

## Board of Zoning Appeals July 1, 2019

Chairman Stanard called the Board of Zoning Appeals Public Hearing to order at 6:00 pm.

PRESENT: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard

ABSENT: Mrs. Cooper, Mr. Janke

Others present: Paul Kowalczyk, Building Commissioner; Aimee Lane, Law Director; Theresa Dean, Assistant Clerk

Mr. Buczek made a motion seconded Mr. Stanard by to approve the minutes from the June 3, 2019 Board of Zoning Appeals Public Hearing with one recommendation to clarify on page five the description of how the Village views percent openness when considering fences.

AYES: Mr. Buczek, Mayor Renda, Mr. Stanard

NAYES: None

ABSTENTIONS: Mr. Bolek

MOTION CARRIED

At this time, Mrs. Lane administered the oath to those wishing to speak at this evening's Public Hearing.

### Meszaros Residence - Widening of Front-Facing Garage

123 South Strawberry Lane

Mrs. Lane swore in all those wishing to speak to the variance request at 123 South Strawberry Lane, and Mr. Stanard opened the Public Hearing at 6:02 pm.

Property owners Elmer and Andrea Meszaros were in attendance to present their request. Mr. Meszaros said they have lived at their home for 40 years. The garage is original to the building, and they need to widen it to comfortably fit their cars and enable the car doors to be fully opened. They would like to widen the garage by six feet.

Mr. Meszaros went on to describe how they would also like to improve the garage's appearance with the addition of dormers on the garage roof. He has discussed the project with Village Architect Richard Kawalek, who approved the overall project but not the dormers. Mr. Kawalek feels there is not sufficient height or head room above the garage to justify the appearance of the dormers. Mr. Meszaros said Mr. Kawalek did agree that something is needed above the garage to break up the roof line and proposed that a reverse gable might be a better option. Mr. Meszaros disagrees, saying he

thinks dormers are a nice touch and elevate the look of the home; he feels they are proportional as well as functional, in that they will allow light into the garage.

Mr. Stanard reminded Mr. Meszaros that this Board of Zoning Appeals meeting is about the variance and that the question of design will be addressed later by the Planning Commission. Mr. Stanard said that the existing garage is front-facing and, therefore, non-conforming under the current Code. Because they wish to widen the garage, a variance is needed to expand a non-conforming situation. Mr. Stanard asked Mr. Meszaros if there was anything he wished to add about the hardship leading to the request for a variance. Mr. Meszaros replied that building a side-facing garage would require relocating the driveway, which would be both very expensive and would place the driveway on his neighbor's property line. With the 6-foot expansion as proposed, they will be right at the required set back line for the garage. He also noted that there are numerous other homes on South Strawberry with front-facing garages.

As no one else wished to comment, Mr. Stanard closed the Public Hearing at 6:09 pm.

Mayor Renda said it is very telling that there are at least six other front-facing garages in that neighborhood, so Mr. and Mrs. Meszaros are not asking for anything extraordinary.

Mr. Bolek also said there is a precedent for front-facing garages in this neighborhood and agreed that something should be done to make the applicant's garage more functional. Mr. Bolek said he had a suggestion to address the issue of the home's long roofline but that it might create the need for a different variance request, and he asked Mrs. Lane if a different variance could be handled at tonight's meeting. She replied that proper notice of each variance would need to be given, so a different variance would have to be presented at a later meeting.

At this time, Mrs. Lane reviewed the Findings of Fact: The property owners at 123 South Strawberry Lane have submitted an application for an area variance from Section 1151.20 to allow the expansion of an existing front-facing garage when, under the current Code, front-facing garages are prohibited. In determining whether to grant an area variance, the Board considers eleven factors that are set forth in the Code to determine practical difficulty.

The applicant sufficiently and reasonably completed the answers for all eleven factors (Appendix A). Mrs. Lane wished to highlight several of those answers:

Question 3: "Is the variance substantial and is it the minimum necessary to make possible the reasonable use of the lane or structures." The applicant answered that the variance is small, adding only five feet, eight inches to the width of the garage.

Question 4: "Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer substantial detriment as a result of the variance." The applicant answered no, as six immediate neighbors have front-facing garages.

Question 8: Can the property owner's predicament feasibly be obviated through some method other than a variance?" The property owner answered no, citing the cost and lack of area to reposition the driveway.

Mrs. Lane noted for the record that the property owner answered "no" to question 6, "Did the property owner purchase the property with knowledge of the zoning restrictions." In this case, the property owners have lived at their home for over 40 years.

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

AYES: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard  
NAYES: None  
MOTION CARRIED

Mayor Renda made a motion seconded by Mr. Bolek to approve the variance requests to allow widening of a front-facing garage at 123 South Strawberry Lane.

AYES: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard  
NAYES: None  
MOTION CARRIED

As there were no other items for discussion, Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Board of Zoning Appeals Public Hearing at 6:13 pm.

AYES: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard  
NAYES: None  
MOTION CARRIED

Respectfully submitted,

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Theresa Dean, Assistant Clerk

**Board of Zoning Appeals  
Area Variance Application Supplemental Information**

Application for property located at: 123 S. Strawberry Lane Moreland Hills, Ohio

Variations from the terms of the Code shall not be granted by the Board of Zoning Appeals unless the "evidence demonstrates that the literal enforcement of this Planning and Zoning Code will result in practical difficulty."

In determining "practical difficulty", the Board of Zoning Appeals will consider the following factors:

1. Do special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district? GARAGE NOW IS UNDERSIZED. DRIVER CAN ONLY OPEN CAR DOOR HALF-WAY AND MUST "SHIMMY-OUT".
2. Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? PROPERTY WILL BE DISCOUNTED BY POTENTIAL BUYERS BECAUSE OF UNDERSIZED GARAGE
3. Is the variance substantial and is it the minimum necessary to make possible the reasonable use of the land or structures? VARIANCE IS SMALL. IT ADDS 5 FT. SINGLE TO WIDTH OF GARAGE.
4. Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer substantial detriment as a result of the variance? NO. SIX IMMEDIATE NEIGHBORS HAVE FRONT FACING GARAGES
5. Would the variance adversely affect the delivery of governmental services, such as water, sewer, or trash pickup? NO
6. Did the property owner purchase the property with knowledge of the zoning restrictions? NO
7. Do special conditions or circumstances exist as a result of the actions of the owner? NO
8. Can the property owner's predicament feasibly be obviated through some method other than a variance? NO. COST OF RE-POSITIONING DRIVEWAY AND LACK OF AREA TO RE-DESIGN ARE PROHIBITIVE FACTORS.
9. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance? YES
10. Will the granting of the variance requested confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district? NO SPECIAL PRIVILEGE - OTHERS HAVE LARGER FRONT FACING GARAGES ALREADY
11. Would a literal interpretation of the provision of this Code deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code? YES. OTHER PROPERTIES HAVE GARAGES THAT ARE NORMAL SIZED AND PERMIT PASSENGERS TO EXIT WITHOUT BENDING AND STRAINING.

Signature James Mesner

Date 6-20-2019

## Planning Commission Meeting July 1, 2019

Chairman Stanard called the Planning Commission Meeting to order at 6:14 pm.

ROLL CALL:

PRESENT: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard

ABSENT: Mrs. Cooper, Mr. Janke

Others present: Paul Kowalczyk, Building Commissioner; Aimee Lane, Law Director; Theresa Dean, Assistant Clerk

Mr. Buczek made a motion seconded by Mayor Renda to approve the minutes from the June 3, 2019 Planning Commission Meeting.

AYES: Mr. Buczek, Mayor Renda, Mr. Stanard

NAYES: None

ABSTENTIONS: Mr. Bolek

MOTION CARRIED

### Meszaros Residence - Widening of Garage 123 South Strawberry Lane

As this project was initially presented at the evening's earlier Board of Zoning Appeals meeting, Mr. Stanard asked Mr. Kowalczyk to relay Village Architect Richard Kawalek's comments. Mr. Kowalczyk said that the plans were approved with the comment that "the garage addition looks fine, except I cannot approve the dormers - since there is not enough room for a second floor, they will look out of place."

Mr. Stanard asked if Mr. Kowalczyk had any concerns about the project, and he answered he did not.

Mr. Bolek said the submitted drawings indicate that the owners are demolishing the existing garage and asked if that is their plan. Mr. Meszaros said that was their original plan, but as they only need to widen the garage, it did not make sense from a cost perspective to tear down the entire garage when they only needed to add six feet. Mr. Bolek said he asked because he wondered if they had considered shifting the garage back or forward, which would accomplish the goal of breaking up the appearance of the long roof line and front façade, even though this would likely require an encroachment into the side setback.

Mr. Bolek also said he had a slightly different perspective on how to break up the roof line if the owners were not shifting the position of the garage, and that would be to put the dormers on the house rather than the garage. He sees the dormers more of an adornment to the house. Mr. Bolek asked about the space between the house and garage. Mrs. Meszaros said that is now the family room, although it used to be a patio connecting the house and garage. Mr. Bolek said the slightly lower roof line above that area already breaks up the overall roof line. He feels that dormers, if added at all, would be more appropriate on the house as an element of the living space. Overall, however, Mr. Bolek did not necessarily feel that anything else was needed on the roof line.

Mr. Meszaros said he had a discussion with Mr. Kawalek, who mentioned the long run of the roof line, and they both agreed that something is needed. Mr. Kawalek mentioned that a reverse gable above the garage should be considered. Mr. Bolek feels that the lower roof above the family room already breaks up the roof line. He suggested that Mr. Meszaros discuss three things with his architect: whether the dormers are really appropriate in that position and why; whether a reverse gable should be considered; and the option of not having the dormers at all. Mr. Meszaros said that he did consider a reverse gable but felt it was ordinary and boring, whereas he feels the gables are elegant and serve to elevate the design. He said the gables would also be functional, as they would let light into the garage. He does not like the look of having nothing above the garage, though Mr. Bolek felt that made the design more sleek and uncluttered.

Mr. Stanard noted that there was a demolition page submitted with the plans, so it was reasonable to assume that Mr. Kawalek thought the garage was going to be completely torn down, which may have influenced his comments. Mr. Bolek also noted that pictures of other homes on the street show reverse gables or elements that better tie in with the existing homes and again said he is not a fan of the dormers.

Mr. Stanard asked Mr. Kowalczyk to read Mr. Kawalek's comments again, which he did. Mr. Stanard said it was important to consider that the two architects who work with the Village have referred to the dormers as unusual. He said the Planning Commission must consider the recommendation not to approve the project with the dormers, and there is not enough information in the plans to consider approval with a reverse gable.

Mrs. Meszaros said they had an architect design the project who agreed with their preferences, so it is possible that other architects may feel differently. She says Moreland Hills is very eclectic and that the homeowner should receive the benefit of the doubt, as this comes down to preference and a matter of differing personal tastes. She does not feel their design would be displeasing to the neighbors, nor does she believe there is any objective rule that they are not following by preferring the dormers.

Mr. Bolek said he appreciated her comments. He said he actually does not favor the reverse gable, as the top plate of the garage is already higher than the family room, and a reverse gable could make that portion of the house overwhelming. As bringing in natural light was mentioned as a concern, he would suggest skylights, as those would be less jarring. He also added that, though personal taste is important, there are right and wrong ways to design when it comes to overall composition, and he feels strongly that the dormers are out of place.

Mr. Stanard asked if Mr. Bolek thought it was relevant that Mr. Kawalek was reviewing plans that indicated all new construction. Mr. Bolek answered yes.

Mayor Renda asked whether Mr. Meszaros informed Mr. Kawalek during their discussion that the full demolition plan was no longer in place. He said they talked about the six-foot addition and taking down the outer wall but mostly discussed the alternatives of dormers versus a reverse gable.

Mr. Stanard asked Mr. Kowalczyk if he would also assume a full demolition based on the submitted plans. Mr. Kowalczyk answered that he would, and he had no reason to believe Mr. Kawalek would have thought differently. Mr. Stanard said that the plans available for review by the Village Architect and Planning Commission are essentially not the correct plans. Mr. Meszaros said that, although there will need to be a significant re-work of the existing roof, the exterior is essentially the same.

Mr. Stanard informed the applicants that, if they want the Planning Commission to vote on their plans this evening and the vote is in the negative, they would not be able to bring the same plans back for review and any appeal would have to go through the Court of Appeals. However, if they wish to reconsider or have additional conversations with their architect or Mr. Kawalek, they can table the application to the next meeting. Mrs. Meszaros asked what they would need to bring back in terms of plans. Mr. Stanard answered that the drawings should reflect exactly what they plan to build, either by providing mark-ups on the original plans or providing new plans.

Mr. Bolek said that this proposal focuses on the garage renovation but suggested that the applicants step back and take a look at the overall front of the home. He suggested considering a reverse gable above the front door to accent the entryway.

Mrs. Meszaros confirmed with Mr. Stanard that they would need to come back to the next Planning Commission meeting if they did not go ahead with a vote this evening. She said they would not be in town in August and asked if the Planning Commission could still review their proposal. Mr. Stanard said that was possible but it would be best if a representative was present in case there was a need for more discussion. Mr. Stanard also suggested that they have another conversation with Mr. Kawalek to clarify that the project does not include a full tear down, whether that would impact his decision, and what else he would need for further review.

Mr. and Mrs. Meszaros agreed to table their request until further notice.

Mayor Renda made a motion seconded by Mr. Buczek to table the request for widening a garage at 123 South Strawberry Lane.

AYES: Mr. Bolek, Mr. Buczek, Mayor Rena, Mr. Stanard  
NAYES: None  
MOTION CARRIED

**Miller Residence - New Entry Feature, Decorative Awnings, Rear Patio**

35845 Jackson Road

Clark Miller was in attendance to present his project. Photos of the existing home were shown, and Mr. Miller explained how he wished to add elements to the home to give it the look of a modern farmhouse. Specifically, he wishes to change the front entry and add decorative awnings with tin roofs over the

front bay and garage windows. He will also be changing the siding to vertical board-and-batten siding that will tie in with the new features.

Mr. Kowalczyk report that the Village Architect approved the plan with the recommendation to revise the entry porch to give more of a colonial look. Mr. Kowalczyk said that the drawings presented for review were sketches that did not show the installation of vertical board and batten siding, so Mr. Kawalek did not have that information when making his recommendation. Mr. Stanard asked where Mr. Miller got the photos showing the entry and awnings he wanted to install; Mr. Miller replied he got them from an internet image search for modern farm houses.

Mr. Bolek said that this is another example of the importance of providing complete drawings. While a sketch can give intent of the concept, the implementation can go very wrong during the building process. Mr. Bolek said transforming the house into something different is very plausible; however, the plan needs to be demonstrated in architectural drawings showing the correct slope, proportions, and detail of the changes.

Mr. Kowalczyk confirmed he would need structural drawings in order to permit the project. Mr. Bolek suggested that Mr. Miller may wish to have discussion with their builder or with Mr. Kawalek about obtaining drawings. Mr. Miller said their builder is an excellent carpenter but not an architect. Mr. Bolek said he is comfortable with the ideas being proposed but not with the detail. Mr. Stanard said that hand drawings are acceptable but that they need to show the correct measurements and scale for each component. Mr. Stanard said his experience is that the less detail is shown on the plans, the more construction costs increase when problems are found or rework becomes needed. Mr. Miller did express concern about the prices he was quoted for drawings, but Mr. Stanard said the cost of drawings can quickly be outstripped by construction problems.

Mrs. Miller asked if they could get approval for the design and submit complete drawings for later permitting. Mr. Stanard said that would require conditional approval, with the condition being final approval from both the Village Architect and Building Commissioner. Mr. Bolek said he would be fine with that, and Mrs. Lane said conditional approval would be allowed. However, Mr. Kowalczyk said that a builder will really need to look at all four sides of the home, as they are changing its entire style. He also felt that Mr. Kawalek would want to see all four sides to ensure that there is no negative impact to the other sides of the home by changing its style. Mr. Miller did not feel that would be a problem, as the home is rather non-descript other than on the front elevation. He mentioned that they found the original elevations of the home when they bought it, and both Mr. Kawalek and Mr. Stanard noted that those original elevations can be used by a draftsman used as a framework for their new drawings.

Mr. Bolek again suggested that Mr. Miller have a discussion with Mr. Kawalek about what he would need to see in terms of drawings to have the complete picture of the renovation. He also mentioned that there is always the risk with conditional approvals that the revised plans would not be approved, in which case the Millers would need to return to a future meeting. Given that, Mr. Miller said they would obtain more completed drawings and agreed to table the discussion to the next meeting.

Mr. Miller did ask, however, if it would be possible to get separate approval for the patio at the rear of the house. He displayed the sketch showing where the patio would be located. It will be roughly 220 square feet in size and enable them to have more usable space in the back yard. Mr. Stanard confirmed that it would be a standard four-inch concrete patio.



Mr. Stanard also confirmed with Mrs. Lane that this one portion of the project could be voted on separately from the remainder of the proposal.

Mayor Renda made a motion seconded by Mr. Bolek to approve a new rear patio at 35745 Jackson Road.

AYES: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard  
NAYES: None  
MOTION CARRIED

Mayor Renda made a motion seconded by to Mr. Buczek to table the discussion of the new entry feature and decorative awnings at 35745 Jackson Road.

AYES: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard  
NAYES: None  
MOTION CARRIED

#### **Hebert Residence - Second Floor Master Suite Addition**

85 Twin Acre Court

Homeowner Chris Hebert was in attendance with George Clemens and Peter Nogay, Clemens Pantuso Architecture. Mr. Hebert said they wish to build a master-suite above the garage and redesign the existing master suite as a mother-in-law suite. His understanding is that the plans were approved by the Village Architect but with recommendations.

Mr. Clemens reviewed the proposed front elevations and pictures of the existing house and pointed out where they will extend an overhang to break up the façade of the three-car garage. He knew a recommendation had been made to drop the plate height at the rear wall but said the interior ceiling height at that point is only six feet. They are already struggling to fit living space in that area, and dropping the eave would impact both interior access to the new suite and limit livability. They have taken into account the constraints of the home as well as the interior geometry of rooms with the proposed design.

Mr. Kowalczyk said the Village Architect approved the drawings with the following recommendations: suggest dropping plate height at rear wall to reduce bulk on right side and avoid mismatched shingle color between old and new shingles on same plane of roof at rear. Mr. Stanard asked if the drawings already incorporated those changes. Mr. Clemens said they did not, but he was aware of the recommendations. He also clarified that Mr. Kawalek did not know that they were replacing the entire roof.

Mr. Stanard, Mr. Clemens and Mr. Kowalczyk reviewed the recommendations again, particularly as they pertained to reducing the bulk on the right side of the home. Mr. Bolek said he feels the new roof will alleviate the concerns regarding mismatched shingles. He said the proportions feel right and that the extension of the garage overhang also helps break up the bulk at that point. He also a briefly discussed the treatment of the eaves on the addition and the existing house

There were no other concerns from either the Village Architect or the Building Commissioner.

Mr. Buczek made a motion seconded by Mayor Renda to approve the second floor master suite addition at 85 Twin Acre Court with the note that the entire home will be re-roofed.

AYES: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard  
NAYES: None  
MOTION CARRIED

#### Discussion

Mayor Renda told the Planning Commission that she felt it was important to be consistent when recommending conditional approval of plans, citing that the offer of conditional approval was not made for the project at 123 South Strawberry but was considered for the project at 35845 Jackson. Mr. Bolek said he considered conditional approval for the Jackson Road project because he sensed that Mr. Kawalek would approve the applicant's request with amended drawings but did not think the gables at 123 South Strawberry would ultimately be approved. Mr. Stanard said he had the same sense as to what the Planning Commission would approve but perhaps should not have made that assumption. All members agreed that there is a need to be consistent when considering conditional approvals.

As there were no other items for discussion, Mr. Buczek made a motion seconded by Mr. Bolek to adjourn the Planning Commission Meeting at 7:34 pm.

AYES: Mr. Bolek, Mr. Buczek, Mayor Renda, Mr. Stanard  
NAYES: None  
MOTION CARRIED

Respectfully submitted,

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Theresa Dean, Assistant Clerk

# Village of Moreland Hills

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## Facilities Committee Motion for July 2019 Council Meeting

- 1) A Motion to allow the Village Engineer to advertise for bids for sanitary sewer lateral installation at various locations

Council Vote: Yes 5 No 0

Clerk of Council Signature: Shirley Antta

Date: July 10, 2019