

Board of Zoning Appeals
Public Hearing Meeting
January 26, 2015
Minutes

Chairman Stanard called the Board of Zoning Appeals meeting to order at 6:10pm.

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

OTHERS PRESENT: Dave Strickho, Building Inspector, Aimee Lane, Assistant Law Director, Jeff Filarski, Village Engineer, Sherri Arrietta, Clerk of Council

Mr. Stanard stated that since this is the first meeting of the year, he is going to make a few remarks. He thanked the Council of the Village of Moreland Hills for the responsibility and privilege to serve as this Commission's Chairman for 2015. Mr. Stanard welcomed back the Planning Commission members for another year and thanked them for their service. He also thanked Mayor Susan Renda, Jeff Filarski, Village Engineer, Dave Strickho, Building Inspector, Aimee Lane, Assistant Law Director, and Sherri Arrietta, Clerk of Council; he stated that he thanks them because it is their extensive efforts to prepare for these meetings and after the meeting is over, they executive the appropriate actions to follow these proceedings to make what we do here official. Mr. Stanard thanked Mr. Dan Fritz for his two solid years of service as the chairman of this Commission as well as Mrs. Robin Cooper and Mr. Peter Bolek for their continued invaluable service. He welcomed the newest resident member, Mr. John Pogatschnik, and wished him good luck.

At this time, Mr. Stanard explained to those in attendance in detail the procedure for the meetings tonight and explained that there will be two meetings; the BZA meeting will be first and then immediately following, a separate meeting the Planning Commission will take place.

Chairman Stanard stated that the first order of business is to approve the minutes from the previous meeting. There are two sets of minutes that need approval tonight, with the first being the minutes of the September 22, 2014 meeting. Mayor Renda asked the Board for the opportunity to listen to the tape from this meeting because a resident has just brought some concerns about these minutes to her attention.

Chairman Stanard stated that the minutes of October 27, 2014 need approval.

Mr. Fritz made a motion seconded by Mrs. Cooper to approve the minutes from the October 27, 2014 meeting.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Stanard

ABSTENTIONS: Mr. Pogatschnik, Mayor Renda

NAYS: NONE

MOTION CARRIED

Chairman Stanard declared the public hearing open at 6:15pm. At this time, Mrs. Lane administered the oath to those who wanted to speak at the hearing.

Govberg Jewelers
34105 Chagrin Blvd. Suite J
Area Variance – Sign

Mr. Jeff Davis with MH Towne Center, LLC and Ms. Linda Silver with Govberg Jewelers were present at the meeting. Mr. Davis stated that the Zoning Code allows for a maximum of 100 sq. ft. of signage for the whole town center (1 sq. ft. for every lineal ft. of frontage). Govberg Jewelers is the last tenant going into Moreland Hills Towne Center; however, the total allowable signage has already been used up and in fact is over the allowable by 32.5 sq. ft. He stated that the signage they are proposing for Govberg Jewelers would require a 30 sq. ft. variance. The sign will have 19.5 inch lettering and will be black during the day and backlit during the night. The clock has not been included in the variance request because it is an architectural feature, not a sign. Mr. Davis stated that if they decide later on that they would like the name on the sign, they will come back before this board for a variance. The clock will be surfaced mounted. Mr. Stanard stated that the plans were approved by the Village Architect without any notes.

Chairman Stanard declared the public hearing closed at 6:18pm.

Mrs. Lane stated that the MH Town Center LLC is requesting a sign area variance for a new tenant to have a jewelry store at 34105 Chagrin Blvd, Suite J. The Zoning Code limits the town center building to 100 sq. ft. of signage and the existing tenants are currently exceeding that by approximately 32.5 sq. ft. The findings of fact are as follows:

1. There are special conditions and circumstances peculiar to the property because existing tenants are using the allowable signage area at the Town Center building.
2. The applicant cannot make a beneficial use to the property or yield a reasonable return because a sign is required for the success of the new jewelry store.
3. The variance may be substantial at 30 sq. ft., but it is the minimum necessary to make reasonable use of the property.
4. The character of the neighborhood would not be substantially altered and adjoining properties would not suffer substantial detriment if the variance is granted.
5. Granting the variance would not adversely affect the delivery of governmental services and in fact proper signage would assist the Village and the first responders in identifying the business.
6. There are no special conditions or circumstances created as a result of the applicant's actions.
7. The applicant's predicament cannot feasibly be obviated through some method other than a variance.
8. The spirit and intent of the zoning of the zoning restriction would be met by granting the variance because the Code contemplates that each tenant at the Town Center building should have appropriate signage.
9. Granting the variance will not confer a special privilege on the applicant that is denied to other buildings in the same zoning district.

10. A literal interpretation of the zoning restriction would deprive the applicant of rights commonly enjoyed by other properties, specifically all other tenants at Town Center have appropriate signage.
11. Despite notices being sent out to adjacent property owners, no neighbors have objected to the requested variance.

Mr. Fritz made a motion seconded by Mrs. Cooper to accept the findings of fact.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Renda made a motion seconded by Mr. Fritz to approve a 30 sq. ft. sign variance for Govberg Jewelers located at 34105 Chagrin Blvd. Suite J.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Richard Rule-Hoffman

36960 Chagrin Blvd.

Area Variances – Front Yard Setback

(2) Side Yard Setbacks & Driveway Setback

Mr. Richard Rule-Hoffman, property owner, was present at the meeting. He stated that he has increased the side yards to 9.81 feet from the original request of 4.97 feet, the front setback has been reduced from 120 feet to 100 feet in order to place the home between the two existing homes on either side, and the driveway was redesigned so that only 16 feet of the pad is at 4.47 feet, instead of 50 feet of the driveway being at 4.47 feet.

Chairman Stanard declared the public hearing closed at 6:26pm.

Mr. Stanard stated that he thinks the changes that were made were great and appreciates them because originally the side yard setbacks were too restrictive to the neighbors. Mr. Bolek stated that he liked the changes that the applicant made addressing the Planning Commission's concerns in design which will make improvements to both the applicant's project as well as to the neighbors. Mr. Filarski stated that the new design definitely has addressed the board's concerns regarding having enough room to walk from the front of the property to the back as it relates to the side setbacks. He informed the members that the new proposed garage is a side entrance garage. Mrs. Cooper stated that Mr. Rule-Hoffman has done an excellent job improving the design and it is much more generous as far as the setbacks are concerned. Mr. Fritz stated that he would like to agree with the sentiments regarding working with the board and he stated that he appreciates that Mr. Rule-Hoffman gathered the board's input and took our concerns into consideration.

Mrs. Lane requested that the items prepared by the applicant in response to the application factors be incorporated into the minutes as the findings of fact; however two additions need to be made. On item 3, please note that “the applicant took great effort to reduce the amount of the required variances” and for item 4 as it relates to the front setback, add “it is necessary to locate the home so that it is in line with neighboring homes which will keep it consistent with the neighborhood.” The findings of fact are as follows:

1. There are special conditions and circumstances that exist which are peculiar to the land or structure because the lot is very narrow, measuring 67’ wide and 311’ deep.
2. The applicant cannot make a beneficial use to the property or yield a reasonable return because without the variance, a reasonable size and aesthetic dwelling would not be possible.
3. The variance is the minimum necessary to make possible the reasonable use of the land. The applicant took great effort to reduce the amount of the required variances.
4. The character of the neighborhood would not be altered or suffer substantial detriment due to its placement on the lot; the neighborhood would be enhanced by this structure’s design. It is necessary to locate the home (front setback) so that it is in line with neighboring homes which will keep it consistent with the neighborhood.
5. The variance would not adversely affect governmental services such as water, sewer, or trash pick-up.
6. The property was purchased with the knowledge that hardship variances would be considered due to the existence of a previous house and out building on the property.
7. No known special conditions or circumstances exist as a result of the owner’s actions.
8. The property owner’s predicament cannot be feasibly obviated through some other method other than a variance.
9. The spirit and intent behind the zoning requirement would be observed as much as possible and substantial justice would be done by granting the requested variances.
10. No special privilege would be gleaned by this owner by granting the stated variances.
11. A literal interpretation of the Zoning Code would be a hardship to the lot owner and deprive the lot owner of the rights afforded other properties in the same district.

Mrs. Cooper made a motion seconded by Mr. Fritz to accept the findings of fact as prepared by the applicant with the additional notes from Mrs. Lane.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Bolek made a motion seconded by Mayor Renda to approve the front setback (20 foot), (2) side setbacks (10.19 foot and 10.2 foot), and driveway setback (5.53 foot) variances located at 36960 Chagrin Blvd.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Renda made a motion seconded by Mrs. Cooper to adjourn the meeting at 6:32pm.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Respectfully Submitted,

Sherri Arrietta, Clerk of Council