

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

The Regular BZA Meeting was called to order by Chairman Stanard at 6:07pm.

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

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

Mayor Renda made a motion seconded by Mr. Bolek to approve the minutes from the Regular BZA Meeting of June 22, 2015.

ROLL CALL:  
AYES: Mr. Bolek, Mayor Renda, Mr. Stanard  
NAYS: None  
ABSTENTIONS: Mr. Pogatschnik  
MOTION CARRIED

At this time, Mayor Renda informed the Commission that Mr. Strichko will no longer be our Building Inspector and that Mr. Rick Loconti will be taking his place. Mr. Strichko stated that it has been his pleasure to work for Moreland Hills. Everyone wished Mr. Strichko well.

At this time, Mrs. Lane administered the oath to those who wanted to speak at the hearing. Chairman Stanard declared the public hearing open at 6:11pm.

**Hodgson Residence**  
37940 (37960) Berkeley Lane  
Area Variance Accessory Structure – Barn

Mr. John Brown, builder, and Mrs. Dinah Hodgson, property owner, were present at the meeting. Mr. Brown stated that the Hodgson's are requesting an 880 sq. ft. variance to build a 1200 sq. ft. barn on a 12 acre parcel of land. The barn would be used to house equipment to take care of the land; motor and hand tools, industrial size lawn equipment, etc.

Chairman Stanard declared the public hearing closed at 6:13pm.

Mrs. Lane asked Mrs. Hodgson when the lot was purchased. Mrs. Hodgson stated that it was purchased in November 2013. Mrs. Lane informed Mrs. Hodgson that when purchasing a property, the buyer should look into and know the zoning requirements, therefore she suggests

that they change #6 on their application to read that “they *did* purchase the property with knowledge of the zoning requirements.”

At this time Mrs. Lane read the findings of fact. Mr. and Mrs. Hodgson of 37940 (37960) Berkeley Lane are requesting an 880 square foot variance from Zoning Code Requirement 1151.13. The findings of fact are those recited in the application by the applicant with the following additions:

1. add “for maintenance” after “...lawn equipment is required.”
2. add “to store maintenance equipment” after “...accessory building.”
4. add “No neighbors that received notice of this variance appeared to object.”
6. change the answer to “yes, the property owner did purchase the property with the knowledge of the zoning restrictions.”

The amended findings of fact are as follows:

1. Special conditions and circumstances exist that are peculiar to the land involved and are not applicable generally to other lands or structures in the same zoning district because this property is over 12 acres which is considerably larger than all other properties in the zoning district. Due to the expansive size of this property, industrial size lawn equipment is required for maintenance, therefore storage is required.
2. Will the property yield a reasonable return and can there be beneficial use of the property without the variance? The property in question is too large to yield a reasonable return without an additional accessory structure to store maintenance equipment.
3. The variance is not substantial and is the minimum necessary to make possible the reasonable use of the land or structures because when considering the size of this lot, the accessory structures merely occupy .0034% of this property.
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 because the accessory building has been architecturally rendered to match the design of the home. No neighbors that received notice of this variance appeared to object.
5. The variance would not adversely affect the delivery of governmental services, such as water, sewer, or trash pick-up.
6. The property owner did purchase the property with knowledge of the zoning restrictions.
7. There are no special conditions or circumstances that exist as a result of the actions of the owner.
8. The owner’s predicaments cannot be feasibly obviated by through some method other than a variance.
9. Granting the variance would serve the spirit and intent listed on 151.01 will be further enhanced by maintaining the 12 acre parcel as a whole, which is only viable with the new accessory structure.
10. Granting the variance will not confer on the applicant any special privilege denied to other lands, structures, or buildings in the same district, because a regular 2 acre lot is allowed a much larger proportional area of accessory structures than is being requested for this 12 acre lot.
11. A literal interpretation of the provision of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district, because as stated in item #10, the applicant is requesting a much smaller proportional area of accessory structure than what is allowed for a typical 2 acre lot.

Mr. Filarski clarified that the address for this lot will be 37960 Berkeley Lane; 37940 Berkeley Lane is already used for one lot and 37950 Berkeley Lane is being used for the lot with the other home on it.

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

ROLL CALL:

AYES: Mr. Bolek, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mayor Renda to approve the 880 sq. ft. variance for the barn located at 37960 Berkeley Lane.

ROLL CALL:

AYES: Mr. Bolek, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Mayor Renda made a motion seconded by Mr. Bolek to adjourn the meeting at 6:24pm.

ROLL CALL:

AYES: Mr. Bolek, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Respectfully Submitted,

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Sherri Arrietta, Clerk of Council