

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
April 8, 2013**

Present: Carl Opatrny, Robert Hasman, Mayor Hruby,
Laura Redinger, Bruce McCrodden, Dennis Rose

Absent: Kathleen Roberts

Others: Building Inspector Synek, 9 guests

APPEAL 2013-04

American Pools and Fountains, LLC., for Mr. and Mrs. Michael Szubski, for a variance from Section 1151.25(d) of 536 sq. ft. from the maximum allowed 144 sq. ft. to 680 sq. ft. for the construction of a pavilion located at 2375 Springside Oval, PP# 604-19-047.

Mike Szubski, William Foster and Eric Czatt representing American Pools and Fountains, LLC., spoke to the Board. Mr. Szubski stated that they were working on a fairly significant project, and wanted to create a nice outdoor facility on their property. He explained with the way their property faces, one of the issues they have to deal with is their exposure to the south, because there is quite a bit of sun all day long. Mr. Szubski's idea was to build a structure on the patio that would go along with the pool that he will be installing on his property. Mr. Szubski explained that his 87 year old mother-in-law is living with them, and because of the tremendous sun exposure, he would love to be able to have a nice outdoor structure that would give them shade and sun protection.

Mr. Foster stated that they looked at the elevation of the house along with the gable roof lines and were trying to design a structure that was similar to the house. Their biggest challenge was the elevation. He stated there was really no way to attach an enclosed structure because of the architecture and the windows. The structure will also house the pool equipment. Mr. Rose stated that Mr. Foster answered his question regarding whether there was any way to attach the structure to the house. Mr. Rose asked what type of utilities will be installed in the structure. Mr. Foster stated they will run power lines for the pool equipment and there will be a 100 amp service for the pool and the lights.

Mr. McCrodden commented that it was hard to determine from the materials that were submitted, and asked Mr. Foster what the interior of the structure would be like, if it would be open, or would part of it be closed, and if one wall is closed what would be adjacent to the fireplace. Mr. Foster showed a picture similar to what it would look like. He explained that there will be a masonry wall adjacent to the fireplace area with an area for storage. He explained that they are working at the neighboring property, and there will be a cohesive plan with the Macy's for landscaping. Mr. Rose asked if the wall with the fireplace will be one solid wall with three open sides. Mr. Foster stated that was

correct. Mr. Rose asked what side the solid wall would face. Mr. Szubski stated that it will be parallel to the property line.

Mr. Hasman stated that he read the letter from the Macy's that have no issue with the project, and asked about his neighbor on the other side. Mr. Szubski stated that he spoke with Joanne and Tom Hamilton, 2379 Springside Oval, and they were supportive of the project.

Mr. Opatrny asked what the distance was from the house to the pool. Mr. Foster stated that it was approximately 27 to 32 ft. Mr. Opatrny asked Mr. Synek if the Fire Department had any issues with access. Mr. Synek stated that they have not been contacted. Mr. Foster stated that the side yard setback is the same as the home. Mr. Rose asked Mr. Foster if he understood the question that Mr. Opatrny was asking. He wanted to make sure that this project was not impeding access to the rear of the property. Mr. Foster stated that there is nothing other than the fence.

Mr. McCrodden wanted qualification from our Chairman and/or Mr. Synek, that if the Board approved this project based on the plot plan and example photographs, they are approving an open structure with one masonry wall, and therefore if the homeowner desires at some point in the future to enclose it, would the homeowner then have to come back to seek an additional variance. Mr. Rose stated that he believed, and will defer to Mr. Synek, that they can't turn it into an enclosed structure. Mr. Rose also believed the homeowner had no intention of doing so. Mr. Szubski answered and stated that was correct, that would not be his intention.

Motion by Mrs. Redinger, seconded by Mr. Hasman to close Public Hearing. **MOTION CARRIED**

APPEAL 2013-06

Douglas Brumbaugh, for a variance from Section 1151.25(d) of 144 sq. ft. from the maximum allowed 144 sq. ft. to 288 sq. ft. for the construction of a shed located at 11040 Brookview Drive, PP# 602-02-024.

Douglas Brumbaugh spoke to the Board regarding his appeal. He stated that he is seeking a variance to increase the size of a shed. With his current setup, the garage cannot be expanded and he has various equipment that he would like to conceal so they are not sitting out in the yard. He has a lawn tractor, ATV, log splitter, chipper shredder and other miscellaneous items. He submitted signed letters to the Board from several neighbors that had no objections to the project. Mr. Brumbaugh stated that the property supports the size of the shed. Mr. Rose commended him for talking with his neighbors before installing it.

Motion by Mr. McCrodden, seconded by Mrs. Redinger to close Public Hearing. **MOTION CARRIED**

APPEAL 2013-07

Gary Kraus for (1) a variance from Section 1185.03(a) of 2 ft. from the maximum 4 ft. fence height to 6 ft., and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fence located at 8258 Brecksville Road, PP# 601-20-016.

Gary Kraus spoke to the Board regarding his appeal. Mr. Rose clarified with Mr. Kraus that his plan is to put the fence up on one side only because there is a dog issue with the adjacent neighbor. Mr. Kraus stated that was correct, there is an existing split rail fence there and he will just be replacing it with a new fence. Mr. Rose asked what kind of dogs he and his neighbor had. Mr. Kraus stated that he had two, a Basset mix and a Border collie mix, his neighbor had four. Mr. Rose asked what kind of dogs his neighbor owned. Mr. Kraus stated that they are junk yard dogs that she had acquired over the years. Mr. Rose stated that our fence code has been in place for a long time, and this is a unique situation, and one of the first times he recalled the animal warden commenting on an issue and recommending that a fence would be a good way to resolve the issue. Mr. Kraus stated that his neighbor's dog scaled a 4 ft. chain link fence with no problem, and her smaller dogs have gone under the existing fence. Mr. Kraus also stated that the dogs act in a pack and recently killed a fawn in the neighbor's back yard. Mr. Kraus has three small grandsons that play in his back yard and is trying to close off his property as best he can. Mr. Rose commended Mr. Kraus that both parties were trying to resolve the issue. Mr. Rose also made mention of the letter from the Kraus' neighbor, Linda Miller, that did not object to the fence.

Motion by Mr. McCrodden, seconded by Mr. Opatrny to close Public Hearing.

MOTION CARRIED

APPEAL 2013-08

TLC Landscaping Inc. for Dr. John Hudec, for a variance from Section 1151.25(d) of 112 sq. ft. from the maximum allowed 144 sq. ft. to 256 sq. ft. for the construction of a pergola located at 9101 Chippewa Road, PP# 601-37-002.

Mark Stanek spoke to the Board regarding their appeal. Mr. Stanek explained that Dr. Hudec has a large existing patio that also has an existing fireplace on the backside of it. Dr. Hudec wishes to create more of a permanent structure to break some of the afternoon sun and make it large enough to place furniture underneath it and be able to move around it. Mr. Stanek stated that to comply with code of 144 sq. ft. would be too small for traffic flow in and around the columns that would be there to support it. They would like to make it a 16x16 to house a couch and some chairs with enough room to walk around it.

Mr. Rose asked what the design of the structure will be. Mr. Stanek passed out pictures to the Board of two examples that they would like to build. Mr. Stanek stated that it is a simple open cedar structure that is seasonal and is free standing. Mr. Rose wanted it to be known that our code for an outside structure/shed is 144 sq. ft. He felt it is a different issue when dealing with a pergola or an open type structure, and stated that might be a

question for legislation to deal with at some point in the future, whether pergolas are different than other outdoor structures.

Motion by Mr. Hasman, seconded by Mr. Opatrny to close Public Hearing. **MOTION CARRIED**

APPEAL 2013-09

Geis Companies for Curtiss Wright for (1) a variance from Section 1157.29(C)(1) of 8 ft. from the minimum required 50 ft. to permit 42 ft. between an addition and the side lot line, and (2) a variance from Section 1157.29(C)(2) of 20 ft. on the south and 18 ft. on the north from the minimum required 25 ft. side yard setback for off street parking, service or loading facility to permit a 5 ft. side yard on the south and a 7 ft. side yard on the north located at 10195 Brecksville Road, PP# 605-14-008 and PP# 605-14-011.

Mr. Rose commented that this project had been passed by Planning Commission but needed these variances.

Mr. Trevor Extine spoke to the Board regarding their appeal. Mr. Extine stated that was correct, they had two variances that needed approval. He explained the location of the variances on the drawing and stated that the first variance was so the trucks could get under the canopy to get unloaded under the crane, and that it is not a dock that the truck backs into. The second variance is for the building setback. Mr. Rose clarified that the variance was for the loading dock. Mr. Extine stated that was correct. Mr. Rose commented that it would be less of an inconvenience for the neighboring property the way the loading dock will be oriented to the neighbors.

Mr. Hasman asked Mr. Extine if the roadway on the south side would be much closer to the building that already exists. Mr. Extine stated that on the south side it is existing, so it is just a formality at this time with the zoning change.

Motion by Mrs. Redinger, seconded by Mr. McCrodden to close Public Hearing. **MOTION CARRIED**

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
April 8, 2013**

Present: Carl Opatrny, Robert Hasman, Mayor Hruby,
Laura Redinger, Bruce McCrodden, Dennis Rose

Absent: Kathleen Roberts

Others: Building Inspector Synek, 9 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MARCH 11, 2013

Mr. Rose stated that for the record there was one correction to the minutes that was made by Ms. Roberts and amended.

Motion by Mrs. Redinger, seconded by Mr. Opatrny to approve the Regular Meeting Minutes of March 11, 2013 as amended and recorded.

ROLL CALL: Ayes: Mr. Opatrny, Mr. Hasman, Mayor Hruby,
Mrs. Redinger, Mr. McCrodden, Mr. Rose
Nays: None

MOTION CARRIED

APPEAL 2013-04

Motion by Mr. McCrodden, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 536 sq. ft. from the maximum allowed 144 sq. ft. to 680 sq. ft. for the construction of a pavilion located at 2375 Springside Oval, PP# 604-19-047.

ROLL CALL: Ayes: Mr. Hasman, Mayor Hruby, Mrs. Redinger,
Mr. McCrodden, Mr. Rose

Nays: Mr. Opatrny

MOTION CARRIED

APPEAL 2013-06

Motion by Mrs. Redinger, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 144 sq. ft. from the maximum allowed 144 sq. ft. to 288 sq. ft. for the construction of a shed located at 11040 Brookview Drive, PP# 602-02-024.

ROLL CALL: Ayes: Mr. Opatrny, Mr. Hasman, Mayor Hruby,
Mrs. Redinger, Mr. McCrodden, Mr. Rose
Nays: None

MOTION CARRIED

APPEAL 2013-07

Motion by Mr. Opatrny, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for a variance for (1) a variance from Section 1185.03(a) of 2 ft. from the maximum 4 ft. fence height to 6 ft., and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fence located at 8258 Brecksville Road, PP# 601-20-016.

ROLL CALL: Ayes: Mr. Opatrny, Mr. Hasman, Mrs. Redinger,
Mr. McCrodden, Mr. Rose

Nays: None

Abstain: Mayor Hruby

MOTION CARRIED

APPEAL 2013-08

Motion by Mrs. Redinger, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 112 sq. ft. from the maximum allowed 144 sq. ft. to 256 sq. ft. for the construction of a pergola located at 9101 Chippewa Road, PP# 601-37-002.

ROLL CALL: Ayes: Mr. Opatrny, Mr. Hasman, Mayor Hruby,
Mrs. Redinger, Mr. McCrodden, Mr. Rose

Nays: None

MOTION CARRIED

APPEAL 2013-09

Motion by Mr. McCrodden, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for a variance for (1) a variance from Section 1157.29(C)(1) of 8 ft. from the minimum required 50 ft. to permit 42 ft. between an addition and the side lot line, and (2) a variance from Section 1157.29(C)(2) of 20 ft. on the south and 18 ft. on the north from the minimum required 25 ft. side yard setback for off street parking, service or loading facility to permit a 5 ft. side yard on the south and a 7 ft. side yard on the north located at 10195 Brecksville Road, PP# 605-14-008 and PP# 605-14-011.

ROLL CALL: Ayes: Mr. Opatrny, Mr. Hasman, Mayor Hruby,
Mrs. Redinger, Mr. McCrodden, Mr. Rose

Nays: None

MOTION CARRIED

REPORT OF COUNCILWOMAN REDINGER

Mrs. Redinger reported that City Council approved all the recommended variances from the Board of Zoning Appeals at the March 19, 2013 Council meeting.

REPORT OF MAYOR HRUBY

Mayor Hruba reported that the reason he abstained from the vote on Appeal 2013-07, was that Mrs. Peggy Kraus works for the City of Brecksville, and he does not vote on an appeal when it is a City employee. The Mayor also reported that former Councilwoman Kay Broughton passed away on March 27, 2013, she was 89 years old. She was the first female to hold the office of Council President, and was the first time they allowed a female to become president. Kay was very instrumental in the City's Human Services program, and as a result of that, City Council named the courtyard in the new building after her. She was a wonderful person to work with and did many things for the City.

Motion by Mrs. Redinger, seconded by Mr. Opatrny to close the Regular Meeting
At 8:02 p.m. **MOTION CARRIED**

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

BRUCE MCCRODDEN, VICE CHAIRMAN

KATHLEEN ROBERTS, SECRETARY

Regular Meeting recorded by Gina Zdanowicz