

Board of Zoning Appeals Public Hearing December 3, 2018

Mayor Renda called the Board of Zoning Appeals Public Hearing to order at 6:03 pm.

ROLL CALL:

PRESENT: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda

ABSENT: Mr. Stanard

Other present: Jeff Filarski, Village Engineer; Paul Kowalczyk, Building Commissioner; Aimee Lane, Law Director; Theresa Dean, Assistant Clerk

Mr. Buczek made a motion seconded by Mr. Janke to approve the minutes from the November 5, 2018 Board of Zoning Appeals Public Hearing.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda

NAYES: None

MOTION CARRIED

Buescher Residence - Pool Fence Exemption

419 Bentleyville Road

Mrs. Lane administered the oath to those wishing to speak on this application, and Mayor Renda opened the Public Hearing at 6:05 pm.

Homeowners Brendan and Lisa Buescher were in attendance to present their request. Mrs. Buescher said they recently put in a pool and are trying to figure out what to do about the required fence. She said that their property sits at the top of a hill near the Miles Road end of Bentleyville and that the ravine behind the property has an unstable slope. When they built their home, the engineer who looked at the site advised them not to touch anything in the hillside zone and not to disturb the trees at the back of the lot, as the root systems are helping to hold the slope in place. They have followed this advice and, to date, have not had erosion of the slope.

Mrs. Buescher said they have installed a safety cover over the pool which is closed whenever they are not swimming. In order to comply with the Code requirements, they would like to put a fence down each side property line. However, they would like to use the top of the ravine as a natural barrier rather than install a fence along the rear of the yard. Doing so will enable them to use the entirety of their

property and eliminate the need to install posts or otherwise disturb the hillside, which they were cautioned not to do. Mrs. Buescher said the pool area will be kept safe by the combination of fencing along the side property lines, the natural barrier of the ravine, and a home alarm system that is triggered if anyone exits the house. She added that she has a background in safety engineering and has thoroughly studied this issue, and she feels these measures will keep anyone away from the pool when they should not be in there.

Mr. Buescher said that the Village Code requires a "barrier or fence" around pools, and he feels the top of the ravine serves as that barrier. He pointed out on the displayed site plan where they propose to put the fence on the side lot lines. Photos of the ravine were also shown.

As there was no one else in the audience who wished to comment, Mayor Renda closed the Public Hearing at 6:11 pm.

Mr. Kowalczyk said the original site plan submitted to the Village for the pool was similar to the proposed site plan now shown but included a fence along the ravine. Mr. Buescher said that the fence was shown on the original plan while trying to get the application through. However, they have since rethought the best approach to the fence, particularly as related to the prior discussion with their structural engineer. Mrs. Buescher said they submitted the original plan before she learned about and researched safety covers. Her research shows that safety covers are protective against the actual danger of a pool, which is water. The cover can be walked across and is operated by a key, which Mrs. Buescher says they take with them when they leave the house so the cover cannot be opened.

Mrs. Cooper asked if the safety cover is always closed when the pool is not in use. Mrs. Buescher said it is, and that this is both a safety issue for their children as well as an economical issue, as the pool is heated and keeping the cover closed keeps in heat.

Mr. Janke said he appreciates that the Bueschers are trying not to disturb the hillside zone, as he is familiar with the challenge of hillside areas in Moreland Hills. He feels a four-foot fence would be less of a barrier than this ravine.

Mr. Bolek asked how hard it is to remove the cover. Mrs. Buescher said the cover rides on large metal rails that extend down both sides of the pool. The cover cannot be opened without a key, and the key must be held by the operator in order to open and close the cover. Mr. Bolek asked if being vigilant about keeping the cover closed will become onerous over time, to which the Bueschers replied it would not. Mr. Bolek said he also agrees that a four-foot fence would be less of a barrier than the ravine, although a fence is a more obvious barrier. He asked if there are any "no trespassing" signs in place. Mrs. Buescher said there are not, but she almost wonders if such signs would create a temptation. She added that, in the nine years they have lived there, she has not had anyone climb the ravine. Mrs. Buescher said she is more comfortable with a pool cover than a fence, as a four-foot fence would be easy to climb for almost anyone wanting to do so.

In response to Mr. Bolek's question about "no trespassing signs," Mrs. Lane said the Board has authority to put reasonable conditions on a variance approval if they feel it is appropriate. Mr. Bolek said his point was that a fence is a visible barrier along a property line, and such signs would establish private property in the absence of a fence. Mr. Buescher replied that the only way to get to their property by

way of the ravine would be if someone parked on Miles Road and climbed the hill, and it would be obvious at the top of the hill that they would be on private property.

Mrs. Lane reviewed the Findings of Fact: Brendan and Lisa Buescher of 419 Bentleyville Road have requested a variance from Section 1323.04 of the Zoning Code, which requires installing a barrier or fence around a pool. The Board reviews criteria defined in the Code and included as part of the appeals application to determine if practical difficulty exists. The applicants have fully responded to each of those criteria (Appendix A), and Mrs. Lane would make one addition:

Question 9, "Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance?" The applicants responded, "Yes, because the zoning requirement's purpose is to protect against someone accidentally falling into the pool. We would have fencing around all parts of the yard that can be accessed by people in addition to our safety cover which protects people from the point of contact of the danger, the water, not the yard." Mrs. Lane would mention the additional measure of having the doors alarmed, which notifies the owners if someone has exited the house into the yard. She also added that the Board has felt the ravine provides as much of a barrier as a four-foot fence, having noted that someone could easily jump over a four-foot fence.

Mr. Bolek made a motion seconded by Mr. Buczek to approve the Findings of Fact.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda
NAYES: None
MOTION CARRIED

Mr. Bolek made a motion seconded by Mr. Buczek to approve the variance for a pool fence along the rear property line at 419 Bentleyville Road.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda
NAYES: None
MOTION CARRIED

As there were no other items for discussion, Mr. Bolek made a motion seconded by Mr. Buczek to adjourn the Board of Zoning Appeals meeting at 6:24 pm.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda
NAYES: None
MOTION CARRIED

Respectfully submitted,

Theresa Dean, Assistant Clerk

Planning Commission Meeting December 3, 2018

Mayor Renda called the Planning Commission Meeting to order at: 6:24 pm.

ROLL CALL:

PRESENT: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke Mayor Renda

ABSENT: Mr. Stanard

Other present: Jeff Filarski, Village Engineer; Paul Kowalczyk, Building Commissioner; Aimee Lane, Law Director; Theresa Dean, Assistant Clerk

Mr. Buczek made a motion seconded by Mrs. Cooper to approve the minutes from the November 5, 2018 Planning Commission Meeting.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda

NAYES: None

MOTION CARRIED

Jacobs/Schreiber Residence- Renovations, Dormer 20 Stonewood Drive

Sharon Sanders, the designer with SKS Designs, was in attendance. She said the house was built in the mid-1980's and was a Paskovitch home designed for an elderly couple who did not want a second floor, so the home was built as a classic Cape Cod with an unfinished second floor. The house is now owned by a young couple who wish to use that space. They plan to add two bedrooms and a bathroom on the second floor and a third dormer to bring more light into the space. They also wish to replace two narrow-casement windows on the front of the house with one single window, as the current windows are not large enough to allow for egress from a sleeping room. The new dormer on the back will match the same basic profile as the existing dormers, though it will be slightly larger.

Mr. Kowalczyk reported that the Village Architect approved the design as submitted. Neither Mr. Kowalczyk nor Mr. Filarski had any concerns.

Mr. Bolek asked about access to the second floor, and Ms. Sanders said a stairway is already present. Mrs. Cooper confirmed with Ms. Sanders that the new dormer matches the existing roof pitches.

Mr. Bolek made a motion seconded by Mr. Buczek to approve the modifications at 20 Stonewood Drive.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda

NAYES: None

MOTION CARRIED

Haber Residence - Deck, Enclosure
50 Cableknoll Lane

Shane Heckert, a designer with American Construction Group, presented the project. Mr. Heckert said his client had an existing pool which has been dug out and replaced. They are ready to begin the next phase of their project, which is to replace their existing wood deck with a four-foot high concrete deck and replace their pergola with an open canopy extension from the house. The canopy will match the roof pitch of the existing home and, though it will not be fully enclosed, it will feature automated roll-up screens. Photos of the existing conditions of the house were shown along with elevations of the new design, and Mr. Heckert distributed additional 3-D color elevations.

Mrs. Cooper asked if the canopy structure is attached. Mr. Heckert said it is, but they will not be removing the existing doors or transom windows going into the house. They will match the existing roof and shingle materials used on the house.

Mr. Kowalczyk reported that the plans were approved by the Village Architect with the notation that the upper transom window aligns with the opening below as shown on the south elevation. He also noted that the vertical stone shown around the addition be compatible with existing materials on house. Neither Mr. Kowalczyk nor Mr. Filarski had any concerns or comments.

Mr. Bolek said the drawings do not show much detail, so he was also wondering about the materials to be used. He agrees with the Village Architect's recommendation to align the transom window on the south elevation. Mr. Heckert said they had designed the larger window to allow for more light but agreed to align it as recommended. Mr. Heckert added that they will use natural stone on the deck to match what is on the house. They will also match the plaster on the existing house.

Mrs. Cooper asked where the hardscape will be in relation to the existing deck. Mr. Heckert said it will be in almost the same location as the existing pergola and will connect to the pool. He pointed out the area of construction on the displayed site plan and showed where steps would connect the new deck to the pool area.

Mrs. Cooper made a motion seconded by Mr. Buczek to approve the deck and enclosure at 50 Cableknoll Lane with the condition that the transom windows shown on the south elevation be aligned per the Village architect's recommendation.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda
NAYES: None
MOTION CARRIED

Lower Residence- Porch Addition
90 Greentree Road

David Payne of Payne & Payne Construction presented the project on behalf of the homeowners. They wish to add a front porch addition to what is currently a classic colonial home. The new porch will

feature columns and a standing-seam metal roof. The porch roof will have a weathered-copper patina; the home's current roof is asphalt in a driftwood grey color. The goal of the porch addition is to give a modern farmhouse aesthetic. The porch will extend approximately eight to nine feet from the front façade of the house and be 26 feet wide, and they will be removing the existing shutters. The porch roof will have a lower pitch than the shed slope of the roof; Mr. Bolek confirmed that this will be only the second roof pitch.

Mr. Bolek asked about the materials to be used. Mr. Payne said both the porch floor and ceiling will be tongue-and-groove, though they have not finalized whether they will use stained wood or a composite material.

Mayor Renda said she really likes the design. It dresses up the house nicely without being overdone.

Mr. Kowalczyk reported that the Village architect approved the design with the recommendation that the color of the porch roof be compatible with the existing roof.

Mr. Bolek made a motion seconded by Mrs. Cooper to approve the porch addition at 90 Greentree Road.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda

NAYES: None

MOTION CARRIED

Evans Residence - Preliminary Design Discussion, New Dwelling

Parcel 911-12-024, Hiram Trail

Architect John Wilson was in attendance with Larry Bloch, Larry Bloch Builders, to present and discuss preliminary designs for this new dwelling. Mr. Wilson said the home is still under design development, and he is still working on massing studies, but the design presented tonight is the final preliminary drawing. He brought several additional elevations that were not included with the original submission materials.

Mayor Renda reminded the Planning Commission that this is one of the Hiram Trail properties that was previously one lot but that was split into three, and that a number of variances were granted to enable that lot split. During that review process, the Board asked that designs for the new homes respect the style of existing homes on Hiram Trail and that the Village not be presented with variance requests. She asked that the Planning Commission keep those points in mind for this discussion and asked Mr. Kowalczyk to review Village Architect Richard Kawalek's initial comments.

Mr. Kowalczyk said that this is a preliminary design, and that Mr. Wilson wanted to get the Planning Commission's feedback before finalizing plans. He read Mr. Kawalek's comments, as follows:

I have the following comments regarding the proposed house at 33770 Hiram Trail:

1. The submitted drawings are very preliminary - lacking in a full front elevation, material selections, colors, and roof slopes. I cannot make a full assessment at this time, but can provide suggestions for the further development.
2. The overall house design and composition has the potential to be an acceptable fit for the site and neighborhood. The site is at the end of Hiram Trail, bordered by empty lots and the wooded property of Hiram House - so there is less impact on the rest of the street. As the new lots are developed, they will also no doubt result in pressure for the bigger more contemporary homes that buyers often demand. However the new homes can attempt to be compatible in scale, color and proportion.
3. It would be helpful if the house could be pushed back further from the road, with additional landscaping along the street to reduce the impact of the newer home and construction style. Elements such as the backyard basketball court and pool should be screened from existing and future homes.
4. The designer should be aware of the maximum two roof pitches allowed in MH. It may be helpful if the front garage wing had a gable roof rather than a shed roof - to be more reflective of neighborhood norms. Steeper roof pitches are also customary to the street, and it would be good if the proposed metal roof were a color similar to the grays and earth tones of other roofs on the street. Likewise, the roof overhangs appear excessively different from neighboring homes, or homes in the community.
5. Overall, the plan appears to be very thoughtfully designed, and the way the building volumes are broken up will help keep it in character with other homes in the area.

Mr. Wilson said his biggest concern at this time has to do with the site plan. He has presented a revised site plan and believes he has addressed most, if not all, of the original potential variances. He has moved the house back approximately 10 - 15 feet as suggested, and he feels the proposed plan is now in compliance with the side setbacks as required by 1151.07(2), foot note "c" as he understands it. The placement of the tennis court meets the required 35 foot setback. He pointed out on the displayed site plan where changes were made from his original plan to address setback issues.

Mr. Bloch added that this is the center of the three newly established lots. Mr. Wilson said it is a large home but that the site plan shows only the footprint and does not adequately show how massing is broken up. He pointed out a motor court with a side-facing garage, the one-story master suite wing, a center connecting section that is one-point-five stories and where the entrance will be, and the second wing that will feature five bedrooms on the second floor. The proposed house is just over 6,000 square feet. The client requested this aesthetic based on a similar home that Mr. Wilson designed and that is being built in Pepper Pike.

Mrs. Cooper asked if this is the lot with the pond. Mr. Bloch said it is not, though one small portion of the neighboring pond extends onto the property.

Mr. Wilson said the roof line is currently designed with one main pitch, though he may vary the roof pitches slightly, which would not be noticeable. He may add a second distinct pitch if needed to break up massing.

Mr. Kowalczyk said there is still an issue with footnote "c" on the west side of the building because of the overall 113-foot length of the house. Mr. Kowalczyk, Mr. Bloch, Mr. Bolek, and Mr. Wilson discussed the technicalities of footnote "c" at length and the impact of moving various planes of the side of the building. Mr. Wilson said he will explore other options to break up the massing of the west wall.

Mr. Wilson went on to describe the materials proposed for the home, which will mimic a midcentury modern use of materials. Low stone walls will be featured along the street, the sides of the shed roof forms will utilize vertical metal siding, and the sloped portion of the roofs will be asphalt. Other materials to be used will be cut stone, glass, and stucco. Colors ranges will be charcoals, medium and light greys. Mr. Wilson said the second house to the west of this lot features stone on the front, so there is a tie-in to this design.

Mr. Bolek said he thinks it will be an interesting house but has concerns that have been reinforced by some of the comments this evening. There is a not a lot of depth to these lots, and there is a rather consistent theme to the existing houses on Hiram Trail. There needs to be a strong reason why a contemporary home would fit in this neighborhood. Mr. Bolek said he does not understand how the roof breaks and slices fit with the houses in the neighborhood. He also noted that vertical walls with metal siding sounds more like a commercial installation. As an architect, Mr. Wilson needs to bring strong reasons to the Planning Commission for why the design relates to the neighborhood. Mr. Wilson said he is trying to be contextual but without replicating or matching neighboring homes. He said that heights and forms need to be broken up when getting into these larger houses, which he feel he has done.

Mr. Bolek also cautioned Mr. Wilson to be very careful about roof pitches. No deviations are allowed. The code only allows for two roof pitches, although a flat roof does not count as a separate roof pitch. His overall recommendation is to have a very solid reason why the home fits in the neighborhood and work out the details so no variances will need to be discussed. Mr. Wilson and Mr. Bolek briefly discussed the impacts of the various roof segments and how they are viewed from different angels.

Mrs. Cooper asked if the house in Pepper Pike also has segmented roof sections and where it is located. Mr. Bloch said it does and that the house is located on Heritage off Fairmont Boulevard. He said it does not match anything else on the street in terms of design but does match in terms of massing and having hipped roofs. Mr. Wilson feels the house proposed for Hiram Trail, though similar, is more modern and sleek.

Mr. Janke said that the house in Pepper Pike is located on a cul-de-sac, whereas this home would be located practically on the corner of SOM Center Road and Hiram Trail, which is a major and very heavily traveled intersection. He agrees with Mr. Bolek that Mr. Wilson needs to build a narrative as to how this house fits in. Mr. Wilson said he hopes this house will set a new standard without offending the existing style of homes on Hiram Trail. Mr. Janke said the design may work with some refinement.

Mr. Bolek confirmed that the goal for this meeting is just to get some preliminary comments. He said that, if he had to vote on the design now, he would vote no. He feels there is still a lot to address in terms of the design and potential variances, as well as addressing constructability issues and long-term wear of the flat roof between high sloped roofs.

Larry Bloch cited the variety of different homes designs that have been approved for Addison Lane, noting that good architecture seems to be acceptable even if the designs are different. Mrs. Cooper said that is a slightly different situation, as Addison Lane is a new development, and the Planning Commission has felt there is more room to experiment there than on existing streets such as Hiram Trail.

Mr. Bolek said that the Village Code makes it incumbent on the architect to ensure new construction fits contextually with surrounding homes. He noted that this is a prominent corner in Moreland Hills versus a more secluded site where contemporary homes are frequently located.

Mr. Kowalczyk said he reviewed the meeting minutes from when the lot split was being considered in October 2017. At that time, it was stated that homes would be between 3,000 and 4,000 square feet and would fit with what is currently on Hiram Trail. This proposed home is 6,000 square feet, so he thinks it is very important to consider mass and how it can be broken up. As Mr. Kowalczyk also oversees the Building Department at Pepper Pike, he is familiar with the home on Heritage and said the mass of that house would not fit on Hiram Trail. Mr. Bloch said he did not anticipate anyone requesting such a large home on these lots, but the clients have a very large family.

As this was just a preliminary discussion, Mayor Renda said she assumed the Planning Commission will see this project in another month or two when they are further along with the design.

Discussion and Adjournment

Mayor Renda reminded everyone of the Special Board of Zoning Appeals meeting on Tuesday, December 11, 2018 for the Hardin-Levine hearing.

Mrs. Cooper asked if there was any update on Moreland Commons. Mayor Renda said the trees were cleaned up in early November and that she has been in contact with Bryan Stone, who says the project is moving forward. A realtor has been retained who is talking with interested property owners, though they are not taking money for the lots yet.

As there were no other items for discussion, Mr. Buczek made a motion seconded by Mrs. Cooper to adjourn the Planning Commission meeting at 7:31 pm.

AYES: Mr. Bolek, Mr. Buczek, Mrs. Cooper, Mr. Janke, Mayor Renda
NAYES: None
MOTION CARRIED

Respectfully submitted,

Theresa Dean, Assistant Clerk