

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, APRIL 30, 2015.

ROLL CALL:	PRESENT:	C. Cohen, Mayor Gorden, R. Hecht, M. Jacobs B. Mann, B. Zabell
	ABSENT:	O. Jacobs, M. Wachter
	ALSO PRESENT:	J. Ciuni, Wm. Griswold, B. Reali, G. Smerigan

A motion was made by C. Cohen and seconded by R. Hecht to approve the minutes of the March 26, 2015, regular meeting.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht
	NAYS:	None
	ABSTAIN:	M. Jacobs, B. Mann, B. Zabell

Chairman Mann thanked Ms. Hecht for covering last month's meeting.

COUNCIL REPORT

Mr. Jacobs reported that City Council acted upon the Planning and Zoning item regarding the rezoning of certain parcels of land on Richmond Road and Maidstone Lane for Mr. Brickman. The rezoning moved forward to the third hearing and a public hearing set for June 15, 2015. The second motion regarding the development agreement for the rezoning of the property was denied.

Mayor Gorden asked what the procedure would be if the applicant brought a development agreement to City Council at the public hearing or before.

Mr. Reali stated that if the development agreement was brought forward another piece of legislature would have to be introduced to City Council. The legislation for the rezoning of the property will get a public hearing and a third reading by City Council. If there is a new development agreement City Council will also hear that.

P&Z 2015-07	PAG BEDFORD, P1, LLC, dba PORSCHE OF BEACHWOOD, LOCATED AT 25855 CHAGRIN BLVD., IS REQUESTING PRELIMI- NARY AND FINAL SITE PLAN APPROVAL FOR AN EXPANSION OF A 9,413 SQ. FT. ADDITION TO THE PRESENT FACILITY.
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Mr. John Monroe, from the law firm, Mansour Gavin, representing Porsche of Beachwood located at 25855 Chagrin Blvd., was present along with Mr. Jason Grim, General Manager, to request preliminary and final site plan approval for a 9,413 sq. ft. addition to the present facility. The major portion of the expansion is to increase the number of service bays and some of the showroom area and increase some of the back office area. This application is being driven by the increased demand both for the sales of the vehicles and the subsequent service.

Mr. Griswold stated that the Building Department and Police Department have no concerns. The Fire Department stated that all life safety systems continue into the new proposed addition including the new canopy space near the service entrance. Also, the Fire Department will supply designer specifications of the fire apparatus so there will be proper access where there seems to denote a change in the parking design and building expansion.

Mr. Ciuni stated there were no engineering comments and approval is recommended.

Mr. Smerigan stated that this request is for preliminary and final site plan approval to construct an addition to the existing automobile dealership. The proposed addition is 9,413 square feet in area and one story in height. The main addition is on the west side of the existing building and extends on the south-east corner of the existing building. With the proposed additions the total building area will be 37,469 square feet. The site plan indicates a total of 225 parking spaces, which greatly exceeds the minimum requirement of the Zoning Code in order to accommodate vehicle inventory and display. The only building setback affected by the proposed addition is the western side yard setback. At approximately 90 feet, the new side yard setback exceeds the minimum 26.5 feet required by the Zoning Code. Preliminary and final site plan approval is recommended subject to the comments and recommendations of the City Engineer.

Mayor Gorden complimented Mr. Grim on the fine job presenting a dealership that is very appealing to the public. You and your staff do a fine business and are always courteous and thankful for a very successful business in the City of Beachwood.

A motion was made by R. Hecht and seconded by C. Cohen to approve PAG Bedford, P1, LLC, dba Porsche of Beachwood, located at 25855 Chagrin Blvd., request for preliminary and final site plan for an expansion of a 9,413 sq. ft. addition to the present facility.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht M. Jacobs, B. Mann, B. Zabell
	NAYS:	None
	MOTION APPROVED	

P&Z 2015-08	BERNS CUSTOM HOMES, INC., REPRESENTING ALEX AND ALICIA NAMROW, LOCATED AT 23902 WOODWAY ROAD, IS REQUESTING A REAR YARD VARIANCE (6 FT.), TO CONSTRUCT AN ADDITION TO THEIR RESIDENCE.
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Mr. Justin Berns, of Berns Custom Homes, Inc., and Mr. Jerry Salwan, Architect, representing Alex and Alicia Namrow, residents located at 23902 Woodway Road, are requesting approval of a rear yard variance to construct an addition to their residence. The layout of the home with the proposal will change the use of the area in the house. There are other properties on the street that exceed the amount of our variance. On the west side of the home it would change the roof line of the house and be more expensive to remodel. If the addition were to the west, there would not be able to be a basement due to the slab on grade of the adjacent garage wall. We are requesting a 6.25 ft. variance to be able to add to the kitchen space and expand our living area with a full basement and foundation. The addition to the south is the logical direction of expansion for the following: 1) easily blended into existing walls and roof line; 2) most dramatic way to improve the existing cramped plan; the south addition will create a modern open plan; and 3) it improves the value of the property and the neighborhood.

Mr. Jerry Salwan stated that the present kitchen and dining area is very small. As Justin stated, to expand to the west does not create the open space that is needed for the family. There will be available a mudroom, an upstairs laundry room and the kitchen, which will be relocated, to create more open work area.

The Namrow family would like to have more room for daily living. The kitchen will be flipped to the other side and opened up for more livable room space. The roof line is blending into the present roof and being kept at a minimal slop.

Mr. Griswold stated that the Building Department, Fire Department and Police Department have no comments and would recommend approval.

Mr. Ciuni stated that there were no engineering issues and would recommend approval.

Mr. Smerigan stated that this request is for approval of a rear setback variance to permit the construction of an addition to the existing dwelling. Section 1113.03 requires a rear yard setback equal to thirty percent (30%) of the average depth of the lot. The subject lot is 120 feet deep and therefore requires a minimum rear yard setback of 36 feet. The existing dwelling has a rear yard setback of approximately 45.75 feet. Therefore an addition of 9.75 feet is permitted. The applicant is request a variance of 6.25 feet to permit the addition to extend 16 feet from the rear wall of the existing dwelling. The resulting rear yard setback would be approximately 29.75 feet.

Since this is a variance to a provision of Chapter 1113, the Planning and Zoning Commission has final authority to either grant or deny the variance. Section 1159.04 sets forth the criteria to be considered by the Commission for area variances such as this. It appears that the key criteria in this instance are the following: (a) whether there can be beneficial use of the property without the variance; c) whether the essential character of the neighborhood would be altered; (f) whether the owner's predicament can be resolved in some manner other than a variance; (i) whether the need for the variance arises from conditions or circumstances which are unique to the property; and (l) whether the variance requested is the minimum necessary to afford relief. It is the decision of the Planning and Zoning Commission to determine if there is a practical difficulty or not. If the determination is made that there is a practical difficulty in which to grant the variance, there are a couple of stipulations necessary to include in the motion which are: 1) pursuant to Section 1159.04, it is determined that a practical difficulty exists or will result on the subject site from the literal enforcement of Zoning Code Section 1113.03 with regard to the required rear yard setback and 2) granting a variance of 6.25 feet to Section 1113.03 to permit a rear yard setback of 29.75 feet in lieu of the required 36 feet.

Mr. Jacobs stated that the home is very well taken care of and would recommend the variance being requested for the addition. The addition is in the middle of the yard and would not infringe on either neighbor.

Mr. Mann stated that he had trouble finding the practical difficulty.

Ms. Hecht stated that the house was very well maintained and asked if there was any other way to have the addition completed? Also questioned when the addition was done on the house next door?

Mr. Griswold stated that the change in the zoning was done about fifteen years ago. It was changed from 20% of rear yard versus 30% of rear yard now.

Mr. Zabell asked about the number of trees in the back yard and if it was dense between the properties. Also, Mr. Zabell asked if any of the trees were going to be removed.

Mr. Selwan stated it was quite dense in the backyard between neighbors and none of the present trees and shrubbrey will be removed when this addition is completed.

A motion was made by B. Zabell and seconded by M. Jacobs to approve Berns Custom Homes, Inc., representing Alex and Alicia Namrow, owners of the property located at 23902 Woodway Road, request for a rear yard variance of 6.25 feet to construct an addition to their residence with the following stipulations: 1) pursuant to Section 1159.04, it is determined that a practical difficulty exists or will result on the subject site from the literal enforcement of Zoning Code Section 1113.03 with regard to the required rear yard setback and 2) granting a variance of 6.25 feet to Section 1113.03 to permit a rear yard setback of 29.75 feet in lieu of the required 36 feet.

ROLL CALL:

AYES: C. Cohen, Mayor Gorden, R. Hecht
M. Jacobs, B. Zabell

NAYS: B. Mann

MOTION APPROVED – VARIANCE GRANTED

Bill Mann, Chairman

Sue Ley, Secretary

Karen Navolanic, Clerk of Council