

**VILLAGE OF BENTLEYVILLE, OHIO
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, OCTOBER 8, 2019**

MINUTES

ATTENDEES

- MAYOR LEONARD SPREMULLI
- KATHLEEN HALE (Taking Minutes of the Meeting)
- DOUG MILLER
- JEFF FILARSKI, VILLAGE ENGINEER
- CHARLES NEIMER, VILLAGE LAW DIRECTOR

PREVIOUS MINUTES WERE REVIEWED AND APPROVED

OLD BUSINESS: There was no Old Business

NEW BUSINESS:

- **5573 Liberty Road.** Owner Bowen Brandenburg requests a Conditional Use permit for the alternation of a previously approved front entrance. Steve Kellermann of Breezewood Gardens presented the plan with drawings of the proposed:
 1. refacing of the existing stone entry pillars,
 2. the addition of three new smaller pillars, adjacent split rail fence and automatic wooden gates, and
 3. A new stone mail box.

All additions will comply with existing setbacks. Jeff Filarski was of the opinion that the new structures would not present an obstacle to Fire and Rescue access.

Doug Miller moved for approval, seconded by Mayor Spremulli. **The permit was unanimously approved. Further action by Council is not required, under section 1270.3 (k) of the Bentleyville Codified Ordinances.**

- **70 Winding River Trail.** Homeowners Bill and Stacy Kimmerle request a Riparian Area Variance pursuant to Chapter 1271 of the Village of Bentleyville Ordinances to allow the placement of a 486 square foot patio/deck and in-ground swimming pool within the statutory Riparian Setback area along the Chagrin River.

1. John Monroe of Mansour Gavin LPA, represented the homeowners, and presented materials in support of the proposal (these materials are voluminous, and are available for review from Village Hall);
2. HZW Environmental Consultants addressed suggestions made by memorandum, dated October 4, 2019, from the Chagrin Watersheds Partners to incorporate the eradication of invasive plant species, and the introduction of appropriate embankment stabilizing plantings of Switchgrass (*Panicum virgatum*). It is their contention, on behalf of the homeowners, that the proposed project would be a net benefit to the natural area, by reducing flooding and erosion.
3. Dan Leuschen of High Tech Pools presented the technical description for the proposed pool, emphasizing the low impact that the pool will have on the flow of ground water in the event that the pool might need to be drained for service.

Village Engineer, Jeff Filarski, stated that any approval should be and would be conditional on the presentation by the homeowners of a satisfactory landscape design to implement a bank stabilization planting plan consistent with the suggestions of Chagrin Watershed Partners.

Doug Miller pointed out that any improvements made within the Conservation Easement held by the adjacent Cleveland Metro Parks property would require written approval by the Metro Parks.

Mayor Spremulli asked what the impact might be if a later homeowner were to neglect or abandon the proposed pool. Mr. Monroe and the homeowner expressed that self interest of such a homeowner, together with the sanctions available to the Village under statute to compel abatement of any nuisance or other code violation.

Doug Miller asked for further clarification of what difficulty there might be in orienting the pool differently. Mr Leuschen explained that topography would require a greater change of grade, bringing in more soil, if the pool were turned.

Mayor Spremulii pointed out the the October 4, 2019 Memorandum of the Chagrin Watershed Partners presented a shift in focus from their September 12, 2019 Memorandum relating to the project; the new Memorandum appears to view the project more favorably so long as specific embankment stabilization actions are taken as part of the plan. Copies of both Memoranda are attached for review.

Kathleen Hale moved to grant the variance, Mayor Spremulli seconded. **Kathleen Hale, Doug Miller and Mayor Spremulli voted to recommend approval conditional upon:**

1. Submission and completion of a plan, consistent with the suggestions of the October 4, 2019 Memorandum of the Chagrin River Watershed Partners for the enhancement of the river bank stabilization, to be approved by the Village Engineer;
2. Successful application for written approval by the Cleveland Metro Parks for work to be done within their Conservation Easement on the adjacent property.