

**PLANNING & ZONING COMMISSION**  
**April 28, 2015 – 7:00 P.M.**

The Planning Commission met at City Hall on the above date.

Present: Commission Members Bentley, Mazur and Newberry, Mayor Drucker, Councilman Pelunis, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Inspector Eisenhuth, Councilman Kitora, Assistant City Engineer Welch

**NOTES OF CAUCUS DISCUSSION:**

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus)

Councilman Pelunis presided.

**PENDING:**

1. 7144 Southwoods Lane – Beth Baskin – fireplace width variances and location variance: Mr. Stolarsky said the questions about the contractor's registration and permits have been addressed and reviewed and although a permit was issued for the project, the contractor did not build what was approved. He said if this item is approved, the Building Department will inspect the fireplace to ensure that it was built properly and any appropriate penalties will be issued.

Mayor Drucker said she will abstain from consideration of this item.

**NEW:**

2. 30400 Solon Road – Crown Castle – site plan review for 3 replacement antennas: Commission members discussed the absence of a letter from the structural engineer in the packet.

Mr. Frankland assured the Commission that this item would not have been added to the agenda without a letter from the structural engineer.

The Commission discussed tabling the item and determined it could move forward with a contingency that the letter from the structural engineer is necessary prior to the Council meeting.

Mr. Travis Schenk was present for Crown Castle and was concerned that this item might be delayed. He said new Federal laws mandate a specific deadline for this review.

Councilman Pelunis said further discussion will be continued during the meeting.

3. 32825 Bainbridge Road – Dianne G. Smith, Trustee for Poletek Trust – an extension of a variance to permit a residence without an enclosed garage: Councilman Pelunis asked when this item will expire and Mr. Frankland said it will be soon as it came up as a reminder for the Zoning Inspector.

Mayor Drucker said this item has been approved twice.

Councilman Pelunis said this address has had no garage for 6 years.

6. SOM Center Road (on existing utility tower) PP# 956-02-006 – CEI (land owner)/Verizon Wireless (applicant) - tower height and spacing variance, fence height variance and landscape buffer variance: Councilman Pelunis has concerns about the proposed location.

Mr. Frankland said he will present 3 minor alterations.

The Commission discussed the status of the Inactive Agenda.

The caucus ended at 7:16 P.M. and the meeting began at 7:30 P.M.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

#### COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

#### APPROVAL OF MINUTES:

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the minutes of the April 14, 2015 meeting as presented.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

#### PENDING:

- |    |  |          |   |
|----|--|----------|---|
| 1. | 7144 Southwoods Lane – Beth Baskin   | 030-2015 | 3 |
|    | <ul style="list-style-type: none"> <li>▪ 8' maximum outdoor recreational fireplace width variance</li> <li>▪ 3" maximum outdoor recreational fireplace width variance</li> <li>▪ Outdoor recreational fireplace location variance</li> </ul> |          |   |

Mr. Philip Lawes, landscaper, was present representing the applicant. He displayed a site plan of the landscaping layout and said the original plan submitted to the City indicated a fire pit would be installed. As the project continued, it was determined that a fireplace would be installed instead of a fire pit, however, a new plan was not submitted to the City for approval.

Mr. Lawes said at a recent meeting with the Zoning Inspector, it was determined that variances for the fireplace were required. Mr. Lawes displayed a rendering of the fireplace and wood boxes. He said the width of the fireplace is 77" which falls within the Code requirements but the wood boxes on either side of the fireplace create the need for the variance.

Mr. Lawes referred to the rendering and indicated the chimney. He said although the chimney is 36", which is within Code requirements, he indicated areas surrounded by limestone that create the need for the 3" variance.

Mr. Stolarsky said during a meeting with Mr. Lawes, it was determined that he was a registered contractor in the City during the installation of the fireplace. Although plans were submitted and approved by the City, the finished product was not built according to the plans submitted.

Councilman Pelunis said the Mayor will abstain from consideration of this item.

Motion by Mr. Bentley, seconded by Mr. Newberry to approve an 8' maximum outdoor recreational fireplace width variance.

Roll Call: Aye: Bentley, Mazur, Pelunis  
Nay: Newberry

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 3" maximum outdoor recreational fireplace width variance.

Roll call: Aye: Bentley, Mazur, Pelunis  
Nay: Newberry

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve an outdoor recreational fireplace location variance.

Mr. Mazur said a penalty will be assessed to the contractor and Mr. Lawes indicated he is aware of the penalty.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

NEW:

2. 30400 Solon Road – Crown Castle
  - Site plan – 3 replacement antennas on existing tower

040-2015 7

A public hearing was scheduled and Councilman Pelunis opened the public hearing and asked for comments.

There were no comments, therefore, the public hearing was closed.

Mr. Travis Schenk, Crown Castle, Canonsburg, PA, was present. He explained the proposal is to replace antennas on an existing cell tower.

Mr. Mazur said as previously discussed during the Caucus, a letter from the City's structural consultant is necessary. However, this item can be forwarded to the Council with the contingency that the letter will be submitted prior to the meeting.

Mr. Stolarsky said it is appropriate to forward the item to the Council with the contingency that the letter from the City's structural consultant will be submitted. He said Mr. Frankland assured him that this item would not be on the agenda if the letter did not exist and he is confident the letter will be available for the Council meeting.

Mr. Schenk referred to an email he received on April 1<sup>st</sup> from Mrs. Crombie that the letter from the City's consultant had been received.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan for 3 replacement antennas on an existing tower for 30400 Solon Road with the contingency that the letter from the City's consultant is received and reviewed prior to the Council meeting.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

3. 32825 Bainbridge Road – Dianne G. Smith, Trustee for Poletek Trust 041-2015 6
- Extension of a variance to permit a residence without an enclosed garage

Ms. Cynthia Lammert, Attorney with Coakley Lammert, Cleveland, was present representing the applicant. She explained that Ms. Dianne Smith, the Trustee for the property has been trying to sell the property for many years. Ms. Lammert said the sale of the property is currently being negotiated. Therefore, Ms. Smith is seeking an extension of the variance to permit a residence without an enclosed garage as she does not want the expense of constructing a garage which will likely be removed by the new owner. Ms. Lammert said if the negotiations proceed as anticipated and the contract is executed, the property should transfer within six months.

Ms. Lammert said a purchase agreement was previously executed but the developer was unable to get zoning approval for what he intended to construct because of the commercial historical zoning for the area. The current negotiations are for an intended use that fits within the zoning for the parcel and looks encouraging.

Mayor Drucker said as this variance was granted in 2009 and 2012, she is concerned since she feels the requirement of a garage would be applied to other homes. She said

a possible compromise might be that a garage must be constructed in six months. Mayor Drucker said it is important to set a deadline since the property has been in non-conformance with the City's Code for more than six years. In addition, this is currently a rental property which is generating rental income.

Ms. Lammert said the property is located next to a day care center and although the tenant leaves one car outside, since there is no garage, there is no residential character to preserve. She said Ms. Smith is diligently trying to sell the property and having to construct a garage would be a considerable unnecessary expense as it would ultimately be removed once the property is sold.

Mayor Drucker said she will not support extending the variance request unless a time limit for a garage to be constructed is reached as a compromise.

Mr. Mazur agreed with Mayor Drucker and he suggested a one-year time limit as a compromise. He believes this should provide an adequate amount of time since there appears to be positive negotiations taking place towards the sale of the property.

Councilman Pelunis believes constructing a garage that might be torn down is not ideal, this property has been in non-conformance with the City's Code for far too long and he feels a time limit should be applied.

Mr. Bentley also feels this property has been in non-conformance too long.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a one-year extension to the variance to permit a residence without an enclosed garage for 32825 Bainbridge Road with the contingency that a garage must be constructed by April 28, 2016 with an occupancy permit.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

4. 7039 Navajo Trail – Mark Glatley  
▪ 18.2' rear yard setback variance

042-2015 2

Mr. Ed Smith, H & M Landscaping, was present representing the applicant and displayed the landscape plan.

In response to Councilman Pelunis' question, Fire Inspector Eisenhuth asked Mr. Smith the size of the fire pit.

Mr. Smith said the fire pit will be 4' X 4' and will be surrounded by brick stone. He said the fire pit will be stationary and will not be moveable.

Fire Inspector Eisenhuth said the Fire Department has no objection to the proposal.

Mr. Newberry asked for clarification about the screen wall discussed in the Planning Department memo.

Mr. Smith said it was a privacy panel and it has been removed from the plan.

Mr. Newberry said he has an issue with the variance request. He said when looking at the aerial view, he noticed this is the largest house in the neighborhood. Mr. Newberry said special conditions were permitted in the neighborhood to allow small lots due to existing wetlands and ponds. He said the Glatley property backs up to a lot that is currently unoccupied but is a separate lot and not part of the sub-division. Mr. Newberry said in the past when rear yard setbacks have been granted, the rationale used to grant the variance was the property backed up into a common area that is able to be used by the applicant and others. He said this request does not fit into this category and he will not support the variance.

Councilman Pelunis said this property is located in his ward and he has not received any, negative or positive, from any of the residents or from the Homeowners Association.

Mr. Mazur agreed with Mr. Newberry and does not feel there is a practical difficulty. He is concerned about the size of the patio and its location of 10' from the property line.

Councilman Pelunis said although the homeowner was unable to attend the meeting, he submitted a letter listing the reasons for the patio size. He has four children and the amount of current outdoor entertaining space has become constricted when everyone is together. If the patio had to be constructed any smaller, it would not be worth the expense of installing as it would not accommodate everyone.

Councilman Pelunis asked for clarification on the size of the deck and asked if the size could be reduced.

Mr. Smith indicated the deck on the site plan and explained the deck already exists. The proposal is to add the steps off of the deck leading to the proposed patio, fire pit and hot tub. He said there will still be enough yard left for the children to play in. Mr. Smith said it might be possible to reduce the size of the fire pit.

Mayor Drucker said she has no issues with the proposal and does not feel the fire pit should be closer to the house by reducing the size of the patio. Although the parcel backs up to an unoccupied lot, it is large with substantial woods.

Mr. Frankland said the construction of the deck has raised additional questions and is being researched. He said variances may be required for the already constructed deck.

Mayor Drucker asked why the additional variances were not included with the application if they are necessary.

Mr. Frankland said there was not enough information submitted in the application so only the variances for the patio addition were identified.

Mr. Bentley is concerned with the patio 10' from the property line.

Councilman Pelunis asked Mr. Frankland if the adjacent vacant parcel is a buildable lot.

Mr. Frankland said it is a long and narrow lot but it is possible to build a home on it.

In response to Mayor Drucker's question, Mr. Frankland said the vacant parcel's frontage is on SOM Center Road.

Mr. Newberry recalled the owner previously inquired about developing the lot, but was displeased with the reply and said the lot might remain un-developed.

Mr. Frankland said the setbacks would need to be met in order to develop the lot, however, it is a deep lot.

Mr. Newberry said it might be difficult to develop the vacant lot because of the setbacks and the close proximity to cell towers. However, he does not believe this is a reason to allow encroachment from a bordering parcel and create hardship for the parcel owner of the vacant lot.

Motion by Mayor Drucker, seconded by Mr. Bentley to approve an 18.2' rear yard setback variance for 7039 Navajo Trail.

Roll Call: Aye: Bentley, Drucker, Pelunis  
Nay: Mazur, Newberry

Motion Carried

5. 34135 Maple Drive – Kyle Dingfelder 043-2015 4
- 24 sq ft accessory structure area variance
  - 2' accessory structure height variance
  - Accessory structure location variance

Mr. Kyle Dingfelder was present. He displayed a site plan indicating the garage and the location for the proposed 12' x 12' shed directly behind the garage. Mr. Dingfelder said the roof will extend 4' on the north side for a walkway overhang with a 1' overhang on the perimeter of the shed and the roof measures 18' x 14'.

Mr. Dingfelder displayed photographs of his back yard indicating the negative slope on the property which has made it challenging to place the shed.

Mayor Drucker asked for clarification of the accessory structure location variance.

Mr. Frankland said the deck is considered part of the home and the shed is considered an accessory structure which has to extend beyond the deck.

Mayor Drucker has no issue with the proposal, understands the difficulty with the slant of the back yard and will support the variances.

Councilman Pelunis said letters were submitted from the three surrounding neighbors who all support Mr. Dingfelder's proposal.

Mr. Mazur viewed the site and believes this qualifies as a practical difficulty due to the significant slant on the property.

Mr. Newberry asked if a variance would be necessary if the structure was attached to the house.

Mr. Frankland said unless there was a door leading into the house, a variance would still be necessary.

Mr. Bentley asked for clarification about the covered walkway.

Mr. Dingfelder displayed a rendering indicating the 4' walkway between the shed and the end of the platform that will have a 4' overhang. He believes this will be aesthetically pleasing and will also provide shelter from inclement weather while placing items in the shed.

Mr. Dingfelder referred to a photograph of the back yard indicating the deck he previously installed. He said extensive excavation was necessary and a drain tile was installed. Mr. Dingfelder indicated the platform located next to the drain tile that he has installed in preparation for the shed which had to be built up higher because of the property. He said this is why he also needs the height variance.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 24 sq ft accessory structure area variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 2' accessory structure height variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve an accessory structure location variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

- |    |   |          |   |
|----|---|----------|---|
| 6. | SOM Center Road (on existing utility tower)<br>PP# 956-02-006 - CEI (land owner)/Verizon Wireless (applicant)   | 044-2015 | 2 |
|    | <ul style="list-style-type: none"> <li>▪ 18' wireless cell tower height variance</li> <li>▪ Wireless cell tower spacing variance</li> <li>▪ 1' fence height variance</li> <li>▪ Minimum landscape buffer variance</li> <li>▪ 2' minimum evergreen plant height variance</li> <li>▪ Site plan – new wireless cell tower</li> </ul> |          |   |

A public hearing was scheduled and Councilman Pelunis opened the public hearing and asked for comments.

Mr. Edward Gruca and Mrs. Lourdes Gruca, 29450 Cedar Road, Pepper Pike, OH, 44124 were present. Mr. Gruca said they own a 10-acre parcel north of the CEI parcel. As he understands the proposal, the plan is to extend the height of the 95-foot antenna to 125 feet. He asked that the City consider whether this extension is necessary and if the benefits to the City will outweigh any negative impact this could have on the neighborhood.

Mrs. Lourdes Gruca said they came to a meeting two years ago to discuss a variance request and now they are back because of another request. She feels it is not aesthetically pleasing for the neighborhood and asked the Commission to please consider this carefully.

Mr. Terry Uhl, 34403 Bramble Lane, was present. He said his property is located south of the tower. Mr. Uhl said he represents himself and other neighbors who feel the site has not been properly maintained. He asked if it is known when the site will reach its capacity and he would also like to know if the additional antennas will improve the service inside the homes.

There were no further comments, therefore, the public hearing was closed.

Mr. Christopher Galloway, Strategies, LLC, was present representing the applicant.

Councilman Pelunis asked Mr. Galloway to respond to the questions raised by the previous speakers. He asked for a response to the question of whether or not this will be the final antenna addition.

Mr. Galloway said as he can only speak for Verizon and for this location, the proposed additional antennas would satisfy the current capacity needs and it would dramatically improve coverage for that area. He said there are other towers maintained by CEI in the right-of-way and he has no knowledge if there are any other providers who might propose co-location on those towers. Mr. Galloway said it is the City's Zoning Code that directs cell provider's co-location opportunities to towers and power lines.

Councilman Pelunis said another concern is the aesthetics of the tower. He asked if the tower can be moved to be more in-line with the other towers.

Mr. Galloway said it would be on one of the northern towers along with the other two locations. He said there are also southern towers.

Mr. Newberry asked if there was a reason it could not be on one of the southern towers.

Mr. Galloway said he has not viewed a structural analysis for the southern towers, however, an educated guess would be that there are certain tower types that CEI will permit co-location on. This is usually due to structural reasons or voltage issues. Mr. Galloway surmises that as all the other providers are located on the northern towers, it is because CEI has precluded the southern towers as an option.

Councilman Pelunis said he has concerns about the aesthetics and asked Mr. Frankland to review the location of the towers.

Mr. Frankland displayed an aerial view of the property indicating the northern towers and the southern towers which were a considerable distance off of SOM Center Road. He indicated additional towers located closer to SOM Center Road. Mr. Frankland said the proposal is to locate the tower on the northern towers located closer to SOM Center Road. He asked if, as an alternative, the tower could be located on the southern towers located furthest from SOM Center Road.

Councilman Pelunis feels this is a good alternative. He asked Mr. Frankland what the setback for a home would be on the adjacent vacant property.

Mr. Frankland referred to the aerial view and indicated a location closer to SOM Center Road and in line with other existing homes on SOM Center Road.

Councilman Pelunis said this might also be an aesthetic issue for motorists as it would be located close to SOM Center Road. He would prefer to see the antennas placed on the towers located furthest from SOM Center Road. Councilman Pelunis referred to a letter received from the City's propagation consultant and said it was discussed that coverage might possibly be improved in the Liberty/Aurora area if the antennas were installed on one of the towers located furthest from SOM Center Road.

Mr. Galloway said he can ask CEI if it is possible to co-locate on the southern towers from a structural and voltage standpoint.

It was determined the item will be tabled and Mr. Galloway will contact CEI to determine if the southern towers are an option.

Mr. Galloway said the original letter from the City's propagation consultant said the southern towers may not be structurally sufficient for the required load.

Mr. Frankland said the City requested an updated letter stating that section be removed. The letter was from the propagation consultant and he is not a structural engineer.

Mr. Galloway addressed the aesthetic issues as it relates to the towers closest to SOM Center Road. He said based on the City's code, there is a 10' buffer area around the equipment shelters and the shelter would be an earth-tone color. In addition, Verizon would be willing to increase the plantings around the shelter to conceal it from view in order to locate in the proposed location as this is a better location for the desired coverage area.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 6.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

Councilman Pelunis said this item will remain open for resident comment at the next meeting.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 32425 Aurora Road – Orttech

Mr. Frankland displayed an aerial view of the property and indicated the rear of the building. He said the proposal is to install a gray generator on a pad that will not be easily viewed from any road.

The Commission agreed no further review of this item is necessary.

2. 28900 Fountain Parkway – Winncom Technologies

Mr. Frankland displayed an aerial view of the property and indicated the south elevation of the building where a row of windows currently exists. The proposal is to add two new windows and a man door in the parking lot area.

The Commission agreed no further review of this item is necessary.

3. 29750 Cannon Road – Chabad

Mr. Frankland displayed an aerial view of the property and said this item was previously reviewed by the Commission. He indicated an area on the plan adjacent to the addition and said for clarification this area will be a paved walkway.

The Commission agreed no further review of this item is necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker thanked all of the employees from the Service Department for the Earth Day event that they hosted on Sunday at the Community Park. She commended everyone involved for all of their efforts in making this an enjoyable event for residents and everyone who attended.

Mr. Mazur said the Inactive Agenda needs to be addressed.

Motion by Mr. Mazur, seconded by Mr. Newberry to direct the Clerk to contact the applicants in regard to Inactive Agenda Items A, B and C to determine the status of their application.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Mr. Newberry also thanked and congratulated the Service Department for another successful Earth Day celebration.

Councilman Pelunis agreed that Earth Day was a great success and is a wonderful service provided to residents.

Mr. Stolarsky said any resident who is contemplating a home improvement project is urged to contact the City to determine what type of permit is necessary.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Newberry, seconded by Mr. Bentley to adjourn the meeting at 8:25 P.M.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

---

Chairman

---

Secretary