

Board of Zoning Appeals
Public Hearing Meeting
May 18, 2015
Minutes

The Board of Zoning Appeals Meeting was called to order by Chairman Stanard at 6:09 pm.

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

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

Mr. Stanard stated that he had one minor correction to be made to last month's meeting minutes. He stated that in the Planning Commission Minutes of the same night, Mr. Bolek abstained from approval of the March Planning Commission minutes because he was not present at that meeting; however, the BZA Minutes show that he voted for approval of the March BZA Minutes. He stated that Mrs. Arrietta needs to determine if Mr. Bolek did in fact miss both the March BZA and Planning meetings and make the appropriate correction to the vote of approval in the BZA minutes.

Mayor Renda made a motion seconded by Mr. Stanard to approve the minutes from the Regular BZA Meeting of April 27, 2015, after review and correction is made, if required.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Chairman Stanard informed anyone that was present wishing to speak regarding the agenda items for the Hodgson Residence located 37940 Berkeley Lane that those items will not be heard tonight and will be on the agenda for the June meeting.

Chairman Stanard declared the public hearing open at 6:12pm. At this time, Mrs. Lane administered the oath to those who wanted to speak at the hearing.

Jeff Nock
32805 Miles Road
Area Variance: Driveway Gate

Mr. Ryan Sanders with Premier Custom Builders was present at the meeting. He stated that the homeowner would like to put a gate across his driveway, 400 feet from the roadway so that it would not be visible from the street. The homeowner entertains very high profile people and therefore would like a gate for security purposes. The gate would have a keypad entry and the

Fire Marshall informed him that as long as the code was shared with him, the Fire Marshall did not have a problem with the gate.

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

Mayor Renda stated that most of the residents in Moreland Hills entertain some very high profile people and are in fact, themselves, high profile people. Most of the residents have never asked for a gate and if they have, they were told that they could not have one. She stated that if it was allowed for one person, it would have to be allowed for everyone. Mayor Renda stated that she does not see the homeowner's reasons as being a hardship, which is what variances are granted based upon.

Mr. Sanders stated that the location of the property also presents a problem. The property is very close to the entrance into Moreland Hills and so there is a sign indicating that which sits at the front of their property. He stated that cars will pull into their driveway and sometimes drive all the way down toward the house until they realize that it is not an actual Moreland Hills property. Mayor Renda stated that if that is an issue, the sign can be moved or the homeowners can post a sign at the end of their driveway that reads "private drive." Mr. Filarski stated that the sign could be moved 50 to 100 feet one way or another without an issue.

Mrs. Cooper stated she agreed with the Mayor. She stated that she does not believe that safety is an issue because it is not in an area that is any less safe than any other part of Moreland Hills.

Mayor Renda informed Mr. Sanders that he can also assure his clients that Moreland Hills is continually named the safest community in Cuyahoga County by Cleveland Magazine, which is based on data. She stated that she personally does not think that they have anything to worry about as far as safety is concerned.

Mr. Sanders stated that the homeowners were very adamant about having this option, which is why he is presenting this request to this board. He stated that upon doing some research, he has discovered that a few gates do exist in Moreland Hills but perhaps they were installed prior to that Code restriction being in place. Mayor Renda stated that unfortunately sometimes people do put in gates, do renovations, and building structures without coming to the Planning Commission for approval. She stated that she searched all the Planning Commission minutes and did not find that permission for a gate was ever granted. Mayor Renda stated that she also saw a home with a gate and did not find that it was ever approved by the Planning Commission in her search of the minutes. She stated that if they start allowing gates, the whole village will be gated and that is not the look we have ever wanted for the Village.

Mr. Stanard stated that he believes that our Police Department has superior service and therefore does not believe that should be dismissed easily. He stated that he lived in a house in Moreland Hills where he erected a gate to contain animals, but he did so after receiving approval from the the Village Planning Commission and the Village Building Department. He stated that he agrees with the Mayor's point that a Village full of gates is not a good thing and is actually the opposite of what the Village wants to promote. Mr. Stanard stated that he would give the applicant the benefit of doubt because the gate would be 400 feet from the roadway and therefore will not be

seen. He stated that he is not in favor of gates, but if the board were ever inclined to allow one, he stated that he would be in favor of one that no one could see. As far as the safety issue, Mr. Stanard stated that he does not agree with that argument and he stated that all Village residents have to deal with cars turning into their driveways.

Mr. Pogatschnik stated that he can understand the safety issue if it is late at night and someone is pulling down your driveway. He stated that the fact that the gate is not visible from the road is important. Mayor Renda stated that her biggest problem is setting precedent; she does not want to open the "gate" to allowing gates. She stated that she believes that signage could help mediate the problem of having people turning in their driveway.

Mr. Stanard explained to Mr. Sanders that if the members vote tonight and do not grant the variance, then the applicant loses the right to come before this Board again with the same request.

Mr. Sanders stated that he would withdraw the application at this time.

Mrs. Cooper made a motion seconded by Mr. Stanard to adjourn the meeting at 6:26pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Respectfully Submitted,

Sherri Arrietta, Clerk of Council