

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
DECEMBER 14, 2020

The meeting was called to order by Chairman Michael Denk at 7:03 p.m. Due to the current state of emergency regarding COVID-19, the meeting was held virtually via Zoom. Present were Commission members Richard Blum, Richard DeMarco, Michael Denk, Rick Loconti and Joseph Vinciguerra.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Zoning Inspector Wayne Baumgart and Councilman Joseph Smolic. Economic Development Manager Monica Drake joined later in the meeting.

**MINUTES OF THE NOVEMBER 9, 2020 MEETING**

Mr. Blum moved to approve the minutes as presented, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

**PUBLIC SESSION:**

**PUBLIC REQUESTS**

**Dworken & Bernstein – Proposed Minor Subdivision at 7520 and 7530 Shadowbrook Drive**

Deron Sohngen, property owner at 7530 Shadowbrook Drive, was present in this regard. Mr. Denk acknowledged receipt of a letter dated December 9, 2020, from the City Engineer, noting that the City Engineer has reviewed the proposed minor subdivision (lot line adjustment) and recommends approval.

Using the screen sharing function of Zoom, Chairman Denk shared the lot subdivision/lot consolidation plat, which the City Engineer indicated by color the portions of the property being swapped. Mr. Courtney noted that the proposal eliminates the current encroachment of one of the structures. Mr. Sohngen stated that the driveway is mostly on his property, but it is a shared driveway. It was noted that easements are being created for access by both property owners.

Dwayne Drotar of 7520 Shadowbrook Drive was also present, and indicated that he and Mr. Sohngen have agreed to the swap of property.

Chairman Denk opened the meeting to public comment on the matter. There were no public comments or questions regarding the proposal.

Chairman Denk stated he would entertain a motion to approve the minor subdivision as submitted. Mr. Loconti so moved, and Mr. Vinciguerra seconded. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Thomas and Margaret Carkhuff – Proposed New Residence at 10096 Wisner Road – Located in Environmental Overlay District

Tom Carkhuff was present in this regard; also present were his engineer, Chip Hess of Hess Engineering, and his architect, Kevin Robinette of Kevin Robinette Architects LLC.

Mr. Denk noted the application is for a single-family home that is located in an environmental overlay district. Mr. Carkhuff stated he has an updated site plan, which was shared with Mr. Courtney late last week.

Chairman Denk acknowledged receipt of a copy of the City Engineer's review dated November 13, 2020, indicating that the property lies within the City's Environmental Quality Overlay District related to soil and geologic conditions; therefore, the site plan needs to be reviewed by the Planning and Zoning Commission, who may impose conditions on the issuance of the zoning permit. Using the screen sharing function of Zoom, Mr. Denk shared the site plan attached to Mr. Courtney's review sheet.

Mr. Courtney confirmed that he received the updated plan on Thursday. He did not have time to review it, but after a quick look at the plan, many of his comments have been addressed. Mr. Courtney stated that the only matter before the Commission tonight is his first comment related to the Overlay District. Discussion ensued regarding the City Engineer's review checklist.

Mr. Carkhuff stated he put a plan together indicating how he will manage the Environment Quality Overlay District and protect the slope.

Chairman Denk acknowledged receipt and read correspondence dated December 10, 2020 from Lisa and Alfred Schrier of 9641 Kirtland-Chardon Road, stating their concerns with regard to development in the Environmental Overlay District.

Answering Mr. Denk, Mr. Carkhuff said the only thing he has done on the property is to move some white pines, that were in the location of the new house, to another location on the property. He stated he has not done anything that will damage the hillside.

Mr. Courtney inquired if any soil borings were taken to determine the type of soils on the building site. Mr. Carkhuff stated that soil samples were taken, noting that it is basically sandy, rocky soil, with shale at approximately 4 ft. depth. He stated there were two test digs, two soil bores; they will re-evaluate to make sure they have the proper foundation. Answering Mr. Courtney, Mr. Carkhuff confirmed the borings were done for both the septic system and to analyze the foundation, noting a report was generated. Answering Mr. Denk, Mr. Courtney advised he has not seen the report.

Using the screen share function, Mr. Carkhuff shared the updated plan; he noted that the excavation to be done will not be near the slope. He stated that Mr. Hess has provided notes on the site plan indicating what will be done to protect the environmental overlay and the hillside.

Mr. Robinette addressed the Commission regarding the correspondence from adjoining property owners and the concern about excavation. He stated the house will be slab on grade; there is no basement. He noted the house will be placed where it meets the setback requirements from the street,

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yet is within the shallowest portion of the slope. He stated every effort was made to avoid the steepest part of the slope.

Mr. Denk asked if there are concerns about water coming down the slope toward the house. Mr. Robinette stated that a French drain will be created around the back of the house to divert water to the sides, so that it finds its natural course. It was noted the water will go to the roadside ditch.

Responding to Mr. Denk, Mr. Carkhuff confirmed that the County has visited the site and approved the septic system. Mr. Carkhuff stated that the house has been designed for this lot and for the hillside.

Referring to the letter from adjoining property owners referencing deforestation, Mr. Robinette stated there are very few, if any, significant trees in the footprint of the house or the surrounding area. He noted that Mr. Carkhuff has already removed those and replanted them; there is only low brush and shrub.

Mr. Hess stated that notes were added to the drawing to accommodate any concerns for erosion of the hillside, to address the overlay district.

Answering Mr. Denk, Mr. Hess confirmed that all water drainage will go to the road ditch.

Responding to Mr. Courtney, Mr. Lallo advised that the Commission will determine whether any conditions should be affixed to the approval. Mr. Courtney recommended that, since a soils report has been done, it should be submitted as part of the latest site plan; if he sees anything of concern based on soil types or underlying stratum, he will make those comments on the current review and advise the Commission if there were additional provisions.

Discussion ensued regarding erosion control and stormwater drainage.

Albert Schrier of 9641 Kirtland-Chardon Road stated it is his understanding that in Lake County any excavation or construction cannot be started until a well is approved by the County and drilled. Mr. Courtney stated he will look into this.

Mr. Carkhuff stated Ayers Well Drilling already has a deposit to drill the well, and he was advised that the requirement is for a source of water.

Lisa Schrier of 9641 Kirtland-Chardon Road inquired if the City Engineer has viewed the building site, to which Mr. Courtney replied affirmatively. Mrs. Schrier inquired where the soil samples were taken. Mr. Carkhuff advised that the samples were taken all the way around the house, in the front yard, side yard, and the location of the septic field and tanks.

Mrs. Schrier stated it appears that the rear right corner of the house is into the steeper area of the slope; she stated their concern is the stability of the slope. She questioned whether the French drain will stabilize the slope enough.

Mr. Schrier stated they are also concerned about the trees above the garage part of the house, noting that the hillside is covered with trees. Mr. Carkhuff stated he is not touching any trees on the hillside.

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Mr. Robinette stated that if the house is staked out, representations can be made of the impact of the proposed excavation and location of the house on the steep part of the hillside, which will reassure the Commission. Mr. Carkhuff stated that all corners of the house are marked and staked, and he gave the Commission members permission to walk the property.

Following discussion, Chairman Denk advised that the Commission would like the City Engineer to look further into the soil samples, some best practices, and make any recommendations he feels are appropriate.

Nick Christie stated he helped Mr. Carkhuff with the siting of the house prior to involvement by the rest of the team. He stated his background is in construction. He stated the house location was placed in a manner not to affect the soil, noting they were conscious of the Soil and Water Conservation District. He noted that a lot of work has been put into this.

Robert Murch of 10451 Sperry Road advised that this was before the Board of Zoning Appeals for a variance request for the front and side yard setbacks; he noted the house has been moved. He suggested that if the elevation lines behind the house are enhanced to show additional topography to the property line, it would show that is a very steep slope, going up 30 to 40 feet. Responding to Mr. Denk regarding the variance request, Mr. Murch stated there have been multiple accidents at that corner over the years, and the Board did not approve a variance to allow the house to encroach on the setbacks.

Mayor Potter thanked Mr. Carkhuff for the hard work he has done and for bringing his investment to Kirtland. He stated that with a little more work between the City Engineer and the applicant's team, it will hopefully result in a good resolution. Mayor Potter stated that he has known Mr. Carkhuff for a while, noting that he has confidence the work will be professional.

Mr. DeMarco moved to table the matter until the City Engineer has an opportunity to review the soils report and any other additional information. Mr. Loconti provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciquerra and Denk; Nays – None).

Appalachian Renewable Power – Application for Conditional Use Permit for Proposed Ground-Mounted Solar Panel Array at 10511 Sperry Road

The applicant was not present, and it was noted that further items requested have not yet been received for the City Engineer to review the matter. Mr. Vinciquerra moved to table the matter, with the second by Mr. Blum. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciquerra and Denk; Nays – None).

TABLED REQUESTS

Carol Dolovacky-Bradac – Proposed Minor Subdivision at 8617 Billings Road, 10171 Hillcrest Road, and 10107 Hillcrest Road

Chairman Denk noted that this matter was tabled due to possible encroachment of a building on a property line. Mrs. Bradac stated that it was confirmed that the structure on Parcel B was 9 ft. 8 in. from the property line; the plans have been revised to shift the property line 15.2 ft. to meet the 25 ft.

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side yard setback requirement. She noted that the lot line between Parcel B and Parcel C has been angled so that Parcels A, B, C and E are each 1.87 acres, and Parcel D is 1.48 acres. Mrs. Bradac noted that the lot areas remain the same as previously submitted and as approved by the Board of Zoning Appeals in the variance granted.

Mr. Blum moved to remove the matter from the table for consideration. Mr. Vinciguerra provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

The revised plan was shared using the Zoom platform for screen sharing. It was noted that proposed septic systems are shown for the vacant lots.

Chairman Denk acknowledged receipt of a memo dated December 8, 2020 from City Engineer Douglas Courtney, recommending approval of the minor subdivision.

Upon review, Mr. Vinciguerra moved to approve the minor subdivision, as presented on the drawing dated 12/02/20. Mr. Blum provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Chairman Denk noted that Mr. Murch has provided him with some information relating to structurally sound automatic pool covers, which make fences less essential for swimming pools. Mr. Denk noted that the Commission can look into this further at a future meeting.

**WORK SESSION:**

**Communications and Bills**

1. City Council Meeting Minutes – November 4, 2020 Work Session and Council Meeting; November 10, 2020 Finance Committee Meeting; November 16, 2020 Work Session, Council Meeting and Finance Committee Meeting.
2. Board of Zoning Appeals Notices of Decision – Appeal No. 20-13 and 20-14.
3. Board of Zoning Appeals Minutes of October 8, 2020.
4. Zoning Permits Report – November 1, 2020 to November 30, 2020.

**Old Business**

1. Sign Ordinance – Chairman Denk noted that a memo to Council will need to be prepared, providing recommendations.
2. Combined Meeting with City Council – Chairman Denk suggested that items to be addressed include the sign ordinance and the conditional use permit requirement for solar panels. Upon

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discussion, the Commission proposed the meeting be scheduled for Wednesday, January 27, with an alternate date of Tuesday, January 19, 2021.

New Business

None.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Blum provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:27 p.m.

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CHAIRMAN

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SECRETARY