

MINUTES

Orange Village Planning & Zoning Commission
Architectural Board of Review
Tuesday, April 15, 2025 - 6:30 pm

Members Present: Kathy Moran, April Skurka, Kimberlee Ullner, Brian Hitt, Scott Lewis, Jeffrey Light and Mayor Kline

Absent:

Others Present: Steve Byron, Law Director
Robert McLaughlin, Chief Building Official
Brandon Hughes, Building Inspector
Danette Gembarski, PZ/ABR Secretary

Mayor Kline called the meeting to order at 6:30 p.m.

#1 27049 MILES ROAD – NEW RETAIL ADDITION

Present: Edwin J. Williams, Jr. – Architect
Marcelo Bellini – Property Owner

PZ/ABR Discussion:

Mr. McLaughlin stated the Village Architect's review is still pending. The Village Engineer has met with Mr. Williams to discuss his comments and they are being addressed. Mr. McLaughlin added that the prior owner had an office building on the property. Mr. Bellini is proposing an addition to be added to this existing building.

Mr. Hitt asked what the use will be for this building. Mr. Williams stated it will be to sell commercial landscaping materials. The building will consist of a counter with a register, sales space that will contain racks to hold landscaping products, a bathroom, and a space that will be used for a kitchen and an office.

Mr. Bellini told the Commission that he owns a landscaping company and he wants to sell to other landscapers. The products would be mulch, soil, and stone, which would be sold in bulk and some supplies inside the building.

Ms. Moran asked if he will be selling plants or trees. Mr. Bellini stated no.

Mayor Kline asked if there is an encroachment on the northeast side of the property. Mr. Williams stated yes, and this was one of the comments from the Village Engineer. Mr. Bellini has drafted an agreement, and this has been given to the neighboring property owner.

Mr. Williams went over the new addition. He stated they will be replacing the roof and siding. He reviewed the materials he will be using:

Roof Shingle – Timberlane natural shadow Weather Wood

Siding – Khaki

Trim - White

Mr. Hitt asked about the condition of the existing building. Mr. McLaughlin said permits were issued a couple of years ago to convert the building into an office, so it is in good shape.

Mr. Light asked if this building has a water supply. Mr. McLaughlin said it has water but not a sanitary line. One of the comments from the Village Engineer was regarding the sanitary line, and suggested not to install this until the City of Solon and Orange Village installs the new main water line.

Mayor Kline made a motion to approve the addition at 27049 Miles Road subject to complying with the Village Engineer's comments and providing an encroachment agreement between both property owners.

Seconded by Ms. Skurka.

Ayes: Ms. Moran, Ms. Skurka, Ms. Ullner, Mr. Lewis, Mr. Light, Mr. Hitt, and Mayor Kline

No: None.

The motion was approved 7-0

Mr. McLaughlin wanted to discuss with the Commission the request from the property owner to be permitted to have ancillary structures on his property. He added that the previous owner of this site was granted a zoning variance by the Planning and Zoning Board about 20 years ago allowing for outdoor storage. Mr. McLaughlin feels that these ancillary structures are similar to the currently approved outdoor storage units.

Mr. Bellini told the Commission that these structures will be holding seed and straw.

Mr. Hitt feels the structures are similar to dumpsters and should not be permitted on this property.

Ms. Moran stated that these types of structures are used by landscapers as an economical way to store material. She did suggest adding screening in front of these structures since you are able to see them from the street. Mr. Bellini will comply with this request.

Ms. Ullner made a joint motion to approve the ancillary structures at 27049 Miles Road with the condition of adding screening in front of these structures.

Seconded by Mr. Light.

Ayes: Ms. Moran, Ms. Skurka, Ms. Ullner, Mr. Lewis, Mr. Light, and Mayor Kline

No: Mr. Hitt.

The motion was approved 6-1

#2

27049 MILES ROAD – NEW SIGNAGE

Present:

Dianna Haskett – Designs by Dianna
Marcelo Bellini – Property Owner

PZ/ABR Discussion:

Mr. McLaughlin stated there is a temporary sign currently at this location, which is allowed.

Mr. Hitt questioned the electronic message center (EMC) and is concerned that the brightness will be distracting.

Ms. Haskett stated the illumination and the color of the message board can be controlled remotely by a phone or computer. The owner can also limit the hours the message board will be illuminated. The lettering above the EMC message display will be translucent, and the color will be dark green.

The conversation turned to the brightness and the color of the letters on the sign, the distraction to residents and drivers, limiting the cycling of the message, and complying with the current code.

Mr. Byron said the code states there is a limitation of 150 nits when measured from the sign's face at its maximum brightness between dusk to dawn. To minimize brightness you can control the colors that dominate the background area of the EMC or its messages. You can also limit the night hours that the EMC is illuminating to ensure the brightness of the sign is in line with other illuminating signs that may be in the vicinity and/or minimize the impact on nearby residential property.

Ms. Moran asked about the landscaping around the sign. Ms. Haskett reviewed the plans that shows blue rug juniper groundcover. She chose this plant because it would not grow too tall to hide the address. Ms. Moran would like to see more vegetation. Ms. Haskett replied that would not be a problem. Ms. Moran requested they submit a plan for her to review administratively.

Mayor Kline stated the address under the message board seems low. He suggested moving the address up 5" to be closer to the message board, and this will allow for some taller foliage.

Ms. Ullner made a joint motion to approve the sign at 27049 Miles Road with the condition of complying with the code outlining the brightness and the limited night hours of the electronic message center, along with submitting an additional landscaping plan to be reviewed administratively.

Seconded by Mr. Lewis.

Ayes: Ms. Moran, Ms. Skurka, Ms. Ullner, Mr. Lewis, Mr. Light, Mr. Hitt, and Mayor Kline

No: None.

The motion was approved 7-0

#3 3870 WATERFORD COURT – DORMER AND INTERIOR REMODEL

Present: Joseph Paul Franzese – JPF Architects

PZ/ABR Discussion:

Mr. McLaughlin stated there are not any code issues, and since this is an interior remodel, the plans did not need to be reviewed by either the Village Architect or Village Engineer.

Mr. Franzese explained he is adding a dormer on the existing garage, and the materials will match the house.

The conversation turned to the modification of the roof, the roof connection to the dormer, installing t-joints, the gable on the existing roof, adding a cricket for drainage, ice guard, and the dormer windows.

Mr. Hitt made a motion to approve the dormer at 3870 Waterford Court.

Seconded by Ms. Ullner.

Ayes: Ms. Moran, Ms. Skurka, Ms. Ullner, Mr. Lewis, Mr. Light, Mr. Hitt, and Mayor Kline

No: None.

The motion was approved 7-0

#4 29950 SMITHFIELD ROAD – ZONING VARIANCE REQUEST TO KEEP BARN ON VACANT LOT

Present: Mark Kangas – Homeowner

PZ/ABR Discussion:

Mr. McLaughlin explained that Mr. Kangas purchased the adjacent property to his home and plans on demolishing the existing home to extend his rear yard. When reviewing the plans to issue the demolition permit, Mr. Kangas indicated he wanted to keep the accessory structure on the property to store personal items. Keeping this structure requires a zoning variance because accessory structures cannot be on a property without a principal structure.

Mr. McLaughlin added that if the properties were consolidated, this would not be an issue and the structure could stay, but since Mr. Kangas wants to keep these parcels separate, he must request a zoning variance.

Mr. Lewis noticed that the packet included letters that were sent to the neighbors and asked if any of them contacted the Building Department with concerns. Mr. McLaughlin stated no. Mr. Kangas added he is not aware that any of the neighbors have an issue with this request.

Ms. Moran asked what hardship is being presented tonight in order to qualify for this variance. Mr. Byron stated it requires a practical difficulty, not a hardship.

Mr. Lewis asked if the reason Mr. Kangas does not want to consolidate the lots is because in the future he could sell this lot. Mr. Kangas stated yes, but he currently bought this property to extend his backyard for his children.

The conversation turned to reviewing the code for not allowing an accessory structure without a principal structure, adding landscaping to the backyard, using the structure to store children's sports gear, grading to take place after the demolition of the house, and not removing more than 6 trees from the property.

Mr. Lewis questioned if the presentation today met the practical difficulty requirement. Mr. Byron wants the Commission to understand that if the reason for the zoning rule does not apply, then the zoning code should not apply. The reason for the rule is because you do not want someone to disrupt the character of the neighborhood by putting an accessory building on a property in lieu of a house. But because of the unique configuration of the lots the rule does not have the same strict application. There is no benefit to be gained by enforcing this rule.

Mr. Hitt wants to confirm that his need to keep the accessory structure meets the practical difficulty. Mr. Byron stated this does meet the practical difficulty because this request shows a reasonable use of the property that he is not permitted because of the zoning regulation, which is intended to prevent a different type of harm. There is nothing harmful about this proposed use of the property.

Mr. Byron stated an affidavit of fact will need to be signed and filed with the county. If the property is sold in the future, the title company will review the affidavit with the potential buyer and explain that either the structure will need to come down or a house will need to be built.

Mr. McLaughlin added that when the Building Department issues the point of sale documents allowing the property to transfer, this condition would be attached to the certificate of compliance. This allows the buyer the ability to review the document prior to the property transferring.

Mayor Kline made a recommendation to Council to grant the variance for 29950 Smithfield Road to allow the existing accessory structure to remain on the property and subject to filing an affidavit of fact with the county requiring that if the property is sold in the future, the subsequent owner would be required to either build a house or remove the accessory structure on the property.

Seconded by Ms. Ullner

Ayes: Ms. Ullner, Mr. Lewis, Mr. Light, Mr. Hitt, and Mayor Kline

No: None

The motion was approved 5-0.

#5 ORDINANCE NO. 2025-8 – TO AMEND THE PROCESS OF VIOLATION NOTICES TO BE SIMILAR THROUGH BUILDING AND ZONING CODES

PZ/ABR Discussion:

Mr. Byron asked to defer this recommendation until the next PZ/ABR meeting on May 6th. He explained at Council's last meeting they modified some of the language, and it would be beneficial to table this item until the document is revised and contains the correct language.

Mayor Kline agreed to table this agenda item.

#6 CHIEF BUILDING OFFICIAL'S REPORT

Mr. McLaughlin told the Commission there is currently only one item on the agenda. It is for a dormer at 3910 Lander Road. He did state that the deadline to submit plans is Tuesday, April 22nd.

#7 ANY OTHER TOPIC FOR DISCUSSION

Mayor Kline spoke about the Walnut Hills development and feels the preliminary plans will be presented to PZ/ABR sometime in May.

Mayor Kline thanked Mr. Lewis for coming back to the Commission during Mr. Lazar's absence. He appreciated his willingness to step in and help. Mr. Lewis stated it was a pleasure to be back, and he is glad that Mr. Lazar is able to return.

#8

MINUTES FROM APRIL 1, 2025 TO BE APPROVED

A joint motion was made by Ms. Ullner to approve the minutes from the April 1, 2025 meeting.

Seconded by Mr. Hitt.

Ayes: Ms. Moran, Ms. Skurka, Ms. Ullner, Mr. Lewis, Mr. Hitt, and Mayor Kline

Abstain: Mr. Light

No: None

The motion was approved 6-0.

There was no further business and the meeting was adjourned at 7:51 PM.

Danette Gembariski



Date:

4-7-2025