

PLANNING AND ZONING COMMISSION  
MINUTES OF **TUESDAY, JUNE 04, 2019**

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 04, 2019 at 5:00 P.M.** 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 Sandra Turner.

Members absent: None

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

1. Roll Call.
2. The minutes of **Tuesday, May 07, 2019** regular meeting of the Planning and Zoning Commission were submitted for approval.

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

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

Roll Call:     Ayes: All.  
                  Nays: None.

**Motion Approved**

3. A request to perform work within a restricted hillside zone for the **RANKIN** residence at **1449 Carpenter Road** was heard. William Childs; Architect, Virginia Burt; Landscape Architect, and Al Esser; Geotechnical Engineer were present.

Mr. Courtney reviewed the purpose for the request.

Mr. Childs reviewed the existing site conditions and the proposed new work to the existing structure. He indicated soil borings were completed on the site and a soils report completed by the Geotechnical Engineer. He also indicated, based on the geotechnical report, none of the proposed new work would cause any slope instability.

Mrs. Burt reviewed the location of the restricted hillside area and the proposed terrace and retaining wall work within the zone.

Mr. Courtney stated he had reviewed the proposed improvement plans and the geotechnical report and had no objection based on the following conditions:

1. All recommendations and precautions as stated in the geotechnical report are incorporated into the improvement plans and followed by the individuals performing the new work.
2. The Geotechnical Engineer is retained to monitor the progress of the new work and agrees all work has been completed as directed at the conclusion of the project.

Refer to audio recording for additional detail.

After further discussion, a motion was made to *conditionally* approve the request to perform work within a restricted hillside zone as *submitted*.

Motion by: J. Deacon                      2<sup>nd</sup>: E. Hamilton

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. Burke                      2<sup>nd</sup>: S. Turner

Roll Call:     Ayes: All.  
                  Nays: None.

#### **Motion Approved**

#### **Broome Enters**

5. A lot consolidation and setback variance requests for the **OPPMANN** residence at **7520 Main Street** was heard. Notice has been given to adjoining property owners.  
Charles Fazio, Architect and Robin Oppmann were present.

Mr. Fazio reviewed the proposed lot consolidation and variance requests for the Board. He indicated the homeowner would like to install an in ground swimming pool and pool cabana building. He continued by stating the existing property

consists of two separate parcels which need to be combined in order to complete the proposed new work. Side and rear yard variances will also be necessary because the lot is so small even after being combined.

Mrs. Sogg asked Mr. Biggert if the current lot coverage exceeds the code.

Mr. Biggert indicated the current conditions already exceed the code for lot coverage. However, the lot would be allowed being considered non-conforming and given the size of the lot the standards could not be met. The proposed lot consolidation improves the non-conforming.

Mrs. Sogg asked if a variance is need for the additional accessory structure.

Mrs. Oppmann stated the small shed on the east side of the property would be removed.

Mr. Biggert indicated an additional variance would be needed for the pool cabana even with the shed being removed.

Mrs. Sogg asked if a fence would be required around the pool.

Mr. Biggert indicated fencing of some type would be required along the west side of the pool in order to enclose the new pool.

Mr. Fazio indicated a fence was being planned for in that location.

Mr. Anthony Asimou from 7540 Old Mill Road (adjoining property to the east) from the audience asked to speak. He indicated he had no objection to the lot consolidation or variances but had concerns with the pool equipment placement and the possible noise. He asked if the pool equipment could be located on the west side of the property by the existing garage.

Mrs. Oppmann had no objection to locating the equipment there.

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

Refer to audio recording for additional detail.

After further discussion, a motion was made to approve the lot consolidation as *submitted* and approve the following variances:

Pool:            13'-6" side yard (east) setback variance.  
                     8'-6" rear yard setback variance.

Cabana:        17'-10 side yard (east) setback variance.  
                     35'-5" rear yard setback variance.

A variance to allow for 3 accessory use structures.

Contingent on the following:

1. The pool equipment is located on the west side of the property close to the existing detached garage.
2. A fence is installed on the west side of the new pool to enclose the pool.

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

Roll Call: Ayes: All.  
Nays: None.

**Motion Approved**

6. No representative was present for the fence variance request for the Bigelow residence.

There being no further business the meeting was adjourned at **6:05 P.M.**

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Nancy Sogg, Chair

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David Biggert, Secretary