

MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
January 7, 2013

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

Absent: None

Others: Building Inspector Synek, 8 guests

**ORGANIZATIONAL MEETING**

Councilwoman Redinger opened the Organizational Meeting at 7:30 p.m.

Councilwoman Redinger opened up nominations for the position of **Chairman, Board of Zoning Appeals**. Mayor Hruby nominated **Dennis Rose**, seconded by Mr. Opatrny. Nomination was closed by Mayor Hruby seconded by Mr. Opatrny.

ROLL CALL: Ayes: Roberts, Opatrny, Hasman, Hruby, Redinger,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

Mayor Hruby moved, Mr. Opatrny seconded, that **Dennis Rose** be elected **Chairman, Board of Zoning Appeals**.

ROLL CALL: Ayes: Roberts, Opatrny, Hasman, Hruby, Redinger,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

Mr. Rose opened up nominations for the position of **Vice Chairman, Board of Zoning Appeals**. Mayor Hruby nominated **Bruce McCrodden**, seconded by Mr. Opatrny. Nomination was closed by Mrs. Redinger, seconded by Mayor Hruby.

ROLL CALL: Ayes: Roberts, Opatrny, Hasman, Hruby, Redinger,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

Mayor Hruby moved, Mr. Opatrny seconded, that **Bruce McCrodden** be elected **Vice Chairman, Board of Zoning Appeals**.

ROLL CALL: Ayes: Roberts, Opatrny, Hasman, Hraby, Redinger,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

Mr. Rose opened up nominations for the position of **Secretary, Board of Zoning Appeals**. Mayor Hraby nominated **Kathleen Roberts**, seconded by Mr. Opatrny. Nomination was closed by Mrs. Redinger, seconded by Mayor Hraby.

ROLL CALL: Ayes: Roberts, Opatrny, Hasman, Hraby, Redinger,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

Mrs. Redinger moved, Mr. McCrodden seconded, that **Kathleen Roberts** be elected **Secretary, Board of Zoning Appeals**.

ROLL CALL: Ayes: Roberts, Opatrny, Hasman, Hraby, Redinger,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

## **PUBLIC HEARINGS**

### **APPEAL 2013-01**

Stephen Hayes for a variance from Section 1151.26(7) of 2 ft. from the minimum required 3 ft. side lot setback, to allow 1 ft. for a driveway extension located at 11201 Chippewa Road, PP# 602-13-013.

Mr. Stephen Hayes spoke to the Board regarding his appeal. He stated that he was seeking a variance to park his five vehicles. He has three children at home and they are all driving. The property has an existing turn around that he would like to extend out 12 ft. for an extra car space. He explained that the way it currently is now, the turn around is already within a foot from the property line, and he would like to extend further out.

Mr. Rose clarified with Mr. Hayes that it was existing. Mr. Hayes stated that it was, he just wanted to extend it further towards the street. Mr. Rose wanted to clarify that he was not adding to the apron that was already there, that he would just extend it back to make it a larger spot to park cars on. Mr. Hayes stated that was correct.

Mr. Rose asked Mr. Synek if there was record of the apron being a foot away from the property line. Mr. Synek stated that there was not. Mr. Hayes stated that it is asphalt. Mr. Rose asked if it will continue to be asphalt, Mr. Hayes stated that it would be. He

explained to the Board that he cannot extend anywhere else due to the septic system that is in place.

Mr. Hasman asked Mr. Hayes if his intention was to gain an extra foot from the left of the truck closer to his neighbor's property, which was pictured in his submittal. Mr. Hayes stated that he was not aware that he needed a permit; he had already finished the work with gravel and is seeking a variance to keep it there. If the appeal is not granted he will put it back the way it was. Mr. Hasman clarified with Mr. Hayes that what he submitted is how large it will be when the project is complete. Mr. Hayes stated that is correct. Mr. Hasman asked Mr. Hayes how long it has been that way. Mr. Hayes stated that it has been about a month. Mr. Hasman asked if Mr. Hayes has spoken with his neighbor. Mr. Hayes stated that he has not. Mr. Rose asked Mr. Synek how this came to the attention of the Building Department. Mr. Synek stated that the Building Department received a complaint of work being done at the residence without a permit.

Mr. Opatrny asked if he currently had a two car garage. Mr. Hayes stated that he did. Mr. Opatrny asked if he parked two cars in the garage. Mr. Hayes stated that he did not, he has a Chevy Tahoe which is a larger vehicle, and the garage is really built for two smaller cars. Mr. Opatrny asked Mr. Synek if there is an ordinance that states the number of vehicles that are allowed to be parked in a driveway. Mr. Synek stated that there is not, as long as they are parked on a hard surface driveway and have current plates, there is no limit.

Mr. Rose opened up questions to the audience. Ms. Barbara Stark, 11115 Chippewa Road, spoke to the Board. She stated that she is Mr. Hayes' next door neighbor. She asked to submit a packet of information to the Board with a site drawing and photos. She explained that she was in attendance tonight to ask the Board not to grant this variance. She stated that this is not a driveway extension that he is asking for, but rather an extension of his turn around. She stated that in her opinion there was no need to extend the turn around. Ms. Stark went on to explain that Mr. Hayes failed to tell the Board that he is using the turn around for parking purposes unless he wants to extend the turn around to park more vehicles, which in turn, causes her a hardship. She cannot maintain her property due to the vehicles constantly in her yard or driven on to her yard. Ms. Stark submitted a site drawing in her packet, and stated that she had the property surveyed, and as shown on the site drawing her property widens in the front to the street. With Mr. Hayes extending his turn around, and not taking that into consideration, it would make the variance more than 2 ft. he is requesting, again, making it a hardship for her. She stated that the photo that was submitted shows that the extension was less than a foot from the property line. She asked the Board to review the small photos that were submitted, that showed Mr. Hayes cannot keep his vehicles on his property. She went on to explain that if Mr. Hayes had gone through the proper channels and obtained the permits that were needed before starting any work, we would not need to be here this evening. She explained that she has no objection to him extending his driveway, as long as it follows City code and is 3 ft. from the property line.

Mr. Rose explained to Mr. Hayes that one of things that was a concern is the 1 ft. setback from the property line. If he parks his tires up to the edge of the hard surface the front of his vehicle will be over his property line. That becomes a problem when his neighbor tries to maintain her property, and that is one of the reasons for the code. Mr. Hayes stated that he understood, but explained that being on Rt. 82 and trying to pull vehicles in and out becomes a hazard, especially when there is a great deal of traffic. He also waits forever to pull out, and that is why he needs the extra space. His neighbor on the other side is right on the property line, that is the way the properties were designed back then. Mr. Rose asked Mr. Synek if that was correct. Mrs. Hayes stated that it is a foot and a half; they had given their neighbor permission for a variance. Mr. Rose clarified that the reason it can't be placed on the other side is because of the septic system. Mr. Hayes stated that was correct; there is a leach bed and a large tree there as well.

Motion by Mr. Opatrny, seconded by Mrs. Redinger to close Public Hearing.

**MOTION CARRIED**

**APPEAL 2013-02**

Geis Construction for Curtiss Wright for (1) a variance from Section 1183.05 of 218 parking spaces from the required 492 parking spaces to allow 274 parking spaces, and (2) a variance from Section 1183.04(c) requiring all parking spaces to be 10'x20' to permit parking spaces to be 10'x18' and 9'x18', and (3) a variance from Section 1157.29(e)(2) of 50 ft. from the required 75 ft. minimum rear parking setback to allow a 25 ft. setback, and (4) a variance from Section 1157.29(c)(1) of 22 ft. from the required 50 ft. side yard setback to a 28 ft. side yard setback for the canopy on the north side, and (5) a variance from Section 1157.29(h) prohibiting loading docks from facing arterial streets or adjacent residential districts to permit loading docks to face arterial streets and residential districts located at 10195 Brecksville Road, PP# 605-14-008 and PP# 605-14-011.

Mr. Trevor Extine, Geis Construction, talked to the Board regarding Curtiss Wright's appeal. Mr. Extine explained that variance one, requiring 492 spaces, would keep his client from having the addition. There is not enough room for both the addition and the parking, they have less than 250 employees. With regards to the second variance, on the size of the parking spaces, currently there were some existing parking spaces that were 10x18, they are asking for some of the new parking to be 9x18. Variance three is a setback they were asking for to get more parking. Variance four dealt with the canopy where the crane resides to help unload the heavy equipment. Variance five that dealt with the loading docks, there is not enough room to fit the size of the truck for deliveries to turn and back in. They have loading docks facing either direction. There is an apron which has a crane there for unloading. Mr. Rose clarified that the 10 x18 parking stalls are existing. The new stalls will not be that size. Mr. Hayes stated that was correct. Mr. Rose clarified with Mr. Synek that the reason for the variance is because they are making changes to the site plan and they need to get the variance for the existing stalls. Mr. Synek stated that was correct. Mr. Rose asked Mr. Extine where the 9x18 parking will be located. Mr. Extine showed Mr. Rose the site drawing where they were located, which

was indicated and marked as #2 on the site drawing. Mr. Rose asked if they didn't have a stall variance and they didn't have the 25ft. setback variance how many stalls would he lose. Mr. Extine stated that on the diagram there are fifteen parking spots which were marked as #3, but they could still have the drive because the variance is only for the parking. Mr. Rose stated that the question is, two of the variances will gain more parking for them, so that they don't have to ask for a larger variance on the number of parking stalls, otherwise they would have to ask for a variance of 240 stalls. Mr. Rose asked Mr. Extine what the addition is being built for. Mr. Albert Jerele with Curtiss Wright stated that the addition will be for manufacturing and an office expansion where the canopy area is. Mr. Rose asked how many people will occupy the office area. Mr. Jerele stated 30 people. He explained that their company is a three shift operation. Mr. Rose clarified that there will not be 400 employees there at one time, and they are not a retail business where there will be public parking. Mr. Jerele stated that was correct.

Mayor Hruby commented that the Planning Commission worked with Geis Construction and Curtiss Wright on several occasions to get the final layout. This was a difficult site and the company was making a major commitment to the community by purchasing the property to the north to accomplish this. The alternative was they could have left the City, but instead they decided to buy the property and extend their building. Mayor Hruby went on to explain that they tried to work with them as best as they could so they could get as close to the parking number as possible, for the amount of employees that they would have. Mayor Hruby stated that this came recommended by the Planning Commission. Mr. Rose wanted the record to reflect that this was recommended from the Planning Commission. Mayor Hruby stated that they tried to be as respectful to the other property owners, especially along the rear property line; by the way they laid it out.

Mr. Opatrny asked Mr. Extine if there was any consideration given to landscaping with the parking that faces Brecksville Road. Mr. Extine stated no, it was existing, and everything that they are doing is occurring on the other side. Mr. Jerele stated that if it becomes an issue they could pursue it.

Mr. Hasman asked Mr. Extine how many additional employees they will have with the new addition. Mr. Jerele stated that there will be approximately 50-60 employees. Mr. Hasman commented there will be more than sufficient parking spaces. Mr. Jerele agreed. Mr. Hasman asked if they had any comments from nearby neighbors. Mr. Extine stated that there were none that he was aware of.

Mr. Rose opened up questions to the audience. Mr. James Myers, 7811 Snowville Road spoke to the Board. He stated that their request for a setback from 50 ft. to 25 ft. concerned him. He explained that he has a problem with the height adjustment; their parking lot is higher than his property line. Also there is no noise barrier or fence. If he goes to sell the property who would want to look out and see the back of cars. Mr. Myers stated that the retention pond they have does not retain water, it goes straight thru on to his property and has destroyed his trees. He is concerned about their third shift with regards to noise, there should be a barrier and there is none. At one time people were coming on to his property and dumping tree trimmings, etc. He spoke with Curtiss

Wright and they cleaned it up and it has stopped. He again stated his concern about selling the property.

Mr. Rose explained that he understood his concerns, but stated that this Board cannot rectify the retention pond problem. Mr. Myers stated he was concerned with the noise and setback issues. He stated the last time he was here for another variance of Curtiss Wright's, they were supposed to put in a noise barrier. Curtiss Wright stated the noise would be nothing more than the sound of a car going down a wet highway. The sound that comes out of that building sounds like a jet taking off. Mr. Myers stated that this is a daily occurrence, especially on Fridays. He is strictly opposed to them coming any closer to his property than what they already are. Mr. Rose asked Mr. Synek to display the site plan. Mr. Rose asked Mr. Synek if the 25 ft. setback was existing. Mr. Synek stated that it is his understanding that the 25 ft. variance is existing. Mr. Rose explained to Mr. Myers that what is there right now which is 25 ft. is existing. They are not asking for anything to change, the 25 ft. is an existing setback, which they need a variance for. Mr. Myers clarified with Mr. Rose that they will not be putting the parking any closer. Mr. Rose stated that they will not, it will stay exactly the same. Mr. Myers was confused and asked what the variance was. Mr. Rose explained that when Curtiss Wright reviewed the plan they recognized that those parking spaces were not 50 ft. from the property line, and needed a variance in order to keep those parking spaces. Nothing will be moved closer. He showed Mr. Myers the site drawing. Mr. Myers stated that the appeal was very misleading. Mr. Rose understood and stated, the appeal did not state that it was existing. Mr. Rose stated that due to the code change, this type of situation happens quite often.

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

**MOTION CARRIED**

MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
January 7, 2013

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

Absent: None

Others: Building Inspector Synek, 8 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 10, 2012.**

Motion by Mr. Opatrny, seconded by Mayor Hruby to approve the Regular Meeting Minutes of December 10, 2012 as recorded.

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

Nays: None

**MOTION CARRIED**

**APPEAL 2013-01**

Motion by Mr. Opatrny, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(7) of 2 ft. from the minimum required 3 ft. side lot setback, to allow 1 ft. for a driveway extension located at 11201 Chippewa Road, PP# 602-13-013.

Before the vote, Ms. Roberts commented about the submittal that Mr. Hayes' neighbor handed out to the Board. She felt that the photos were very powerful and questioned Mr. Hayes about the tire tracks on his neighbor's property.

Mr. Hayes reviewed the pictures and stated that the photos were old, that it was before he put in the extension. He stated that he tries to stay away from her property as much as possible. Ms. Roberts wanted the record to reflect that she felt these photos were disturbing and if this variance is granted, Mr. Hayes should make a greater effort to maneuver in his own driveway and not go onto his neighbor's property.

Mayor Hruby asked Mr. Hayes, that in the pictures that were submitted, was the overhang of his truck on his neighbor's property. Mr. Hayes stated that it was.

**ROLL CALL:** Ayes: Ms. Roberts  
Nays: Mr. Opatrny, Mr. Hasman, Mayor Hruby, Mrs. Redinger,  
Mr. McCrodden, Mr. Rose

**MOTION DENIED**

**APPEAL 2013-02**

Motion by Mr. Mr. McCrodden, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1183.05 of 218 parking spaces from the required 492 parking spaces to allow 274 parking spaces, and (2) a variance from Section 1183.04(c) requiring all parking spaces to be 10'x20' to permit parking spaces to be 10'x18' and 9'x18', and (3) a variance from Section 1157.29(e)(2) of 50 ft. from the required 75 ft. minimum rear parking setback to allow a 25 ft. setback, and (4) a variance from Section 1157.29(c)(1) of 22 ft. from the required 50 ft. side yard setback to a 28 ft. side yard setback for the canopy on the north side, and (5) a variance from Section 1157.29(h) prohibiting loading docks from facing arterial streets or adjacent residential districts to permit loading docks to face arterial streets and residential districts located at 10195 Brecksville Road, PP# 605-14-008 and PP# 605-14-011.

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

Nays: None

**MOTION CARRIED**

**REPORT OF COUNCILWOMAN REDINGER**

No Report. Councilwoman Redinger wished everyone a Happy New Year.

**REPORT OF MAYOR HRUBY**

Mayor Hruby reported that President Skaljac was re-elected as Council President and Mike Harwood was re-elected as Vice President. The 2013 Charter Review Commission has been established and nine residents have been named to that Board. There is one alternate that will serve in case one of the other members cannot fulfill their obligation. They will be meeting for the next nine months and make their recommendations to City Council who is required to place it on the ballot unchanged from the recommendation of the Charter Review Commission.

Mayor Hruby also reported that the date for Democracy Day is February 25. It will be at City Hall, and testimony will be taken regarding a move to amend the constitution and provide certain language that was proposed by the applicants and the voters of Brecksville approved. Mayor Hruby stated that he will provide more information to the Board as they progress.

Chairman Rose wished everyone a healthy, happy New Year.

Motion by Ms. Roberts, seconded by Mr. Opatrny to close the Regular Meeting at 8:10 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