

MINUTES

MEETING VIA ZOOM

Orange Village Planning & Zoning Commission
Architectural Board of Review
Tuesday, April 6, 2021 – 6:30 pm

Mayor Mulcahy, Chairperson called the meeting to order at 6:30pm

Members Present via Zoom: Anthony Lazar, Kathy Moran, Eric Newland, Scott Lewis,
Brian Hitt, Jud Kline, Mayor Kathy Mulcahy

Members Absent:

Others Present via Zoom: Councilwoman Staci Vincent
April Skurka, Future ABR member
Steve Byron, Law Director
Robert McLaughlin, Chief Building Official
Karen Morocco, PZ/ABR Secretary

#1 28550 EMERY ROAD – VARIANCE REQUEST – FRONT DINING ROOM ADDITION & FRONT COVERED PORCH

Present via Zoom: Ethan Rothermel, The Architecture Office
Laura McCormick, Homeowner

PZ Discussion:

This is a variance of 3' 1.75" from the requirement that the residence be located not less than 100 ft. from Emery Road. A front dining room addition and a covered front porch would be constructed not nearer than 96' 11.25" from Emery Road. The house is oriented facing North and Emery Road runs at a slight angle East-West the porch gradually extends over the 100' front yard setback. Mr. Steve Byron mentioned he recalled a lawsuit back in 2006 concerning a variance in the Village. The nature of the variance was a similar situation to the variance being requested now. A neighbor objected and council voted it down. The court ruled in the applicants' favor. The court determined that the lot shape and angle of the residence created a practical difficulty that prevented strict compliance with the zoning code. The homeowner wants to expand her kitchen and that would take up the existing dining room and more space will be needed. The new dining room will be attached to the living room and will be located in the front of the house. The homeowner also wants to make the porch more usable. The porch will align with the new addition. Mr. Jud Kline stated the unique geometry of the site and the residence creates the necessity for the variance. He also stated the addition marries well and the new addition doesn't look like an addition. Mrs. Laura McCormick stated she worked with Heritage Homes on how to keep the character and design of the home. Mr. Eric Newland said he has also worked with Heritage Homes for a home loan and stated they are very good to work with. Mr. Anthony Lazar thinks the variance is appropriate and Ms. Kathy Moran stated the addition gives the home a great new look and she likes the detail of the arbor. The homeowner stated one tree is dying and will need to be removed. She also has a large pine tree that needs to be removed and is willing to donate the tree to the Village. The Service Director will be notified about the tree. The variance request will be on the April 14th council meeting.

A motion was made to recommend the variance request at 28550 Emery Road to Council was made by Mayor Mulcahy; Seconded by Mr. Scott Lewis.

Ayes: Lazar, Lewis, Hitt, Kline, Mayor Mulcahy
No: None

The Motion was approved 5 to 0.

Present via Zoom: Nick & Carolynne Cianciola, Homeowners

PZ Discussion:

This variance request was originally presented at the February 2, 2021 PZ/ABR meeting and was tabled. The applicant is seeking a 30' zoning variance from the required 60' corner side yard setback from Jackson Road to construct a 30' x 33' detached garage 30' from the north lot line at Jackson Road. The homeowner wrote a letter to the neighbors, Mr. & Mrs. Ed Bonk, who objected to the variance. The Bonks neither responded nor engaged in discussion regarding the matter. Mr. Nick Cianciola stated the practical difficulty in strictly complying with the setback requirement would be the loss of the backyard, loss of green space, loss of views of the woods from the interior living spaces, loss of property value due to bad design/placement of garage, the cost to build a very big new driveway (estimated to be between \$10,000 and \$15,000) and ongoing expenditure of money, and the time and effort that would be needed, to maintain the large driveway. Mr. Cianciola stated there was a comparable variance granted for a garage on Orange Meadow. Mr. Ed Bonk was logged on to the Zoom meeting. He stated the site lines were not impacted on the Orange Meadow variance. Mr. Bonk stated he has never seen detailed plans. The further things are away the more you can tolerate ugly things than if they are closer. If you disagree with something visually the further away it is the less annoying it is. Mr. Bonk objected to the aesthetic impact of the proposed garage. Mr. Bonk asserted that the Village has rules and ordinances to protect the Village's residents and that everybody must comply with them. Mr. Bonk suggested that if the variance is granted, he expects the Village to change the code to establish a new standard. Mr. Bryon stated that a variance does not imply a legislative change is necessary. A variance just means that the Commission and Council have determined that the strict application of the code is not appropriate under certain circumstances. Mr. Scott Lewis suggested landscape screening and asked Mr. Bonk if Council approved the variance, would it make him a little less unhappy if trees were used as screening. Mr. Bonk stated more trees would make him somewhat happy rather than less trees. Mr. Lewis said he would like to see the use of business equipment stopped; that no equipment be visible. Mr. Steve Byron said there are home occupation regulations and if violated the Village can take enforcement action. The homeowner must comply with all the Village's laws. The Mayor stated for the reasons listed in the letter are enough reasons to determine that the variance is appropriate and that another house close by (Orange Meadow & Brainard) was a similar situation and the variance was granted. Mr. Anthony Lazar stated he thinks there are alternative solutions that were suggested prior in regards to semi attached or attached garage solution that would not require additional pavement. Mr. Lazar is still of the opinion there are alternative solutions. Ms. Kathy Moran suggested a cluster of evergreens by Jackson Road and could also put up a screening wall. Mr. Cianciola was amenable. Mr. Jud Kline also suggested a screening wall that would extend beyond the new structure and further screen the garage doors. Mr. Lewis asked what the height of the trees would be but Mr. Byron said the Village is not in a position to design the landscaping now. The homeowner will need to come back before the Board after the council meeting on April 14th.

A Motion was made to recommend the variance request at 28300 Jackson Road to Council subject to the following conditions:

1. Landscape Screening / Extensive, Quality Landscaping
2. Screening Wall – Extend Beyond New Structure Further Screening Garage Doors
3. Preserve the Environment
4. No Painting Equipment Be Visible To The Neighbors

was made by Mayor Mulcahy; Seconded by Mr. Brian Hitt

Ayes: Lazar, Lewis, Kline, Mayor Mulcahy

No: Hitt

The Motion was approved 4 to 1.

#3

CHIEF BUILDING OFFICIAL'S REPORT

- The following will be on the April 20th agenda:
 - 29600 Chagrin Blvd – Beechmont Country Club – pool deck and site improvements
 - 4099 Lander Rd. – Ordinance 2020-17 (The Mayor mentioned the house is for sale and they are asking \$895,000).
 - 3918 E Ash Lane – The Board recently approved a pool. The homeowner's want to construct a shed however the HOA wants them to move it closer to the side yard but that would require a variance. The Mayor stated this would be the first time a project would come before the Board without HOA approval first. Mr. Steve Byron stated they would apply board standards and as a matter of courtesy they can bring to a meeting without HOA approval
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#4

ANY OTHER TOPIC FOR DISCUSSION

- The Mayor stated there will be no Salute to Orange
 - The Mayor would like a copy of the Planning & Zoning Code to be given to April Skurka
 - April Skurka will be confirmed by Council next week and will start May 1st
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#5

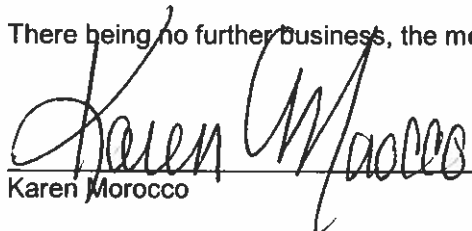
MINUTES FROM MARCH 16th, 2021 TO BE APPROVED

A Motion to approve the minutes of the March 16th, 2021 meeting was made by Mr. Jud Kline; Seconded by Mr. Eric Newland.


Ayes: Lazar, Moran, Newland, Lewis, Hitt, Kline, Mayor Mulcahy
Abstain: None
No: None

The Motion was approved 7 to 0.

There being no further business, the meeting was adjourned at 7:47 pm



Karen Morocco



Date