

Board of Zoning Appeals  
Public Hearing Meeting  
April 27, 2015  
Minutes

The Board of Zoning Appeals Meeting was called to order by Chairman Stanard at 6:05 pm.

PRESENT AT ROLL CALL: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

Others Present: Dave Strichko, Building Inspector, Aimee Lane, Assistant Law Director, Jeff Filarski, Village Engineer, Sherri Arrietta, Clerk of Council

Mr. Fritz made a motion seconded by Mrs. Cooper to approve the minutes from the Regular BZA Meeting of March 23, 2015.

ROLL CALL:

AYES: Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

ABSTENTIONS: Mr. Bolek

MOTION CARRIED

Chairman Stanard declared the public hearing open at 6:06pm. At this time, Mrs. Lane administered the oath to those who wanted to speak at the hearing.

**John Morren**

33250 Jackson Road

Area Variance:

Additional Roof Pitch

Mr. Ryan Sanders with Premier Custom Builders was present at the meeting. He stated that the applicants are submitting an application to build a home with three (3) roof pitches; Moreland Hills Code only allows two (2) roof pitches. Mr. Sanders stated that the architect on this project submitted a letter giving his reasoning for the need for the third roof pitch. He read this letter to the Board members which is as follows: "Dear Mayor Renda and Board Members, Our clients

Mr. & Mrs. Morren would like to request a variance for the porch roof pitches which are at a 3:12 and comprise a third pitch for the house. The primary reasons for the variance are as follows: 1.) Egress – The porch roofs are at the bedroom windows in the design and the 3:12 pitch allows us to provide the required sill height and 5.7 minimum square footage for the egress opening. It also provides a walkable roof for our client’s family in case of emergency escape. The roof pitch is shedding away from the front and doesn’t conflict in juxtaposition with the other main pitches. 2.) Building Height – The front gables are at a 12:12 for the aesthetic appeal and the side hips are at 8:12 in order to keep the building height under the 35 foot maximum. If we match the 12:12 side pitch we will exceed the 35 foot height. The other alternative is to lower all the front pitches to match the sides which diminishes the beauty and proportion of the design. I appreciate your consideration in reviewing this request.”

Mr. Sanders stated that he provided a picture of a similar home to represent what the roof pitches will look like in a realistic view. The idea is that they are carrying a 12:12 roof pitch across the front, the hips are at an 8:12, so architecturally it will diminish the look of the home not to have the third roof pitch. Mr. Fritz asked about the reference to the roof pitch on the back of the house from the architect’s letter. Mr. Sanders stated that the 3:12 pitch was the area over the porch and if they were to change it to an 8:12 or 12:12, it would cover over the windows.

Chairman Stanard declared the public hearing closed at 6:10pm.

Mr. Stanard clarified that their principle line is 8:12 and 12:12 and asked if the only two places that are not of that line, are the two porches. Mr. Sanders clarified that it is a front porch and rear porch, however the front porch is just the section to the side of the front door and the area over the front door would still meet the pitches.

Mr. Bolek asked about the back porch and whether it is enclosed. Mr. Sanders stated the side elevation shows a dining room jutting out and so what Mr. Bolek is seeing are actually pillars. Mr. Bolek asked Mr. Strichko whether the porch roof and dining room roof fell under the Code section regarding “incidental roofs” which do not count in the roof pitch count. Mr. Strichko stated that that Code section refers to dormers, crickets, etc. and after speaking with the Village Architect, he did not consider that porch roof as an incidental roof pitch.

Mr. Bolek stated that he liked the design but what looks strange to him is that it is nicely proportioned and then there is the 3:12 pitch sticking out in the back. Mr. Sanders stated that a little of that will be broken up. Because it is the only portion that juts out, when looked at

dimensionally, it will be a covered porch area that will come back to the house, which will give some dimension to the rear of the home.

Mr. Bolek asked if it slopes away from the other side of house so that there is a walk out. Mr. Sanders stated that was correct. He showed the board members the area on the plan.

Mr. Stanard stated that the Village Architect approved the plans with notes; Mr. Strichko stated that the notes are in his letter as well and explained that the applicant's original request included five (5) roof pitches, but the two porches were changed to match and the other roof pitch was brought back down from a 9:12 to an 8:12 so that they would only need a total of three (3) roof pitches. He stated that those were the only notes that Mr. Kawalek had, but the applicant has since revised the drawings based on those notes. Mr. Strichko stated that with those changes made, Mr. Kawalek likes the aesthetics of the house. Mr. Stanard stated that he thinks that it is pertinent that the applicant altered the number of pitches based on Mr. Kawalek's recommendations.

Mr. Pogatschnik asked if the windows over the back porch are for a bedroom. Mr. Sanders stated that they are for a master bedroom. There are three (3) bedrooms; one on the front right side, one on the rear right side, and the master bedroom is on the left rear of the house.

Mr. Bolek stated that he does not believe that the argument for the third roof pitch is needed for egress purposes, but believes that the better argument would be that they are unable to make the shed roof composition work. Mr. Fritz addressed Mr. Bolek and stated that egress does not always mean being able to get a ladder up to get someone out, but that it also means self-egress, where a person has the ability to get themselves out. Mr. Bolek stated that was his point because there is a bedroom on the left that would provide egress. Mr. Sanders stated that he thinks that the argument is that if the roof pitch was changed to a steeper pitch, a window would not be able to be put in. Mrs. Cooper asked Mr. Bolek if he had any recommendations as to how to incorporate a window, if the shed roof was not there. Mr. Bolek stated that he does not but he thinks that the composition works nicely, however there is just a lot of mass on the back of house. He stated that it would have been nice to get a gable on there, but as was pointed out, that would have eliminated the windows which would bring the egress issue into play. Mrs. Lane informed the board members that Mr. Strichko's letter does include the architect's notes that address the aesthetic issue.

Mr. Stanard asked if changing the 9:12 roof pitch to an 8:12 has been done. Mr. Strichko stated that it has been done and also that the rear porch and front porch roof pitches were changed to

match the existing pitches; they were originally 4:12 and 3:12. Mr. Stanard stated that while there will be three (3) roof pitches, it will look aesthetically consistent.

Mrs. Lane stated that the applicants for the property located at 33250 Jackson Road have made a request for a variance from Code requirement Section 1313.29 limiting residential structures to two (2) roof pitches. The findings of fact are as follows:

1. Special conditions and circumstances do not exist that are peculiar to the land or structure involved and are not applicable generally to other lands or structures in the same zoning district.
2. The property will yield a reasonable return and there can be beneficial use of the property without the variance.
3. The variance is substantial being that it is a request for three (3) roof pitches when only two (2) are permitted by the Code; however the applicant has explained that the additional roof pitch is necessary in order to match the other main pitches of the house.
4. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer substantial detriment as a result of the variance. The applicant's architect and the Village Architect are both of the opinion that the three (3) roof pitches are consistent with the style of the house.
5. The variance would not adversely affect the delivery of governmental services.
6. The property owner purchased the property with knowledge of zoning restrictions.
7. There are no special conditions or circumstances that were a result of the actions of the owner, other than the fact that the applicant has professed that this particular architectural design is the most aesthetically pleasing in his opinion.
8. The owner's predicaments can be obviated by through some method other than a variance in that the applicant could design a house with two (2) roof pitches, however, the applicant is strongly in favor of the design that has been proposed. The applicant has also redesigned bringing down the amount of roof pitches from five (5) to three (3).
9. Granting the variance would serve the spirit and intent and justice done behind the zoning requirements. The architects have stated that the roof pitches are aesthetically consistent with the style of the home.
10. Granting the variance request could confer the applicant special privilege that would be denied to others in the district.
11. A literal interpretation of the provision of this Code would not deny rights commonly enjoyed by other properties in the same district.

Mr. Stanard made a motion seconded by Mayor Renda to approve the findings of fact.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Fritz to approve the variance for the third roof pitch on the proposed new dwelling located at 33250 Jackson Road.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Mrs. Cooper made a motion seconded by Mr. Stanard to adjourn the meeting at 6:31pm.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Respectfully Submitted,

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Sherri Arrietta, Clerk of Council