

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, JUNE 01, 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, June 01, 2021 at 5:00 PM** with the Chair presiding in a remote, virtual meeting that was livestreamed to the internet.

Members present: Nancy Sogg; Chair, Scott Broome, Sally Burke, Jim Deacon, Craig Steinbrink, and Sandra Turner.

Members absent: Emily Hamilton.

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

1. Roll Call.
2. The minutes of **Tuesday, May 04, 2021** regular meeting of the Planning and Zoning Commission were submitted for approval.

Mr. Broome, Mrs. Turner, and Mr. Deacon reviewed for the Commission suggested revisions.

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

Motion by: S. Turner 2nd: S. Burke

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

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

Motion by: C. Steinbrink 2nd: J. Deacon

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

4. A side yard setback variance request for the **HORVITZ** residence at **1709 Berkshire Road** was heard. Notice has been given to adjoining property owners.

Al Klauss, Paskevich Architects and Mathew Horvitz, Owner attended the virtual meeting through the internet.

Mr. Klauss reviewed the proposed side yard setback variance request. He indicated the owner would like to add a new 2-car garage and mudroom addition to the north side of the existing house next to the existing garage. Because of the existing house location and setback, a 10' variance is necessary. He also stated they have spoken with the neighbor to the north regarding the proposed new work; they have no objection in granting the variance.

Mrs. Sogg asked if there was any other location on the site for the garage addition that would not require a setback variance.

Mr. Klauss responded there was no other location. The proposed location is next to the existing garage and works best with the mudroom location, any other location would ruin the design of the house, cause more site work and more asphalt drive work, and would diminish the value of the property.

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

After further discussion, a motion was made to *approve* a 10' side yard setback variance as requested.

Motion by: S. Broome 2nd: S. Turner

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

5. A sport court rear yard setback variance request for the **PETER** residence at **941 Chestnut Run** was heard. Notice had been previously given to adjoining property owners.

Mr. Thomas Peter, Property Owner attended the virtual meeting through the internet.

Mrs. Turner advised the Board she and Mr. Broome are Board members of the Gates Mills Land Conservancy and will not be taking part in the discussion.

Mrs. Sogg asked Mr. Hunt if there is any precedent with the Village charging a fine for starting construction on a project without prior review or permit.

Mr. Hunt replied the Village always has the option of filing charges through the Prosecutor and the court system. The Village does not have the ability to institute fines themselves. The case would need to be reviewed by the Prosecutor and determine if charges through the court are warranted. He also reiterated Mrs. Turner and Mr. Broome recused themselves at last month's meeting and that continues in this meeting.

Mr. Peter reviewed the proposed variance request for the Board. He indicated the request is a 35' rear setback variance for a new pickle ball court. The concrete court has already been installed, he was not aware a permit and setback was required for this type of court. He indicated the court is located in the best spot for the property because of the hillside and required less trees to be removed causing the least impact to the neighboring properties.

Mr. Peter also stated the Village is welcome to meet on sight with the landscaper to address any concerns the Gates Mills Land Conservancy has.

Mr. Steinbrink stated the variance, as requested, seems to be substantial and is concerned with the future use of the court and property by any future owners. The granting of the variance allows the court to be located so close to the neighboring properties, future owners of the property might intrude onto the neighboring property more than what already has taken place, does not allow for much of a buffer.

Mr. Courtney indicated the revised site plan shows a waterline easement along the north side and rear of the property and asked Mr. Peter if he know what the easement was for. He also stated Mr. Biggert did send him an email express concern of the existing waterline easement and that he should check the language in the easement agreement to make sure it does not prohibit and new work or construction within the easement.

Mr. Peter replied he did not see the email.

Mr. Hunt stated his concern with the language in the easement agreement, it could prohibit new work.

Mr. Deacon stated he did not see how the Board would want to grant approval of the variance without knowing if new construction is prohibited within the existing easement.

After further discussion, a motion was made to *table* the variance request until the property owner can review the waterline easement agreement and verify if it prohibits any new work within the easement area.

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

6. A side yard setback variance request for the **VEGH/HUGHES** residence at **7640 Old Mill Road** was heard. Notice has been given to adjoining property owners. Justin Davies, Paskevich Architects attended the virtual meeting through the internet.

Mr. Davies reviewed the proposed side yard setback variance request. He indicated the owner is planning a significant addition and renovation to the existing structure. Part of the proposed work is to replace the existing detached garage with a new attached 3-car garage and workshop using a portion of the existing foundation from the current garage. He stated the request is for a 12'-8" side yard setback. The granting of the variance would allow for fewer trees to be removed and would mitigate any intrusion into the existing hillside which can be a delicate area. He also stated there is no other location to place the proposed garage because of the existing site topography and current drive location.

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

After further discussion, a motion was made to *approve* a 12'-8" side yard setback variance as requested.

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

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

There being no further business the meeting was adjourned at **6:00 P.M.**

Nancy Sogg, Chair

David Biggert, Secretary