

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
Mayfield Village  
Oct 16, 2012**

The Board of Appeals met in regular session on Tues, Oct 16, 2012 at 7:30 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman ProTem Fikaris presided.

**ROLL CALL**

**Present:** Mr. Paul Fikaris Chairman ProTem  
Mrs. Shirley Shatten  
Mr. Pat Caticchio  
Mr. William Russ

**Absent:** Mr. Joseph Prcela Chairman  
Ms. Diane Calta Law Department

**Also Present:** Mr. John Marrelli Building Commissioner  
Ms. Deborah Garbo Secretary

**CONSIDERATION OF SPECIAL MEETING MINUTES:**

**Oct 2, 2012**

Mr. Russ, seconded by Mrs. Shatten made a motion to approve the Special Meeting Minutes of Oct 2, 2012.

**ROLL CALL**

Ayes: Mr. Fikaris, Mrs. Shatten, Mr. Caticchio, Mr. Russ

Nays: None

**Motion Carried**

**Special Meeting Minutes Approved as written.**

**CONSIDERATION OF CASE NUMBER: #2012-07**

**Applicant:** First Energy  
6670 Beta Dr.  
Four Points Architectural Services, Inc

1. A request for a 15' setback variance from Section 1173.05 to allow for placement of Generator at the north side of the First Energy Lab Facility building.

**Abutting Property Owners**

**Beta Drive**

6671, 767-781, 761, 701, 700, 731, 735, 739, 6685, 6650, 660, 6690, 6700, 6680, 6660, 6670, 681, 780, 651, 730, 740, 750, 760

**CONSIDERATION OF CASE NUMBER: #2012-08**

**Applicant:**     **Mayfield School District**  
                          **Mayfield Wildcat Stadium**  
                          **6116 Wilson Mills Rd.**  
                          **ThenDesign Architecture LTD**

1. A request for a 5' side yard setback variance from Section 1181.07 (a) to allow for placement of a Scorekeeper Tower off the west property line.
2. A request for a 1068 sq. ft area variance from Section 1157.06 (a) to allow for placement of a Scorekeeper Tower.
3. A request for a 5' height variance from Section 1157.06 (a) to allow for placement of a Scorekeeper Tower.

**Abutting Property Owners**

**Lander Rd**

925,929,935,941,947,955,961,967,975,995,997

**OPEN PORTION**

Chairman ProTem Fikaris called the meeting to order reciting setback variance request for First Energy at 6670 Beta Dr., Case #2012-07.

**OATH**

**Chairman ProTem Fikaris stated that anyone wishing to speak must be sworn in; he administered the oath to the Board Members, Applicants, & Appellants and asked anyone wishing to speak to state their name and address for the record.**

**CONSIDERATION OF CASE NUMBER: #2012-07**

Mr. Marrelli said this building was built back in the 60's early 70's. The exterior walls are right on the setback line, within the 100' back off the sidewalk. There's a couple of what they call screen walls on the north side that are considered landscape features. I couldn't find any variances looking back into the history of the building. I'm pretty sure whoever was in charge at that time considered the walls landscape features and not structures. Today they'd be structures. The applicant came in and said they needed to put a generator on the outside of the north wall and enclose it. These walls are 9' high block walls. That classified it as a structure and that put it in the encroachment of the setback by 13 or 15 feet, so they'll need a setback variance to come 15' off of that 100' setback.

Chairman ProTem Fikaris asked representatives to speak on behalf of First Energy request.

Mark Ferguson, Architect with Four Points Architectural Services introduced himself and Mike Svasta, Electrical Engineer with Peters, Tschantz & Associates. The building on Beta Dr. is a lab facility and there are some things inside the facility that they need to have some backup generation for. They decided to install a backup generator to be able to provide the necessary power they need. We propose to tuck it in between the two retaining walls. There will be none of the existing trees removed. On the north side of the building, where most of the utilities come in, there's an existing transformer located right to the south of where we propose to have it. There're very mature arborvitae coming around that transformer and screening it. We're going to be just to the west of those. We are not going to be removing those arborvitae, they'll be staying. We're proposing this generator right in between the landscaping where the low grass area is. We want to be able to remove some of the berm, lower it down and be able to tuck the generator in there and then screen the area so one, you don't see the generator and two, it helps sound. First Energy wants it cleaned up.

Mr. Marrelli asked Mark to explain why they couldn't put it around the back in the east corner.

Mark Ferguson demonstrates on plan; the main service is coming in this direction here into this transformer and coming into the electrical room which is right back behind there. The gas main is coming in right here.

Mr. Marrelli said if you look at that north east corner by the parking lot in the rear, that would not require a variance, but as Mr. Ferguson said, all the power and the gas is coming in on that side. The hardship would be that you'd have to pump the gas from point A to point B.

Mark Ferguson said there'd be a lot of work with that. Around this corner is a ramp coming up for a service drive with a concrete retaining wall, and this is a drive coming into a raised elevated ramp. These two areas wouldn't be suitable. We'd basically have to tear up the ramp and the service drive to be able to get it around there.

Mike Svasta, Electrical Engineer said the generator enclosure will be a self contained unit, it'll have its own controls, all will be within the enclosure. Notice the electrical room is fairly close to the generator.

Mr. Caticchio assumes by backup generator, that means emergency generator. In other words, it's not something that's going to run consistently.

Mark Ferguson replied no, it'll run very seldom.

Mike Svasta said it has self test, usually once a week. It depends how critical First Energy considers the generation. It's not used for light safety, it used to supply power to their equipment inside the building in the event of utility failure.

Mr. Caticchio asked about noise.

Mike Svasta replied you'll hear it from the road. They build mufflers on them, on the engine itself. There's a diesel engine that turns the generator. You won't hear the generator, you'll hear the diesel engine.

Mark Ferguson said the screen wall would protect the reflection of any of the sound coming out. We're really trying to tuck it in between the existing landscaping. They won't lose those arborvitae trees, First Energy doesn't want to.

Chairman ProTem Fikaris asked about screening in front of the generator to the street.

Mark Ferguson replied corners are framed with burning bushes.

Mr. Marrelli said there will be a block wall 10' high in front of that, brick to match. Architectural Review Board will weigh in on that. Once it's in there, you'll hardly notice it's there.

Mr. Caticchio makes a couple points. This is obviously a great necessity for the facility that's already there. Therefore, this does constitute for a practical difficulty as required by our code. I see no problem with the issue. They've done a good job tucking it in there.

Chairman ProTem Fikaris asked if anyone has any further comments.

Tom Bassett 1832 Beham Dr, Mayfield Hts said I grew up down the road in Willoughby Hills. My Parents moved there in 1966. I served as Facility Manager for Medical Mutual and worked very close with the First Energy people. We had a subsidiary in Beachwood, a big IT company. When I had to permit the diesel generator in Beachwood, the Inspector there was very particular about two things; making sure the thickness of the pad that the generator sat on was within requirement. Second, the generator had to have a wall 2' high in case of a diesel spill. It had to have self containment. It's not specifically the storage of the diesel fuel, it's the transporting when they have to fill it, in case a hose comes off. One more thing, if that governor pops off, it gets fairly loud.

Mr. Marrelli asked Mark if they looked at natural gas for the generator.

Mike Svasta replied they considered natural gas but felt diesel's more reliable. There's no guarantee of a natural gas supply, whereas the owners' responsible for maintaining the fuel.

Mark Ferguson said there have been hazards out there where natural gas was interrupted.

Chairman ProTem Fikaris asked if there's an existing generator.

Mark Ferguson said no.

Chairman ProTem Fikaris asked if this facility is critical to distribution of power.

Mark Ferguson said it's critical to testing & processes. It's not part of the distribution. It's critical to maintaining quality of the distribution.

Mr. Marrelli said they test equipment & processes. They could have tests running for days or weeks. If the power goes out, the test is void.

Mark Ferguson said they test everything from bolts at their nuclear plants, to well water around their nuclear plants, to well water around distribution and generating areas. They test a lot of different types of things. Those are some of the critical things they do. They monitor well water all the time. Some of those lab departments are fantastic and they do take a while before they can get strains & stresses done.

Mr. Marrelli said they give tours every now and again. It's really something to see.

Mark Ferguson said it's incredible and amazing what they've done on Beta. They've got one of the better labs around.

Chairman ProTem Fikaris asked if anybody else has any input.

There was none.

**DECISION**

Mrs. Shatten, seconded by Mr. Russ made a motion to approve the 15' setback variance request set forth in Case #2012-07 for First Energy Beta Lab at 6670 Beta Dr. to allow for back-up generator placement.

**ROLL CALL**

AYES: Mr. Fikaris, Mrs. Shatten, Mr. Caticchio, Mr. Russ  
NAYS: None

**Motion Carried.  
Variance Approved.**

Chairman ProTem Fikaris commented on the irony when this request first came to his attention; a power company needs a generator?

Right to Appeal

**Chairman Pro Tem Fikaris stated written notice will be mailed by the Building Department confirming the decision and any interested party has the right to appeal within 10 days.**

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**CONSIDERATION OF CASE NUMBER: #2012-08**

Chairman ProTem Fikaris recites the three variance requests for Mayfield Wildcat Stadium's Scorekeeper Tower.

Mr. Marrelli explains request. The School is on residential property, so the rules of residential property apply. I applied the accessory building rules that we use for sheds and garages to the Scorekeeper's Tower because it's an accessory building and that was the closest fit. With that being said;

1. Our code requires a 10' sideyard setback and the sideyard is the west yard. The property runs north/south. The Scorekeeper Tower is proposed to go along the west sideyard 5' off the property line. So there would be a 5' variance for setback there.
2. Our code has a maximum square footage for the size of the building. They exceed that by 1068 square feet. It's a two-story building.
3. It exceeds our height limit by 5'. It goes up 20' and our code only allows 15'.

Mr. Caticchio asked Mr. Marrelli to clarify an issue on the zoning codes. I don't know what the zoning code of Mayfield Village's is, but many Schools are allowed in residential areas, so therefore if the School is allowed in a residential area, there's no need for them to come for any zoning amendments.

Mr. Marrelli concurs with that point, but then what zoning rules would apply? There are no rules for a School. Residential code is all I have to work with. Otherwise there would be no rules.

Jeff Henderson with TDA Architecture in Willoughby introduced himself and comments on Mr. Caticchio's point. Sometimes Schools typically don't have a zoning themselves. They are in residential and other areas. Sometimes we have to apply for a conditional use permit, it's not a variance per say, it's a process to allow it to happen. John is correct in terms of we sort of comply with the residential requirements in this case.

Moving on to the site; This is the back of Mayfield High School, the Wildcat Park which has recently been completed. We're talking about another piece to the whole project. This aerial shows the relationship of the existing varsity baseball field, the new softball field and the residences along Lander Rd.

The District is proposing to construct a Scorekeeper's platform. The ideal position of that building and the reason it's positioned there, is to have direct view from home plate to pitchers mound and out in both cases.

Utilizing a rendering drawing, this is looking towards the west, varsity baseball fields on this side, softball field on that side. There are would-be stands that have been moved and will be put back in front. The reason why the thing needs to be elevated is so there's a view over the top of any people watching the games. The 2<sup>nd</sup> level is where the scorekeepers would be, looking out those windows into both fields. They would be keeping score and controlling the scoreboards.

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The lower level will be outdoor storage for athletic equipment. There may be a limited concession area, not really cooking food, just candy that can be sold in a very limited way.

Jeff Henderson concludes introduction. We're proposing materials that are residential, a hardy plank siding which is on the two storage buildings. We'd match those to get a residential feel, knowing that we're very close to the residences along Lander Rd.

Mr. Marrelli asked if the back of the building has any windows.

Jeff Henderson replied it does not, no openings on the back side.

Mr. Marrelli asked, so no lights will be coming out of the second story window?

Jeff Henderson said correct. No sound system proposed, no speakers. Again, one of the closest points of that building to the property line is 5' and I think the other side is 6 ½' because of the orientation of the thing.

Mrs. Shatten asked if the people in the houses will be looking at blank walls.

Jeff Henderson replied yes, a blank wall will be facing their property. You can see though, there're quite a bit of trees.

Mr. Marrelli said if you look between the houses and the back property line, there're a lot of trees between the houses and the back line. It's not necessarily how many are right next to the building, but how many between the house and the building that block the view.

Chairman ProTem Fikaris said the back of the closest house appears to be 90'.

Jeff Henderson said it's a little more than twice the distance from home plate to first base. Those are pretty deep lots.

Chairman ProTem Fikaris asked if anyone has any further questions or comments.

Tom Bassett 1832 Beham Dr, Mayfield Hts said I know that area well. Our Son Brad is a Senior and plays baseball at Mayfield. Our daughter Kelly is a Junior, she'll be the beneficiary of the new fast pitch field. You did a great job with the whole project. Is that building a square or a triangle?

Jeff Henderson replied it's kind of a square.

Tom Bassett said for the past 12 years I've probably been on every ballpark in the Midwest and the idea makes sense here. It's trying to cover two fields with utilities, storage & concession. Will there be running water?

Jeff Henderson replied no running water.

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Tom Bassett said usually what we see, take Cleveland Hts for example, you walk into a complex and there'll be 4 or 5 diamonds in a pentagon shape with the major facility in the middle of all that, where your restrooms are. I'm going to go out on a limb here and say the only other way to do this would be separate score towers behind the dugouts of each facility. For reasons of the economy, it makes sense to have one structure in the middle of both facilities to serve two purposes.

Mr. Marrelli asked if the new restrooms will be open during the ballgames.

Jeff Henderson replied yes. In fact the concession stand actually has two faces to it. They open out to the outside as well for the express purpose of being able to serve the baseball.

Mr. Marrelli asked, within 500' of the stands?

Jeff Henderson believes so.

Mr. Marrelli asked if they'll have the ability to store first aid equipment in there.

Jeff Henderson replied yes, certainly.

John Folkman, Director of Business Services, Mayfield School District said if we need to get somebody out in an ambulance, we have that way out easily.

Jeff Henderson said again, there will be no water to this building. One of the reasons was if we had water there, we'd have to get sanitary. There isn't anything that's west of this location. The District went through the process whether we needed to provide that or not. The decision was based on the cost, it wasn't worth it for the usage of it.

Chairman ProTem Fikaris said it seems it all worked out. There was a very small window to place this that it would fit perfectly. We saw the whole site plan for Wildcat Park. My question is, is there anything else that may come before us? I don't mean minor. To me, this would have been something that might have been included. Not in any way shape or form would it have been a deal breaker, but it is an issue that requires consideration. I know you're not going to put up a shot-put tower observation. It's a functional building, can we do without it? Yes, maybe. The concern I believe is with the residents. Were the residents notified?

Mr. Marrelli replied he received two calls and they were both fine with this.

Chairman ProTem Fikaris understands that, considering the deep lots. I was just curious. I think you guys have done a nice job and I don't think this imposes a whole lot and if we haven't heard anything from the residents.

Mr. Marrelli reiterated the two calls he received were positive and everybody else's silence I'll guess is also positive.

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Chairman ProTem Fikaris added it's another place for the High School to place a future plaque for a nice big donor.

Tom Bassett makes another point. I moved into the area in 1992 and became an umpire in 1995. I've noticed when there's a structure right behind the backstop, it prevents a lot of commotion from not going on in terms of arguing, hassling & safety reasons. I'd much rather prefer to umpire with a field that has a structure right behind it. That way, parents & friends don't hang around the backstop.

Laurie Dane (audience) said I'm one of those Parents, I keep score, and I agree with that 100%.

Chairman ProTem Fikaris said for clarity, the screening would be the two sets of bleachers. Are they portable?

John Folkman said yes, bleachers are portable.

Chairman ProTem Fikaris thanked the applicants for their presentation and turned it over to the Board for discussion.

Mr. Russ is happy with everything that's been presented.

Mr. Caticchio said with the same comment that I made with First Energy, they have to deal with an existing situation. We have to presume that this building is necessary for the proper use of the property, so therefore they have a practical difficulty here. I see no problem other than the 5' height variance and that's not a big request.

Jeff Henderson said part of that height request is so that it's high enough when someone is standing on the stands, that they can see and they're not blocked at all. That puts that window at just about the right height.

## **DECISION**

Mr. Caticchio, seconded by Mr. Russ made a motion to approve all three variance requests set forth in Case #2012-08 for Mayfield High School's Wildcat Stadium at 6116 Wilson Mills Rd. to allow for placement of a Scorekeeper Tower.

## **ROLL CALL**

AYES: Mr. Fikaris, Mrs. Shatten, Mr. Caticchio, Mr. Russ

NAYS: None

**Motion Carried.**

**Variations Approved.**

## Right to Appeal

**Chairman Pro Tem Fikaris stated written notice will be mailed by the Building Department confirming the decision and any interested party has the right to appeal within 10 days.**

**ADJOURNMENT**

Mrs. Shatten, seconded by Mr. Russ made a motion to adjourn the meeting.

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Meeting adjourned at 8:10 p.m.**

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Chairman

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Secretary