

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
Held in the Council Chambers at City Hall**

Chairman Ray Wiecek called the meeting to order at 6:26 p.m. May 7, 2019 and the following responded to Roll Call:

PRESENT: Chairman Ray Wiecek
Mayor Anthony Togliatti
Vice Mayor David Grendel
William Gutermuth
Dale Lytkowski

OTHERS

PRESENT: Don Ramm, City Engineer
Gregory J. O'Brien, Law Director

ABSENT: Jeffrey Markley, City Planner

Old Business:

Approval of Minutes of Regular Planning Commission Meeting held on March 5, 2019.

- 1. 5555 Brecksville Road, Former America's Best Value Inn** - Represented by MWT Architecture for a change in use from U-6 to U-6A to change zoning to permit the renovation and updating of the former hotel.

New Business:

- 2. 5994 Hillside Road, PPN 563-08-002, Salvatore & Erin Caruso** – Requesting a variance to Chapter 1383 Protected Hillside Zone Regulations to allow a new single-family dwelling to be built on an existing lot.
- 3. Oval Drive, Sublot 36, PPN 563-18-029, Michael Haggerty** – Requesting a variance to Chapter 1383 Protected Hillside Zone Regulations to allow a new single-family dwelling to be built on an existing lot.

Chairman Wiecek stated that all the members had received the Minutes from March 5, 2019 Regular Planning Commission meeting. He asked if there were any additions or corrections. There were none.

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A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the Minutes of the Planning Commission meeting of March 5, 2019.

**ROLL CALL: Yeas: Grendel, Gutermuth, Lytkowski, Togliatti, Wiecek
 Nays: None
 MOTION CARRIED**

Chairman Wiecek thanked everyone for their patience.

5994 Hillside Road, PPN 563-08-002, Salvatore & Erin Caruso – Homeowner
Salvatore Caruso was in attendance along with Scott Harvey from Schumacher Homes.

Mr. Caruso stated that they were requesting permission to cut into the hillside on the front of the property to re-route their driveway. He stated that the existing driveway was somewhere north of a 20 degree slope. He stated that the existing home will be taken down. It was structurally bad. Mr. Caruso stated that what they were proposing to do was to put up a new house. In doing that, they would like to get rid of the really steep driveway because of driving out into the dip on Hillside Road, and they have three young kids who like to ride their bikes; and they were trying to ease that a little bit too. He stated that in order to do that, they need to cut into the protected hillside.

Vice Mayor Grendel stated that it was his understanding the garage will remain there.

Mr. Caruso stated that their hope for the garage was to get it assessed by an engineer. The people who have looked at it so far say that there didn't seem to be any structural issues; and if that was the case, they would like to rehab it by re-pouring the floor, dealing with any settling that there might be and then doing stone and siding on the outside to match the house that they were putting in. They don't want to put in a nice house and have a dumpy outbuilding out back, particularly one you could see from the street.

Chairman Wiecek asked Mr. Lytkowski if he had any questions or comments. Mr. Lytkowski stated that he didn't have anything at this point.

Mr. Gutermuth asked if Mr. Caruso was any relation to the Caruso Coffee. Mr. Caruso stated that he had moved around a lot in his life, never lived anywhere that had Carusos around; but apparently there was a coffee company and a cabinet company. He stated that he never even met any of them.

Mr. Gutermuth asked if the home was intended for a personal home or for a property that he will own.

Mr. Caruso stated that it was for him to move to. He stated that they have lived on

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Sunset for ten years, and they have outgrown the house with the three kids. He had an opportunity to get a little bit more land. He stated that his oldest was in third grade and his youngest was in pre-kindergarten.

Mr. Gutermuth asked if Caruso Properties was his company. He was just curious.

Mr. Caruso stated that they have rental houses out in Lakewood.

Mr. Gutermuth asked if the new home would be for Mr. Caruso's personal use.

Mr. Caruso stated that it would be. He stated that they have already sold their home on Sunset. He stated that if the variance didn't go through, they would be homeless.

Several people began speaking at once.

Mayor Togliatti stated that between the Caucus and the meeting, they talked about the water issues on site; and he stated that he will let the Engineer get into those later. He stated that he would like to see some resolution and some relief on those issues because it has become a safety issue with having to close the road at certain times due to water running across driveways and ponding in the intersection at Filip.

Mr. Caruso stated that he thought that was fair. They will be doing earthwork anyways; so it would be a reasonable request.

Mayor Togliatti stated that it didn't fall under the prevue of the Planning Commission, but looking at them having a front load garage coming up a steep slope, will Mr. Caruso have enough concrete to turn their vehicles around so they don't have to back down the driveway.

Mr. Caruso stated that there was a little kicker that will come off on the west side of the garage.

Mayor Togliatti stated that he didn't see that. He saw the radius, but he didn't see the other thing. He stated that was good.

Mr. Caruso stated that the other question that they thought a lot about when they were thinking where they were going to put the driveway was how would they have guests park because they can't street park on Hillside Road.

Mayor Togliatti stated that those were the only questions he had.

Vice Mayor Grendel stated that the Planning Commission was just for the slope because Mr. Caruso had everything else approved at the Board of Zoning Appeals level. He

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stated that the only thing was like the Mayor mentioned too, if they could resolve the water issue. It would be nice for the neighbor too and down the road too. He has no problem with the request and the house. He stated that it would be an improvement over what was there before.

Mr. Caruso stated that that was a house that they will live in for 50 years he hopes. He stated that he was almost 37 years old, and he stated that he thought Mr. Curatola next door was 86 years old; and he hopes that he will be in position someday living on that street.

Vice Mayor Grendel stated that Mr. Caruso was close enough to Filip and everything so it would be a straight shot to the park.

Several people began speaking at once again.

Mr. Caruso stated that for them it combined all the great things about being on Sunset with the ability to have a place that they could grow into a little more.

Chairman Wiecek asked City Engineer Ramm to give his take on the variance request.

City Engineer Ramm stated that as his memo indicated, he was completely in agreement and would recommend the variance to the steep slope setback. None of the work was proposed to impact the actual slope itself, but the setback. The spirit and intent of that code as it was enacted was really to protect upland of a watercourse. There was a watercourse down at the bottom of the hill that was Hillside Road. In fact, this was an existing lot of record with an existing home, the City Engineer felt that it was very prudent, it would be a hardship to try to impose the steep slope setback on the property.

So, they did talk at length early on before the property was acquired about the existing challenges with the watercourse that runs through the property; and as the Mayor stated in the Caucus room, they shared some video and some information pertaining to the problems immediately downstream because of the inadequacy of the infrastructure that was there, and the owner seemed very willing to work with the City and cooperate with trying to mitigate that condition in connection with their site development and for their home's improvement. He stated that he felt that there was a possibility to run that watercourse due north and prevent it from forever going across the downstream Curatola property and get it out to Hillside and to look hard once it gets to Hillside to try to make sure it goes in the same outlet that it was always trying to go to so they don't exacerbate conditions downstream elsewhere.

City Engineer Ramm stated that would be his recommendation. That would be addressed administratively through their office during the site plan review and approval process. He stated that as long as there was commitment to do that, he thinks that they could meet

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that goal.

Mr. Lytkowski asked the City Engineer if the applicant approved going north with the water.

City Engineer Ramm stated that he hadn't looked at it or discussed it.

Mr. Caruso replied absolutely.

Vice Mayor Grendel stated that if Mr. Caruso would decide not to keep the other building, would taking that building down affect the watercourse. He stated that Mr. Caruso would probably decide whether he was going to keep that building or not before he would start the new house.

Mr. Caruso stated that he thought that was a project for before the winter. He stated that he thought getting the house built was project number one, and that would follow shortly after. He stated that if it was to come down, and not being an engineering expert, or knowing anything beyond how the water flows through the property right now; he didn't think it would impact the flow of that water, the water that would run past it on the downhill side. He stated that again without any expertise or knowledge, he doesn't think it would affect anything.

City Engineer Ramm stated that what they would be proposing to be doing was downstream of the garage that would all occur upstream so it would have not net affect downstream. It would be managed in what they briefly discussed here. The City Engineer stated that to that point, if there was any intent and the desire to invest in that garage, then maybe as part of the site work they incorporate a better accommodation of that water, Mr. Caruso would want to do that for his investment of that garage. He stated that could all be part of the site plan and the site work.

Chairman Wiecek stated that he didn't have anything. He stated that everybody has covered all the areas. The water was a big issue that he saw, and the garage back there. He stated that he was glad to hear that Mr. Caruso was going to look at it and see if it was worth saving. He stated that he was sure Mr. Caruso was not going to put money into if it wasn't worth it. Mr. Caruso agreed. He stated that it would either get pretty or it would get knocked down.

Chairman Wiecek stated that they like that.

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A motion was made by Vice Mayor Grendel, seconded by Dale Lytkowski, that the Planning Commission finds that the proposed application substantially complies with all specific requirements within the intent of the Protected Hillside Zone Area and the exception as requested by the applicant shall have no adverse impact on the subject site or the adjacent property, subject to the implementation and construction of the water mitigation improvement plan as approved by the City Engineer.

**ROLL CALL: Yeas: Grendel, Lytkowski, Gutermuth, Togliatti, Wiecek
 Nays: None
 MOTION CARRIED**

Oval Drive, Sublot 36, PPN 563-18-029, Michael Haggerty – Homeowner Michael Haggerty and Scott Harvey of Schumacher Homes were both in attendance.

Mr. Haggerty stated that they were looking at a variance to build.

Mr. Harvey stated that his client would like to get approval to put a new house on that lot with the grade that was already existing.

Mr. Lytkowski stated that they went through the process pretty thoroughly about the project.

Law Director O'Brien stated that when Mr. Haggerty was at the Board of Zoning Appeals, he will have a walkout basement; and he wanted Mr. Haggerty to realize that he will not be able to do much as far as a patio.

Mr. Haggerty agreed.

Law Director O'Brien stated that he just wanted to make sure the record was clear that requesting the exception to the Hillside Zone, Mr. Haggerty was creating a situation in the back, and he thought he stated to Mr. Haggerty at the Board of Zoning Appeals that it would be fairly unlikely no matter with what he would come in with, that he would not be granted any further variances regarding the installation or construction of a patio.

Mr. Haggerty agreed.

Law Director O'Brien asked Mr. Haggerty if he understood that.

Mr. Haggerty replied yes.

Mr. Lytkowski stated it would be part of the record.

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Mr. Lytkowski asked Mr. Haggerty if he had the timing on the project.

Mr. Harvey stated that he was not sure where he was at in the process at this point.

Mr. Lytkowski stated that assuming everything would get approved.

Mr. Harvey stated that if everything would get approved, they would be moving on it as quick as they could.

Mr. Lytkowski asked Mr. Harvey if he was building the other home as well.

Mr. Harvey agreed.

Mr. Lytkowski stated that Mr. Harvey was going to be busy.

Mr. Harvey stated that he was hoping. He had one right around the corner in Seven Hills, and it would be nice to have a few going in the same area.

Mr. Gutermuth stated that as far as the house was surrounding, he wanted to know if it would be in line as far as the square footage went, it would not be a sore thumb over there.

Mr. Haggerty stated that it was 2,100 sq. ft. He stated that the other houses range from 1,400 sq. ft. to 2,400 sq. ft. It will be in line.

Mayor Togliatti stated that he thought the home would fall in line as far as the setback was concerned relative to the surrounding homes; so it was not out of line there. He stated that his only concern was the concern that was stated earlier with the walkout basement encroaching upon that steep slope and any future plans Mr. Haggerty might have with that.

Mr. Haggerty stated that the City Engineer made a good suggestion when he was at the Architectural Board, he said to move the door over to more in the middle. He stated that was what they were going to do.

Mayor Togliatti stated that other than that he has no questions.

Mr. Lytkowski asked if it would make sense to have a walkout basement. It was Mr. Haggerty's call.

Vice Mayor Grendel stated that he was over there today and walking it, and he has no problem with it. It will fit in with the other homes, and it will not stick out. It will be just the right size.

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Mr. Haggerty stated that he didn't want too big of a house because it's just more to clean.

City Engineer Ramm stated that from his prior written memo, he believe it would be fair to grant that variance. There was no work proposed to impact the actual slope itself. They were staying in the setback, and the exhibit that the City Engineer prepared clearly showed that all the houses on the street had the code that was enacted back in the 1950's and 1960's; and they would have all needed relief that Mr. Haggerty was seeking. So, the City Engineer feels that it was prudent.

The Chairman stated that he didn't have anything. Everything has been asked and answered.

A resident in the audience stated that she was going to be Mr. Haggerty's neighbor across the street, so she wanted to welcome him.

The Chairman asked her if everything was good.

She stated that it was exciting. She stated that it was a beautiful area. When she bought her property, she wanted to know if anyone was going to build or if the creek would be staying. She stated that it was such a selling point to her with all the nature right back there. She stated that it sounded like Mr. Haggerty was not going to disturb it either.

Mr. Haggerty stated that he didn't want to.

A motion was made by Vice Mayor Grendel, seconded by Dale Lytkowski, to approve the applicant's request, the Planning Commission finds that the proposed alternative substantially complies with all specific requirements with the intent of the Protected Hillside Zone area and the exception shall have no adverse impact on the subject site or the adjacent property.

**ROLL CALL: Yeas: Grendel, Lytkowski, Wiecek, Togliatti, Gutermuth
 Nays: None
 MOTION CARRIED**

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There being no further business, the Planning Commission meeting was adjourned at 7:14 p.m.

Chairman Ray Wiecek

Debi Beal, Planning Commission Clerk

Minutes Unapproved at Time of Release 03/07/19