmour Academy; Robert Orovets, Architect; Joseph Ciuni, Civil Engineer, and Jesse Styles, North Star Towers were present.

Mr. Styles reviewed the proposed new cell tower information for the Commission. He indicated a traditional free standing 150' cell tower was approved by the Commission previously in a different location on the school grounds. The new proposal is for 1 of the stadium light poles to hold the antennas. He indicated a single light pole would be able to provide mounting space for 4 carriers.

Mr. Hunt advised the Commission that unless something is substantially different from the previous request, the Commission will need to approve the current request.

Mr. Styles recommended a standard free-standing tower to provide the best service.

Mr. Hunt questioned if a traditional cell tower is recommended and desired why they wouldn't proceed with what was previously approved by the Commission.

Mr. Cuini stated that was not the schools desire. He indicated they would meet with Mr. Styles to discuss and re-submit at a later date.

### **No Action Taken**

6. 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                      2<sup>nd</sup>: J. Deacon

Roll Call:     Ayes: All.  
                  Nays: None.

**Motion Approved**

7. A side yard setback variance request for the **FEDELLI** residence at **820 Village Trial** was heard. Notice has been given to adjoining property owners. Al Klauss, Paskevich Architects was present.

Mr. Klauss reviewed the proposed side yard setback variance for the Board. He indicated the homeowner is hoping to build a new pool cabana onto the side of the existing pool deck. Because there is no real rear yard area, this is the only location for the new structure and requires a 33' setback variance.

Mr. Klauss stated the owner also owns the vacant lot to the west.

Mr. Courtney stated the previous boundary re-alignment request by the owner caused some challenging issues on the lot to the west and possibly rendered the lot unbuildable.

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

After further discussion, a motion was made to approve the 33' side yard setback variance request as *submitted*.

Motion by: S. Broome                      2<sup>nd</sup>: J. Deacon

Roll Call:     Ayes: All.  
                  Nays: None.

**Motion Approved**

8. A pool side yard setback variance request for the **PIUNNO** residence at **7833 Brigham Road** was heard. Notice has been provided to adjoining property owners. Gregg Dykes, Architect was present.

Mr. Dykes reviewed the pool setback variance request for the Board. He indicated a 5' – 6" setback variance is necessary in order to construct a new pool in the best location on the property. He indicated originally they thought a

smaller setback was required when working on the site design only to find out after construction started a larger setback is required by ordinance.

Mr. Deacon stated the site plan seems to show adequate landscaping to provide screening from the neighboring property to the new pool.

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

After further discussion, a motion was made to *approve* a 5' – 6" pool setback variance as *submitted*.

Motion by: S. Broome                      2<sup>nd</sup>: E. Hamilton

Roll Call:     Ayes: All.  
                  Nays: None.

### **Motion Approved**

9. A variance request to locate a detached accessory structure in the front yard for the **SACU** residence at **850 Ashford Court** was heard. Notice has been provided to adjoining property owners. Charles Fazio, Architect was present.

Mr. Fazio reviewed the proposed variance request for the Board. He indicated the request is to locate a detached garage in the front yard. He stated because of the current main house location, drive, and gas well it is the only possible location for the structure. If required to locate the garage on the north side, a drive would be necessary along the Spirk property requiring more trees and screening to be removed.

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

After further discussion, a motion was made to *approve* a detached accessory structure to be located in the front yard variance request as *submitted*.

Motion by: S. Broome                      2<sup>nd</sup>: J. Deacon

Roll Call:     Ayes: All.  
                  Nays: None.

### **Motion Approved**

There being no further business the meeting was adjourned at **6:28 P.M.**

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Nancy Sogg, Chair

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David Biggert, Secretary