

**VILLAGE OF MORELAND HILLS  
ROADS AND SAFETY COMMITTEE  
MEETING MINUTES JULY 31<sup>ST</sup>, 2018**

**Members Present:**

Councilman Daniel Fritz, Chair  
Mayor Susan Renda  
Police Chief Kevin Wyant  
Service Director Ted DeWater  
Village Engineer Jeff Filarski

Meeting called to order by Councilman Fritz at 07:30

Meeting minutes from previous meeting (June 5<sup>th</sup>, 2018) were approved without change

**POLICE DEPARTMENT UPDATE:**

- Active shooter training (Lt. Dietzel coordinating) will be taking place at schools. Potential overtime for police officers will be minimized whenever possible.
- Recent vacancy at the Police Department has resulted in over 90 applications being handed out. Applications are being returned and the Chief will keep the committee updated as developments take place.
- New fleet vehicle is out of production and is currently in Chicago. We are awaiting transportation back to Cleveland.
- Fishing tournament winners (2 age groups) will be presented at the September Council Meeting. The committee congratulated the Chief and his staff for a wonderful event.

**VILLAGE ENGINEER UPDATE:**

- 2018 Road Program: Work has not started as of this date. Next week Ronyak will begin to repair areas receiving micro resurfacing. After that work is complete Strawser Construction will begin the process of resurfacing.
- 2018 Drainage and Culvert Program: Mr. Filarski is finishing up plans and he hopes to present a recommended bid at the September Council Meeting.
- South Woodland Slide: The committee reviewed two drawings provided by Euthenics. One drawing incorporates the use of one wall. This work would require tie-ins (dead men) to be laid underneath South Woodland. A second drawing incorporates the use of 2 walls and uses similar tie-ins. This “two wall option” would require more disturbance (and easements) as the lower of the two walls would require heavy equipment to lean over or situate downhill from the wall in order to drill tie-ins. This option would also be more expensive. While no decision has been made on plans Mr. Filarski states that at this point the single wall option appears advantageous. A recap of funding: ODOT to provide 300K and OPWC to provide 641K. Note that OPWC funds are 50/50 matching and that Moreland Hills is responsible to match dollar for dollar any amount of the 641K that is utilized.
- Twin Acre Court: Bids opened for new work approved by Council. GA Agresta came in with lowest and best at a cost of \$249,725.00. Engineer estimate was 268K. Recommendation from committee will be presented at September Council Meeting.

- Informal bids for pavement marking were received. TraffTech was lowest at \$18,732. Map detailing locations is available for anyone to view.

**SERVICE DEPARTMENT UPDATE:**

- Drainage Program: Work continues with recent activity on Hiram Trail, Riverstone Drive and Bentleyville Road (under review).
- Rubbish truck is at EAB for repairs to steering and springs.
- Pruning work will begin soon. The Service Department continues to seek regional approaches in an effort to share equipment. Bucket trucks have been borrowed from Pepper Pike and Orange Village in order to tackle the pruning of trees extending over and into right-of-way. Mayor Renda suggested that notification to area residents may be appropriate. Mr. DeWater suggested the use of a door hanger explaining their work and will coordinate accordingly.

Having no additional business to discuss the meeting adjourned at 07:55.

Next scheduled meeting will take place on August 4<sup>th</sup>, 2018 at 7:30am

## The Village of Moreland Hills

### Minutes of the Facilities Committee Meeting

July 31, 2018

**Call to Order:** The meeting was officially called to order by Chairperson, Steve Richman at 8:00 a.m.

**Attendance:** The following members of the Facilities Committee were present: Steve Richman, Chairperson; Mayor Susan Renda; David Emerman, Councilman; Ted DeWater, Service Director; Jeff Filarski, Village Engineer; and Historical Society Representative, Maureen Geck.

**Minutes of Previous Meeting:** Mayor Renda reported the following modification needed to the June 5th minutes: Modify "Mr. Kawalek" to "Mr. Kowalazyk". Upon motion by Mr. Richman, seconded by Mr. Emerman, the minutes of the June 5th (2018) meeting, as amended were unanimously approved.

**Building Maintenance:** Mr. DeWater reported that they are looking into changing cleaning contractors. The current contractor has worked with the Village for the last ten years. Three proposals are being sought (two of the three have been received so far). While the amount of the new cleaning contract is expected to be within the Mayor's spending authority, Mr. DeWater and/or the Mayor will update this Committee and Council after their review of the proposals.

**Utilities:** Mr. Filarski and Mr. DeWater presented an update concerning Village utilities and commented on the following subjects:

- 1) **Plant and Pump Station Update** – Mr. DeWater reported that all pump stations are running as designed, but noted that several electrodes and sensors at Quail Hollow are slated for replacement. Mr. Filarski recommended that if the glass jar on the pump has not been replaced in two or more years, it should also be replaced.
- 2) **2017 Sewer Cleaning/Inspection Program**-Mr. Filarski reported that the 2017 Program is complete with the exception of sewers in the Stonewood/Stonehill easement area whose inlets are apparently hidden under landscape mounds or similar impediments. Once located, those sewers will be inspected, and cleaned if necessary.
- 3) **"I & P" (Inflow and Infiltration) Testing**- Testing of sanitary sewer system is complete on Greentree Rd. (CVE's summary and recommendations were attached to June 5, 2018 minutes). Mr. Filarski will be developing the work package and letters to affected residents.

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Minutes of the Facilities Committee  
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**Parks and Greenspace:** Mayor Renda reported that she met with Councilman and Planning Chair Paul Stanard and Parks Commission Chair Jessica Gift re: new members and plans for the Commission. Enabling legislation will soon be drafted for Council.

**Miscellaneous Business/Updates:** Mr. DeWater reported that they received an initial report from LaBella. Among their findings: 1) Re: the Community Building, the stacks will need to be re-sealed and re-flashed to prevent moisture intrusion; 2) the roof above the Finance Dept. area will need to be totally replaced, down to the deck; 3) the roof over Village Hall/old school house is in decent shape with 5-8 years of useful life remaining; and 4) not including the Police Dept. roof, repairs/replacements are expected to be approximately \$30,000.

**Moreland Hills Historical Society ("MHHS"):**

Ms. Geck reported on the following recent events and upcoming activities:

- 1) Cabin open houses have been well attended (especially during special showings/events such as the Orange Senior Center outing);
- 2) On Aug 9th, members of the Committee plan to research at the County Archives;
- 3) On Sept 6th, the MHHS is sponsoring a program on Alzheimer's at the Orange Library;
- 4) On Sept 27th, the MHHS will be meeting at the Orange Library to present its new program/project: "This Old Home in Moreland Hills."-The project will be designed to recognize homes in Moreland Hills that are "Century Homes" (100 years old or more) and "Heritage Homes" (50-100 years old that have retained their historic features). Qualifying criteria and an application form are appended to these minutes. Qualifying Century homes will receive a plaque, suitable for placement on the home;
- 5) In November, the MHHS plans to have a spaghetti dinner/volunteer recognition and vote for new board members meeting; as well as a Tree Dedication Program in honor/memory of Pres. Garfield at the Orange Library.

If interested in becoming a Board Member or volunteer (and/or to learn more about the Historical Society): contact MHHS at [mhhsOhio@gmail.com](mailto:mhhsOhio@gmail.com), visit their Website at <https://mhhsOhio.org> or call 440-498-1188.

Upon motion by Mr. Richman, seconded by Mr. Emerman, and unanimously approved, the meeting was adjourned at 8:30 am.

Respectfully submitted,

Stephen D. Richman, Chairperson

## **Board of Zoning Appeals Public Hearing August 6, 2018**

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

ROLL CALL:

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

ABSENT: Mrs. Cooper

Others present: Jeff Filarski, Village Engineer; Aimee Lane, Law Director; Theresa Dean, Assistant Clerk

Mr. Buczek made a motion seconded by Mr. Janke to approve the minutes from the July 2, 2018 Regular Board of Zoning Appeals Meeting.

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

NAYES:

ABSTENTIONS: Mr. Bolek

MOTION CARRIED

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

### **Leska Residence - Area Variances, Rear and Side Yard Privacy Fence (tabled from 6/4/2018)**

3870 Wiltshire Road

Mr. Buczek made a motion seconded by Mayor Renda to remove from the table the issue of variances for 3870 Wiltshire Road.

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

NAYES: None

MOTION CARRIED

Mr. Stanard explained that this issue was originally presented to the Board on June 4, 2018. A motion was made to approve the variances, and a vote of three to two was not in favor of the approval. Prior to a formal denial of the application, the applicant asked to table the matter for further consideration. Mr. Stanard reminded the applicants that the new presentation cannot be the exact same application as was made on June 4.

Mr. Stanard opened the Public Hearing at 6:07 pm.

Mrs. Leska said she wishes to install a board-on-board privacy fence to enclose their back yard. Due to the relative positions of the Leska's home and the neighbor's home, Mrs. Leska says they cannot use their deck and have a private conversation when the neighbors are on their porch.

Mrs. Leska said they originally proposed a six-foot high fence, using board-on-board fencing along the side property lines and chain link across the rear. Their neighbor to the north has said he prefers seeing board-on-board rather than chain link fencing. She added that, though they were asked to consider planting trees instead of building a fence, that option is too costly. They are unwilling to spend \$5,000 on trees that might not survive.

Mr. Stanard asked Mrs. Leska to clarify the fence plan and photos that were displayed, which she did. Mr. Stanard pointed out that the variance being requested for the portion of the fence in the side yard would be two feet and for the portion of the fence in the rear yard would be one foot. The Code also requires that fences be 50 percent open as viewed perpendicular to the fence line, and the Village considers board-on-board fences to be 100 percent closed.

Mr. Stanard referenced an e-mail from Hank Portzer of NEO Fence Company, the contractor for the job, stating that the Leskas would drop the fence height to five feet along the rear and left property lines. Mr. Stanard asked Mrs. Leska if that was the case, and she said she would prefer the fencing be all one height but would accept the lower height on two sides if that would help get approval.

As no one in the audience wished to speak on the variance requests, Mr. Stanard closed the Public Hearing at 6:17 pm.

Mr. Stanard clarified that what is different from the previous application is the reduction in height of the chain link fence in the rear, which now requires no variance, and the reduction in height in the board-on-board fence along the left (north) property line, which now requires one variance for percent openness. The six-foot board-on-board fence along the right property line requires three variances: two feet for the portion in the side yard, one foot for the portion in the rear yard, and percent openness.

Mr. Bolek asked Mrs. Leska to review the site photos showing her property as well as other homes along the street. Mrs. Leska pointed out at least one taller privacy fence; however, Mr. Janke felt this would be considered a wall, as it is installed on a deck.

Mrs. Lane reviewed the Findings of Facts: Abbie and Howard Leska have filed an application at 3870 Wiltshire requesting two types of variance, one with respect to fence heights and one with respect to percent openness of the fence. These are variances from Code Sections 1345.02 and 1345.03.

In determining practical difficulty, the Board of Zoning Appeals considers the applicant's responses to the following questions:

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?" The applicant responded yes, they have a dog that can jump a five-foot fence. Mrs. Lane added that, due to the location of the house and the neighbor's house, the applicant's house sits in front of the neighbor's house, and the applicant has said they are seeking privacy to avoid direct views into the neighbor's home.
2. "Will the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance?" The applicant responded no, but Mrs. Lane said the answer should be yes, as the home is being used as a residence, though the applicant is seeking additional privacy.
3. "Is the variance substantial and is it the minimum necessary to make possible the reasonable use of the land or structures?" The applicant responded that they need the six-foot high fence so the dog does not escape and are asking for a board-on-board fence for privacy purposes. Mrs. Lane added that the majority of the height variance is for one foot except for the portion in the side yard.
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 responded no.
5. "Will the variance adversely affect the delivery of governmental services such as water, sewer, or trash pickup?" The applicant responded no.
6. "Did the property owner purchase the property with the knowledge of the zoning restrictions?" The applicant responded no; however, Mrs. Lane noted that the applicants purchased the property in 2013, and the portions of the Code addressing height variances were already in effect.
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?" The applicants answered no. Mrs. Lane added that the Board had suggested additional landscaping in lieu of a structure, but the applicants have said that is cost-prohibitive.
9. "Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance?" The applicants answered yes.
10. "Would 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?" The applicants answered no.

11. "Would a literal interpretation of the provision of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code?" The applicants did not respond to this question, although Mrs. Lane said she felt the answer would be yes and noted that the amount of variance being requested has decreased since the initial application heard at the June 4, 2018 Board of Zoning Appeals meeting.

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

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

NAYES: None

MOTION CARRIED

Mr. Stanard confirmed with Mr. and Mrs. Leska that they wanted the Board to move forward with the vote.

Mr. Buczek said that he frequently travels along Wiltshire. Having seen the placement of the Leska's home relative to their neighbor's house and understanding that the character of the neighborhood is somewhat different than elsewhere in Moreland Hills, he understands their concerns.

Mr. Buczek made a motion seconded by Mr. Stanard to approve the area variances for fencing at 3870 Wiltshire Road.

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

NAYES: None

MOTION CARRIED

**Thompson, New Residence - Area Variance, Front Yard Set Back**

164 Glen Road

Mr. Stanard opened the Public Hearing at 6:31 pm.

Jason Baylor of Payne & Payne Builders and homeowner Jeff Thompson were in attendance. Mr. Baylor said they are seeking a thirty-foot front yard set-back variance to enable construction of a new home.

There are several factors at the site that are contributing to the variance request, the most significant being the slope of the lot. Mr. Baylor pointed out the tightness of the contour lines on the displayed topographical map. The site is severe enough that, even with the small setback, the proposed garage floor would already be ten-feet lower than street level. Locating the home further back and down on the lot would create difficulties with the approach to the home.

Mr. Baylor said the proposed positioning of the house will also keep it clear of the utility service going to the neighbor behind the Thompson's lot. There is no easement that they are aware of, so this location will prevent the neighbors from having to relocate their utilities.



Also, since they have been studying the site, they have found that moving the home toward the center of the lot challenges the ability to place the necessary septic system.

Finally, there is a riparian setback on the rear right corner of the property they wish to avoid.

Mr. Baylor said that the uniqueness of this property is such that, without this variance, they are not certain it is possible to build a home on this lot or that the lot could support an on-site septic system.

Dennis Lubin, the resident at 180 Glen Road, was in attendance. He said he has been a resident on Glen road since 1979. He said Glen Road is a one-lane road with most houses having a greater setback, so granting this variance would change the look of the street. He also expressed concern that the line of site will be directly to the garage doors because of the angle of the proposed driveway. He said he did not realize how difficult it would be to move the home back substantially but thinks even an additional 15 to 20 feet would be helpful. He is nervous about losing the beautiful, wooded aesthetic of the street.

Bruce Madorsky, 190 Glen, spoke next. He lives next to the site and also owns property across the street. He also said he understands the lot is difficult to build on but thinks the smaller setback will not look right. Any opportunity to move the home further back would be beneficial to the neighborhood.

Jeff Thompson, the property owner, addressed the Board. He said he and his wife are moving from Bay Village; he has made it a point to meet several of his future neighbors but had not had a chance to speak previously with either Mr. Lubin or Mr. Madorsky. They chose this site because of its natural beauty and have no intention of changing the look of the neighborhood. They will try to preserve all the trees on the lot; Mr. Thompson pointed out on the site map the areas that will not be disturbed. He said the house will sit at a slightly lower elevation on the lot, and they will keep the house and lot looking natural. They wish to respect the beauty of the neighborhood and are willing to install additional trees for screening, if necessary.

Mr. Baylor added that he understands each variance needs to be decided on its own merits. However, he noted examples of similar setbacks on Glen and other nearby streets, usually due to the wooded, hilly topography that makes the neighborhood attractive to begin with.

As there were no other comments from the audience, Mr. Stanard closed the Public Hearing at 6:43 pm.

Mr. Bolek asked how far along the architects are with the design of the house. Mr. Baylor replied that the sketches shown are essentially what they have at this time. Mr. Bolek noted a music room that is positioned at an angle at the rear of the home and wondered if it could not go back so far or could be turned slightly, giving the ability to move the home back. Mr. Baylor replied that music room has been situated to take advantage of the views but that the geometry of the home was not the constraint they considered when considering the need for the variance. At Mr. Bolek's request, Mr. Baylor clarified the aerial view of the lot and surrounding parcels. Because of the slope of the lot, the garage and home will already be sitting approximately ten feet below the level of the road at the setback line.

Mr. Janke asked if the garage doors would face the street. Mr. Baylor replied that they would be angled to the street but yes, be mostly front-facing; Mr. Stanard confirmed front-facing garage doors would require a separate variance.

Mr. Filarski reported that there is a practical difficulty of how far down slope they can take the driveway and how much more of the hillside would be affected if they move the garage back. There would also be additional damage to trees the further back they locate the house. Mr. Filarski also noted other properties in that neighborhood with smaller setbacks and added that an addition ten or fifteen feet of setback would not really have any visual impact from the street, given that the house would already be partially below street level.

Mr. Stanard asked about the feasibility of installing a septic system. Mr. Baylor said that soil tests have been performed and areas for septic location identified. Mr. Baylor added that they are constrained on the back portion of the lot by a riparian area.

Mr. Stanard confirmed with Mr. Baylor that there are no existing easements for utilities to the rear neighbor and asked if there would be any value to such an easement if all parties agreed. Mr. Baylor replied that they had an on-site meeting with the electric company, but there would be considerable damage to existing mature trees and considerable expense to relocating the lines. These are primary lines and include a transformer. A proposition they are considering instead would be to establish an easement that would allow replacement along the property line should the utilities ever fail.

At this time, Mrs. Lane reviewed the Findings in Fact: applicants Jeffrey and Mandy Thompson are seeking a setback variance in the amount of 30 feet from Section 1151.07(i) for the property at 164 Glen Road. In determining practical difficulty, Mrs. Lane recommended incorporating by reference the applicant's responses to the supplemental questions on their application (Appendix A) with the following additions:

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?" Mrs. Lane would also note the reference from Mr. Baylor that the house has been located in part to avoid relocating utilities serving a neighboring property, as relocation would be both expensive and require numerous trees to come down. Mrs. Lane recognized concerns about the setback amount expressed by Mr. Lubin and Mr. Madorsky. Mr. Thompson has expressed his desire to keep the lot as wooded and natural as possible, and both Mr. Baylor and Mr. Filarski have noted other properties in the neighborhood with setbacks lesser than the 70 feet required by the Code.

Question 5: "Would the variance adversely affect the delivery of governmental services such as water, sewer, or trash pickup?" Mrs. Lane noted that, per Mr. Baylor, the proposed location allows sufficient space for a septic system.

Question 8: "Can the property owner's predicament feasibly be obviated through some method other than a variance? The applicant has answered no, and Mrs. Lane elaborated that other locations were considered, but options are very limited due to the substantial slope on property.

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, for all reasons

previously listed, and Mrs. Lane added that moving the house back would also adversely affect trees on the property.

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

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

Mayor Renda made a motion seconded by Mr. Buczek to approve a front-yard setback variance of 30 feet to enable construction of a new home at 164 Glen Road.

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

**Risman Residence - Area Variances, Accessory Structure**  
309 Bentleyville Road

Homeowners Rob and Trish Risman were in attendance to present their project.

Mr. Stanard opened the Public Hearing at 7:05 pm.

Mr. Risman said they have lived at their home since 2012 and now wish to add a pool house to their existing swimming pool. Steve Shill, the principal architect, and John Peterson of Exscape Designs were also in attendance.

Mr. Schill said they are seeking variances for both the size and the location of the pool house. The house is oriented on the lot such that the existing pool is located in the front yard. He said that the pool house itself only exceeds the allowable 1,000 square feet when considering the attached covered porch. The property at 309 Bentleyville does not front a public street; it is located in an enclave.

Mr. Peterson added that no changes are being made to the existing pool, but they will be adding an outdoor hot tub and will increase the amount of concrete decking.

Chagrin Falls' resident Mary Mudler, 316 Miles Road, was in attendance and spoke to say her property lies below the surrounding hills and at the end of the ravine located within the Risman's property. Storm water empties into a drainage pipe that goes under her property and ends at Miles Road. In the 25 years she has lived there, there have been problems with the road flooding. She hopes the hill will not be further destabilized and any further potential flooding can be contained.

Matt Puflea, also of Chagrin Falls at 280 Miles Road, said his property is also located just down the large hill from the pool area. Significant water runs from the hill into two primary ravines on either side of his property. There have been some water issues on his lot, and he is doing what remediation he can,

though he does not have enough property for significant remediation. He is not objecting to the building of pool house but would like drainage to be managed.

Mr. Schill replied that they have plans to direct water away from the downward slope of the hill and take the water to existing culvert drainage on the Risman's property.

As there was no one else who wished to comment, Mr. Stanard closed Public Hearing closed at 7:11 pm.

Mayor Renda asked what would be done during construction to mitigate runoff and if any of that work has started. Mr. Peterson replied that the top of the lot where the pool is located is very flat and pointed out areas where silt fences have been installed at the ridge of the hillside.

Mr. Filarski informed the applicants that storm water management plans would need to be submitted and approved and the site inspected during construction. He suggested installing rain gardens and landscaping to reduce the impact of additional impervious surfaces.

Mr. Bolek confirmed with Mr. Kowalczyk that the roof area needs to be included in the square footage calculation when considering the variance, and Mr. Kowalczyk said the roof is considered a part of the main structure. Mr. Stanard noted that the drawings list a total square footage (pool house and overhang) of 1,677 square feet, although his calculations from those drawings show a square footage of 1,800 feet; that those discrepancies will need to be worked out.

Mr. Stanard said the application materials included a picture showing a parcel marked for possible purchase. Mr. Risman confirmed that he hopes to purchase an additional 10 acres after Mr. Snavey's estate settles, possibly in November.

Mr. Stanard also asked if any work had been started. Mr. Risman replied that they had done some mobilization but had not started any actual work.

Mrs. Lane reviewed the Findings of Fact: Rob and Trish Risman at 309 Bentleyville Road have submitted an application for two area variances, the first from Section 1151.13(i) with respect to the area of an accessory building exceeding 1,000 square feet and the second being a location variance from Section 1151.13(b)(6) providing for accessory structures to be located only in a rear yard. Mrs. Lane recommended accepting the applicants' responses to the supplemental questions included with their applicant (Appendix B), with the following additions:

Question 2: "Will the property in question yield a reasonable return or can there be beneficial use of the property without the variance?" Mrs. Lane said that the applicants have answered yes but that use of the pool is limited without the pool house.

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 applicants have answered no and have also indicated in supplemental materials provided with their application that they have spoken to members of the Snavey family, none of whom expressed any concerns about this project. Neighbors Matt Puflea and Mary Mudler have

expressed concerns about drainage from the site, and both Mr. Shill and Mr. Peterson explained that water would be directed away from the ridge into a culvert on the property.

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

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

Mr. Stanard asked if there were other accessory buildings on the site. Mr. Risman said there is a shed for the pool's mechanical equipment that will be taken down and the equipment relocated within the new pool house. Mr. Stanard also confirmed with Mr. Risman that he has no objection to storm water management restrictions.

Mayor Renda made a motion seconded by Mr. Buczek to approve two area variances at 309 Bentleyville to allow construction of a pool house that exceeds 1,000 square feet in size and which will be located in the front yard.

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

**Friedman - Area Variances for Lot Split and Consolidation, Addison Lane**  
S/L 6 and S/L 7 (30 and 20 Addison Lane)

Jason Friedman, the owner and developer of Chagrin Bluffs at Addison Lane, attended to present his variance requests. Mrs. Lane administered the oath to Mr. Friedman, who was not been present when the oath was administered earlier in the evening.

Also in attendance with Mr. Friedman were Larry Bloch of Larry Bloch Builders, Randy Marke, who is under contract to purchase sub lot 6A, and Joe Gutowsky, surveyor.

Mr. Stanard opened the Public Hearing at 7:23 pm.

Mr. Friedman reminded that Board that he purchased the property at what is now Addison Lane approximately three years ago. The original plan was for eight sub lots. S/L 6 is approximately 5.2 acres; S/L 7 is 7 approximately 2 acres. Every lot on the street would have septic systems as opposed to being tied to city sewers. S/L 6 is larger than others on the street because of the rear hill that drops down to the Chagrin River, making it difficult to have two homes and two septic systems in that area. Mr. Friedman would prefer to split S/L 6 into two lots, with one being 3 acres in size and the other being 2 acres.

Mr. Friedman is now in negotiations with Chagrin Falls to extend their sewer lines and install sewers on Addison Lane. There is currently only one house on Addison Lane which has been constructed, and it has a septic system. If the sewer line is approved, all other homes will tie in to the sewer lines, and the connection would enable S/L 6 to be split into two lots.

However, the Code requires a lot width of 175 feet at the building setback line, which is 70 feet from the right-of-way. Due to the tight opening onto Addison Lane at the cul-de-sac, they are unable to meet that lot width requirement; therefore, Mr. Friedman is requesting area variances to enable the lot split. The resulting S/L 6A would be approximately 75 feet wide at the building set-back line; S/L 6B would be approximately 99 feet wide at that line. Mr. Friedman said the smaller lots would fit better with the neighborhood, where all other lots except S/L 5 are roughly two acres in size. Mr. Friedman displayed a drawing showing the lots and approximate locations of homes to be built.

Finally, Mr. Friedman said they will need to take a small part of the acreage of S/L 7 to make the split feasible. The resulting lots will still meet minimum requirements.

As there was no one in attendance who wished to comment, Mr. Stanard closed the Public Hearing at 7:32 pm.

Mr. Stanard asked Mr. Filarski for his comments. He replied that this plan will not be possible without the sewer extension, the approval for which is getting closer but is not yet finalized. Mr. Filarski acknowledged that the lots would be more consistent in size but would recommend moving future homes a bit closer to the road. He felt this might be particularly critical for S/L 6A due to the slope at the rear of the property. Mr. Friedman felt this may pose problems with side-yard setback requirements and that the slope is stable on this lot due to where the Chagrin River turns.

Mr. Bolek reviewed the measurements of the proposed lots and asked if the size of the variances could be reduced by taking some acreage from S/L 5. Mr. Friedman answered that S/L 5 is already sold and land cannot be taken back at this point. The plan he proposes can only work because he still owns S/L 7. Mr. Gutowsky added that they need the additional land from S/L 7 in order to meet the minimum street frontage once S/L 6 is split.

Regarding the sewer connection, Mrs. Lane said the sewer development agreement is on the Chagrin Falls Council agenda for August 13. Mr. Filarski said the agreement would also need approvals from NOACA and the EPA. He recommends not signing a revised plat until all approvals are in place.

A discussion followed regarding the timing of recording the new plat map to allow properties to transfer to potential buyers, and concerns were expressed about the transfer of a possibly unbuildable lot. Mrs. Lane said that only the variances were being considered at this meeting suggested that any conditions relating to the approval of the actual lot consolidation/split be discussed at the Planning Commission meeting.

Mrs. Lane reviewed the Findings of Fact: the property owner, Chagrin Boulevard River Development, is seeking variances from Section 1151.05 (c)(2), Minimum Lot Width at Building Setback Line(s) in order to split S/L 6. The resulting S/L 6A would require a variance of approximately 101.86 feet; S/L 6B would

require a variance of approximately 80.72 feet. The applicant has substantially completed the eleven questions submitted with their application that are used by the Board in determining practical difficulty (Appendix C). Mrs. Lane had the following additions:

Question 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?" Mrs. Lane added that compliance with the required 175-foot lot width at the building setback line without the variance creates a very limited building area due at least in part to the location of the protected hillside zone at the rear of the lot.

Question 2: "Will the property in question yield a reasonable return or can there be beneficial use of the property without the variance?" The applicant responded that the property would only yield one lot versus two. Mrs. Lane added that the lot split will not work without the installation of the sanitary sewer line, and Mr. Stanard added that the land is still valuable without the variance, though it will be more valuable if the variance is granted and the lot split proceeds

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?" Mrs. Lane added that lots on Addison Lane will be more consistent in terms of acreage.

Question 6: "Did the property owner purchase the lot with knowledge of the zoning restrictions?" The applicant answered no, that the owner assumed the new sub lots would be considered as flag lots. However, Mrs. Lane felt the answer should be yes, as the current zoning restrictions were in place when the property was purchased, and Mr. Stanard added that the applicant has been a frequent attendee at BZA and Planning Commission meetings and is familiar with the Code requirements for these lots.

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

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

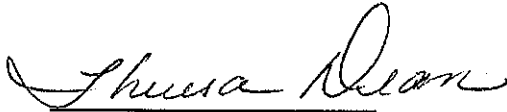
Mayor Renda made a motion seconded by Mr. Janke to approve the area variances at 20 and 30 Addison Lane to enable a lot consolidation/split.

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

As there were no other items for discussion, Mayor Renda made a motion seconded by Mr. Buczek to adjourn the Board of Zoning Appeals Public Hearing at 7:51 pm.

AYES: Mr. Bolek, Mr. Buczek, Mr. Janke, Mayor Renda, Mr. Stanard  
NAYES:  
MOTION CARRIED

Respectfully submitted,

A handwritten signature in cursive script that reads "Theresa Dean". The signature is written in black ink and is positioned above a horizontal line.

Theresa Dean, Assistant Clerk



Board of Zoning Appeals
Area Variance Application Supplemental Information

Application for property located at: 164 Glen Rd

Variances 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? Yes, there is substantial slope on the property. To this extend the first floor of the house will be well below the high elevation of the street in front of the house. Moving the house closer positions the house 'up slope' and more typical of other nearby homes. Glen Rd at this point is a one way narrow street giving more distance than is typical of a house in the district.
2. Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? Yes, while there may be a less traditional solution, the goal is to provide a traditional feel and setting of the home more harmonious with the nearby community of homes which granting of this variance will facilitate.
3. Is the variance substantial and is it the minimum necessary to make possible the reasonable use of the land or structures? The variance is a 42% deviation from the standard. The position is requested such that the front of the house is on the flattened section of the land such that it will facilitate safe navigation of the drive and walks. Further down the hill will make the approach more severe and setting of the house such that the predominate feature from the road will be the roof. Any closer, and the utility pole and crown of the road would likely require additional retaining.
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. With the topography of the surrounding properties all being unique there are many atypical homesites that compliment the natural contours.
5. Would the variance adversely affect the delivery of governmental services, such as water, sewer, or trash pickup? No. If anything, these are improved. The positioning of the home eliminates the need to disturb existing power service to the neighbor behind the subject property.
6. Did the property owner purchase the property with knowledge of the zoning restrictions? Yes, as well as knowledge of similar precedence where unique topography justified similar requests in the community.
7. Do special conditions or circumstances exist as a result of the actions of the owner? None.
8. Can the property owner's predicament feasibly be obviated through some method other than a variance? No.
9. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance? Yes for the above mentioned reasons.
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? None known.
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, the severity of the drive would be unique in addition to any safety challenges that may not be able to be addressed. Additionally the unique nature of the site and construction required to overcome the situation without the variance being granted would not likely be as harmonious with the community.

Signature [Handwritten Signature]

Date 7/16/18

Board of Zoning Appeals  
Area Variance Application Supplemental Information

Application for property located at: 309 BENTLEYVILLE ROAD

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? THE EXISTING IN GRASS POOL (EXISTING) IS IN THE SIDE YARD. WE ARE REQUESTING A POOL HOUSE TO SERVICE ITS
2. Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? WITHOUT THE POOL HOUSE, USE OF THE POOL IS VERY LIMITED
3. Is the variance substantial and is it the minimum necessary to make possible the reasonable use of the land or structures? THE VARIANCE IS MINIMAL DUE TO THE SCALE OF THE PROPERTY
4. Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer substantial detriment as a result of the variance? THIS STRUCTURE ~~WILL~~ WILL BE VIRTUALLY UNNOTICEABLE FROM SURROUNDING PROPERTIES
5. Would the variance adversely affect the delivery of governmental services, such as water, sewer, or trash pickup? NONE
6. Did the property owner purchase the property with knowledge of the zoning restrictions? YES - POOL WAS EXISTING
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. THE POOL CURRENTLY EXISTS
9. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance? NO. THE POOL HAS LIMITED USE AS IT EXISTS - A POOL HOUSE AND COVERED PATIO WOULD ALLOW MORE USE
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? NONE
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? AGAIN, THE POOL IS EXISTING, SO THIS STRUCTURE CANNOT BE PLACED IN THE REAR YARD. THE BUILDING IS 952 SQ FT - THE OPEN COVERED POOL ~~NEEDS~~ REQUIRES THEM NEED FOR THE VARIANCE

Signature [Signature]

Date 7/29/10

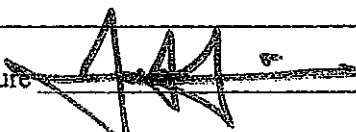
Board of Zoning Appeals  
Area Variance Application Supplemental Information

Application for property located at: S/L6A-S/L6b Addison Court, Bluffs Subdivision

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? Lots meet all applicable zoning regulations for a flag lot. Variance is for width at minimum setback line.
2. Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? Property would only yield one lot versus 2. The additional lot will add another parcel to the Village tax rolls.
3. Is the variance substantial and is it the minimum necessary to make possible the reasonable use of the land or structures? The variance is not substantial and is the minimal necessary to make reasonable use of the parcel.
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. The house placement would be consistent to setback of the homes on the adjacent sublots.
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. Owner assumed the New sub-lots would be considered as flag lots in the code.
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.
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.
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, as flag lots are permitted in the U-1 district



7/24/18



## **Planning Commission Meeting**

### **August 6, 2018**

Chairman Stanard called the Planning Commission Meeting to order at 7:52 pm.

**ROLL CALL:**

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

**ABSENT:** Mrs. Cooper

**Others present:** Jeff Filarski, Village Engineer; Aimee Lane, Law Director; Theresa Dean, Assistant Clerk

Mr. Buczek made a motion seconded by Mayor Renda to approve the minutes from the July 2, 2018 Regular Planning Commission Meeting.

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

**NAYES:** None

**ABSTENTIONS:** Mr. Bolek

**MOTION CARRIED**

#### **Friedman, Addison Lane - Lot Split and Consolidation** Sub Lot 6 and Sub Lot 7 (30 and 20 Addison Lane)

Owner Jason Friedman was in attendance. This issue was previously reviewed at this evening's earlier Board of Zoning Appeals meeting, at which time a variance was granted for the width of the lots at the building set back line.

Mr. Stanard said he does not want to allow the split to happen if it will create an unbuildable lot, specifically, if someone buys a lot and then discovers that they can neither fit a septic system on the site nor tie in to a sewer system. The Village is requiring that Mr. Friedman have the ability to sell a buildable lot. The signing of the new plat will need to be timed with confirmation that lots are buildable.

Mr. Buczek made a motion seconded by Mayor Renda to approve the lot split and consolidation of S/L 6 and S/L 7 (30 and 20 Addison Lane), contingent upon the resulting lots being buildable.

**AYES:** Mr. Bolek, Mr. Buczek, Mr. Janke Mayor Renda, Mr. Stanard

**NAYES:**

**MOTION CARRIED**

**Risman Residence - Pool House w/New Deck and Spa**  
309 Bentleyville Road

Mr. and Mrs. Risman are proposing a pool house with a deck and spa next to their existing pool. Variances were granted at the evening's early BZA meeting for the size and location of the pool house.

Mr. Kowalczyk reported that the Village Architect approved the plans with the recommendation that shingles, stone and trim should match the existing house. Mr. Schill, the architect for the project, confirmed that they will. Neither Mr. Kowalczyk nor Mr. Filarski had any concerns.

Mr. Stanard confirmed with Mr. Risman that featured barn door will allow access for a golf cart, that the basement will house mechanical equipment in the basement, and that the structure has only an attic versus a second floor.

Mayor Renda said she wanted to make it clearly understood and noted in the minutes that the Villages does not allow a second living structure on the property.

Mr. Bolek made a motion seconded by Mr. Buczek to approve the pool house at 309 Bentleyville Road, contingent upon the recommendations of the Village Architect being incorporated into the design.

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

NAYES: None

MOTION CARRIED

**Ludwig Residence - Exterior Renovation**  
165 Hunting Trail

George Clemens, Clemens Pantuso Architecture, attended to present the project. The owners wish to make minor modifications to the exterior of the existing home: increasing the size of windows to the right front of the door; adding a dormer to the rear to accept higher sliding glass doors; and slightly raising the roof line along the left side off the master wing to create a second roof pitch. Additionally, some window alterations in the kitchen area will be made as part of a substantial kitchen remodel. New glazing will be consistent with the mid-century modern design of the home.

Mr. Kowalczyk reported that the plans were approved as submitted by the Village Architect. Neither Mr. Kowalczyk nor Mr. Filarski had any comments or concerns about the project.

Mr. Bolek made a motion seconded by Mr. Buczek to approve the renovations at 165 Hunting Trail.

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

NAYES: None

MOTION CARRIED

**Kreft Residence - Addition**

25 Easton Lane

Homeowner John Kreft was in attendance. He and his wife have recently purchased the home and are proposing an exterior modification and rear addition to accommodate a larger kitchen and master suite where there is currently a living room.

Photos of the existing house and elevations were shown. Mr. Kreft pointed out the existing flat roof over the living room, which will be pitched once the master suite is created. They plan to add a screened porch to the right side and dormers at the second floor. Just below the new roof above the master, they wish to add an eyebrow window. They are also considering a small portico porch.

Mr. Kreft further explained the proposed floor plan and elevations, pointing out the larger kitchen and great room. He said the major addition will be on the back of the home, and they will match new materials to existing stone so the addition blends in with the home.

Finally, the changes will allow for the addition of a third garage bay without changing the footprint of the home.

Mr. Kreft said they have not finalized their building plans so that any changes requested by the Planning Commission could be incorporated.

Mr. Kowalczyk reported that the Village Architect approved the plans as submitted. There were no concerns from either Mr. Kowalczyk or Mr. Filarski, although Mr. Filarski said he would need to let Mr. Kreft know if a storm water plan would be required.

Mr. Bolek asked if these were the final design plans. Mr. Kreft said these were the initial sketches from their first architect, who had passed away suddenly. Their new architect wanted to be sure the design was acceptable before going too far with the final plans. Mr. Bolek noted that details differ very slightly in almost every case where dormers, eaves, or the pitched roof is shown. He said he liked the overall design but requested that details such as eaves and how dormers are terminated be standardized. Mr. Kowalczyk said that the Village still needs the final set of plans and the Village Architect can take another look at the plans at that time if the Planning Commission so desires.

Mr. Kreft said the final set of plans should be available by the end of the month and asked if he needed to return to the next Planning Commission meeting. Mr. Stanard said that would not be necessary, and that approval can include the recommendation that the final plans be reviewed again by the Village Architect and Building Commissioner.

Mr. Bolek made a motion seconded by Mr. Buczek to approve the addition at 25 Easton Lane with the requirement that the final plans be reviewed with the Village Architect and Building Commissioner for consistency of details and material choices.

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

NAYES: None

MOTION CARRIED

**Discussion**

**Amendment to the Comprehensive Lane Use Plan**

Mayor Renda reported that the State of Ohio passed small cell legislation and Council adopted a new chapter for the basics of regulation. In writing some of the administrative rules, she said she relied heavily on the recommendations of Bill Hanna, who suggested defining areas that the Village wanted to protect as much as possible. She would like to have more say as to what is installed along Chagrin River Road, as she feels it is a scenic corridor for the Chagrin Valley, even though it is not officially designated as such by the state. She has, therefore, written a paragraph identifying this area as a scenic corridor and would like a recommendation to Council to include that language in the Comprehensive Land Use Plan.

In response to a question from Mr. Stanard, Mayor Renda clarified that the Chagrin River is designated as a scenic waterway by the Ohio Department of Natural Resources, although the land between Chagrin River Road and the river is not identified by the state as a scenic corridor. However, the Village can call it out in the Comprehensive Land Use Plan and, thus, have more input into what can go in that area.

Mr. Stanard asked if there was a downside or any additional restrictions on residents that such a designation would carry. The Mayor replied that such a designation by the Village has no significance to the State of Ohio or for the purposes of legal or zoning stipulations.

Mr. Bolek made a motion seconded by Mr. Janke to recommend to Council an amendment to the Comprehensive Lane Use Plan designating the area along Chagrin River Road a scenic corridor.

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

NAYES: None

MOTION CARRIED

Mayor Renda noted the number of variance requests coming before the BZA for fences is something about which she would like the Board to be very thoughtful, as the types of fences being requested are not in keeping with the character of the Village. Mr. Bolek said he is concerned that too many variances are being granted in general. He feels the Board needs to challenge owners for all options that would either minimize or eliminate the variances being requested.

Mrs. Lane reminded the Commission that another appeal to a decision by the Building Commissioner has been made, this one involving a property with three homes on one lot. The owner wishes to rent two of them, likely for short-term, Airbnb-style rentals. The owner is challenging the Village's zoning, saying it does not limit a homeowner to one primary dwelling per lot. The applicant has requested to be on the August 27th agenda, but given the number of agenda items, a date sometime after August 27th will be set. Mrs. Lane said she would contact the applicants with several options and follow up with the Assistant Clerk.

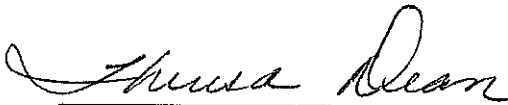


Regarding the case at 90 Mill Creek, those homeowners have filed an appeal of the BZA's decision with the Court of Common Pleas.

As there were no other items for discussion, Mr. Buczek made a motion seconded by Mr. Bolek to adjourn the Regular Planning Commission Meeting at 8:44 pm.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Theresa Dean". The signature is written in black ink and is positioned above a horizontal line.

Theresa Dean  
Theresa Dean, Assistant Clerk

