

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, NOVEMBER 02, 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, November 02, 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, Emily Hamilton, Craig Steinbrink, and Jeannine Voinovich.

Members absent: None.

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

1. Roll Call.
2. The minutes of **Tuesday, September 21, 2021** regular meeting of the Planning and Zoning Commission were submitted for approval.

Mr. Steinbrink reminded the Commission he was not present at the September meeting.

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

Motion by: S. Broome 2nd: E. Hamilton

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

Motion Approved

3. A boundary realignment for the **SVETE** property at **1090 Fox Hill Drive** was heard.

No one was present to represent.

A motion was made to continue to the next meeting.

Motion by: S. Broome 2nd: E. Hamilton

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

Motion Approved

4. A boundary realignment for the **FEDELLI** property at **820 Village Trail** was heard.
Al Klauss, Paskevich Architects was present.

Mr. Klauss reviewed the proposed boundary realignment for the Commission. He indicated the homeowner would like to build a new pavilion to the west end of the existing pool deck. The plans have already been approved by the Villages ARB. He stated because of the existing pool deck location, the required setback cannot be met, to avoid requesting a setback variance they are taking a small portion of the property to the west and adding to the existing house property.

Mr. Broome asked Mr. Klauss if a house could be located on the property to the west without having to request a side yard setback variance from the Village. He indicated he was concerned about the ability to place a new house on the property without having setback issues because of the new configuration of the lot.

Mr. Klauss indicated they had not looked at the ability of placing a new structure on the lot to the west.

Mrs. Sogg indicated a setback variance request might be a better choice.

Mr. Hunt indicated the Commission could place a restriction no side yard setback variance will be granted in the future for the undeveloped lot.

Mr. Broome asked if the property owner is aware a setback variance is an option.

Mr. Klauss indicated they had discussed it but was not researched.

After further discussion, a motion was made to continue to the next meeting so the property owner can be made aware of the better option to request a setback variance.

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

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

5. 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: E. Hamilton

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

6. A gas well setback variance request for the **EZ & T** property at **7910 Mayfield Road** was heard. Notice has been provided to adjoining property owners. Eldar Zarbavel, Owner/Contractor was present.

Mr. Zarbavel reviewed the setback variance request for the Board. He indicated the variance is necessary in order to build a new home on the property because of the existing gas well on the neighboring property to the east. He indicated he thought the setback requirement for the property was 100' which would be in line with the State requirement. He also stated the well was currently not producing much gas.

Mr. Courtney indicated the neighbors existing house is setback from the road 250' not the 150' as indicated on the site plan.

Mrs. Sogg asked if any natural screening is being considered for the west side of the property to screen the new house.

Mr. Zarbavel indicated they are considering screening on that side and would be willing to consider more to screen from the neighbor to the west.

Mr. Courtney indicated he has reviewed the drainage for the property. He felt that the house could not be moved back to match the 250' front yard setback because it would put the structure in a low spot which result in a lot of unnecessary re-grading and could result in additional drainage problems. He also stated the septic system and stormwater drainage would need to be pumped towards the front which is not ideal.

Mr. Broome asked if the house could be shifted 25' to the east creating a 50'+/- on the west side.

Mr. Zarbavel indicated he thought the house could be shifted to the east but would require a larger variance from the existing gas well and tank battery.

Mr. Deacon stated he was concerned with the drainage if the house is located only 25' from the property line. Moving the house to the east would allow for a better drainage pattern and allow for more natural screening to be installed some of which could be existing trees.

Mrs. Sogg asked Mr. Courtney if he thought the house could be shifted to the east to allow for a larger setback on the west side.

Mr. Courtney indicated he felt the house could be shifted to the east, not much room to shift further back because of the existing site conditions and would be creating problems for the septic location.

Mrs. Sogg asked if any audience members would like to speak.

Mr. Charlie Baker from 1420 Echo Glen stated his concern about any stormwater drainage from the new construction. He stated in heavy rains water does come onto his vacant property.

Mrs. Kay Kalina from 7900 Mayfield Road stated when she built her home which is directly to the east of the vacant lot; she was required by the Village to move her house back for a 250' front yard setback. She feels the new house should have the same front yard setback. She does not want to see a house from the front of her house or yard.

Mr. Hunt stated the Board cannot impose conditions that make the lot unbuildable.

Mr. Broome stated it appears there is a practical difficulty in this case from the property owner's decision to install a gas well on the property to the east. He felt the applicant should not be penalized because of the neighbor's decision.

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

After further discussion, a motion was made to *approve* a 148' setback variance to the tank battery and a 91' setback variance to the gas well as *noted*:

1. The house shall be shifted 25' to the east to create a 50' side yard on the west side of the property.
2. A detailed landscape plan prepared by a Landscape Architect shall be submitted for review and approval. The plan shall include adequate natural plantings to provide screening year round from the existing house to the west. The plan shall also include cross sections through both properties showing elevations and views.
3. Approved screening shall be installed and maintained.
4. Final approval shall be subject to review and approval of a drainage plan by the Village Engineer.

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

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