

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
November 11, 2013**

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

Absent: None

Others: Building Inspector Synek, 5 guests

APPEAL 2013-42

Kevin & Susan Patton for a variance from Section 1151.24 of 15.41 ft. from the required 60 ft. rear yard to 44.59 ft. for the construction of a covered patio located at 4865 Valleybrook Drive, PP# 604-03-100.

Mr. Patton spoke to the Board regarding his appeal. He stated that they want to create a covered area that would be open and would allow them to use their backyard space. Mr. Patton explained that the back of their house faces south, and the only exit to the south of the house is outside of their breakfast nook, which is currently 61 ft. from the property line, they are on a corner lot. The covered patio would be built off their breakfast nook 16 to 18 ft. and would be tied into the existing structure. They are trying to draw the traffic from the house out to that corner because they have two small children and three dogs and there is quite a bit of traffic on their street. They do have a signed letter from their adjacent neighbors stating that they have no problem with the project. Mr. Patton stated that there is also a row of trees that help shield them from their neighbor to the south.

Mr. Rose stated that he appreciated the fact that he made the effort to talk with his neighbors. Mr. Rose clarified that this will not be a four season room. Mr. Patton stated it will probably be a three season room; they plan on putting a wood burning fireplace back there.

Mr. Opatrny asked if the room will be enclosed. Mr. Patton stated that it will not.

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

MOTION CARRIED

APPEAL 2013-43

Andriy Yakushchenko for a variance from Section 1151.25(d) of 156 sq. ft. from the maximum 660 sq. ft. to allow 816 sq. ft. for the construction of a detached garage, located at 9241 Pineview Oval, PP# 603-02-053.

Mr. Yakushchenko spoke to the Board regarding his appeal. He explained that he needs a slightly larger garage approximately 27 to 27 1/2 ft. to house his boat and trailer so it

will not be an eyesore to his neighbors. He stated that he also has several cars and other equipment.

Mr. Rose clarified that he needs the garage to be longer in length. Mr. Yakushchenko stated that was correct. Mr. Rose stated that there were no letters submitted to the Board from his neighbors, and asked if he had spoke with any of them. Mr. Yakushchenko stated that he spoke to them in the spring when he posted his 10 Day Waiting sign in his yard, and they did not have any objection. Mr. Rose asked Mr. Synek if there was an issue with the placement of the garage. Mr. Synek stated that there was not.

Mr. Opatrny asked if the exterior of the garage would match his house. Mr. Yakushchenko explained that it would match the house perfectly. It will be the same siding as the house with some brick work.

Mr. McCrodden posed a question to Mr. Synek. He stated the plot plan showed the orientation of the larger garage with the door towards the street and the 34 ft. length towards the back of the yard, and, that given that it is on the plot plan for the variance request, did that mean it had to be built to that orientation, or could it be turned sideways. Mr. Synek stated that it is a variance request for the size, so the orientation of the garage is not an issue. Mr. McCrodden then asked Mr. Yakushchenko, given that the variance request is only for the size and not the orientation, if the Building Department required him to build the garage the way the drawing showed with the shorter side towards the street, would that be acceptable to him. Mr. Yakushchenko stated that would be fine, he has space in the rear or the front so it would not be a problem.

Mr. Hasman stated that when he did a site visit to the property he recalled seeing a shed to the right of the house and asked if that structure would remain in addition to the garage that he plans to build. Mr. Yakushchenko stated that the shed is going to be 10 ft. from the back side of the garage, and he will have approximately 30 ft. to the rear from the garage.

Mr. Opatrny stated that he was under the impression that the requirement for the number of accessory buildings permitted on a property was one. Mr. Synek stated that there is no limit and you are allowed to have at least one shed and one garage. Mr. Rose stated that he thought you were only allowed to have one garage, although that is not an issue with this appeal. Mr. Synek stated that the code states "a" and could be interpreted as one.

Mrs. Redinger asked if there would be any electricity or plumbing in the garage. Mr. Yakushchenko stated that there will be electricity but no plumbing.

Motion by Ms. Roberts, seconded by Mr. Opatrny to close Public Hearing.

MOTION CARRIED

APPEAL 2013-45

Chris Olsen & Julie Ziegler for a variance from Section 1185.03(b) of 12 ft. from the required 60 ft. side yard setback on a corner lot to allow a 48 ft. setback for a fence located at 10032 Deer Run, PP# 605-12-011.

Mr. Olsen and Ms. Ziegler spoke to the Board. Mr. Olsen stated that they live on a corner lot and have two Labrador Retrievers and two children. They also installed a deck, fire pit and basketball court because they like to be outside. They live on the busiest intersection in Echo Hills with people, dogs and kids walking by all the time. Mr. Olsen explained that they have to watch their dogs because they like to go out to see other dogs walking by and vice versa. They feel like they can't enjoy themselves, and have peace of mind in their backyard without a fence. They have done it for 9 years now and it has become a hardship for them.

Mr. Rose asked about the 60 ft. side yard setback. Mr. Synek stated that it is a side yard on a corner lot. Mr. Rose clarified that if it wasn't a corner lot they would not need a variance. Mr. Synek stated that was correct.

Mr. Olsen explained that they have spent a lot of money in the backyard over the years. They had a problem in the past with standing water and hired two professional contractors to come in and install gravel to soak up water as well as to install fifty to sixty plantings, their landscaping alone was approximately \$30,000.00. They also installed a basketball court, a deck and fire pit. They have tried to create a nice scenic area because there is not much privacy being on a busy corner. They felt a fence would really help; and they would then not have to worry about their dogs. Mr. Olsen stated that they recently had an incident where an aggressive dog in their neighborhood bit his dog. Ms. Ziegler added that there are also a lot of neighborhood kids that come over to play on the basketball court and it would give her peace of mind to knowing that they are in a contained space because there are always balls that roll out into the street.

Mr. Rose asked them if they have spoken with their neighbors. Mr. Olsen stated that everything that he submitted to the Board was sent to all four adjacent neighbors, and the only one that responded was Virginia Schlosser, 10029 Gatewood Drive, she called and was very supportive. Mr. Olsen explained the location of the fence on the overhead picture and explained that it will be a rod iron aluminum fence similar to the color of the

house. They will also install some landscaping to blend into the environment. He did not feel that the fence would be very visible.

Mr. Opatrny asked what the height of the fence will be. Mr. Olsen stated that it would be 4 ft. high. Mr. Opatrny stated that he thought the fence had to be 3 ft. high. There was some discrepancy among the Board about what was permitted and Mr. Opatrny read Section 1185.03(b) of the code out loud. Mr. Synek stated that the Building Department

generally interprets it as, you are allowed to have an open split rail type fence that extends into the front line on a corner lot. Mr. Rose clarified that they are allowed to have a split rail fence even a foot away from their property line on the side yard. This is a variance for a regular fence; if they wanted a split rail fence they would not need a variance.

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
November 11, 2013**

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

Absent: None

Others: Building Inspector Synek, 5 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 7, 2013

Motion by Mrs. Redinger, seconded by Mr. Opatrny to approve the Regular Meeting Minutes of October 7, 2013, 2013 as recorded.

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

MOTION CARRIED

APPEAL 2013-42

Motion by Mayor Hruby, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 15.41 ft. from the required 60 ft. rear yard to 44.59 ft. for the construction of a covered patio located at 4865 Valleybrook Drive, PP# 604-03-100.

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

Nays: None
MOTION CARRIED

APPEAL 2013-43

Motion by Motion by Ms. Roberts, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 156 sq. ft. from the maximum 660 sq. ft. to allow 816 sq. ft. for the construction of a detached garage, located at 9241 Pineview Oval, PP# 603-02-053.

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

APPEAL 2013-45

Motion by Motion by Mrs. Redinger, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(b) of 12 ft. from the required 60 ft. side yard setback on a corner lot to allow a 48 ft. setback for a fence located at 10032 Deer Run, PP# 605-12-011.

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.

REPORT OF MAYOR HRUBY

Mayor Hruby wished everyone a Happy Thanksgiving. The Mayor announced that four candidates were elected to Council. He also announced that all the Charter Amendments passed with the exception of one, which was relative to Council having the decision to change O-L Office Laboratory, O-B Office Business and M-D Manufacturing Distribution. The three zonings could be interchangeable for economic development reasons, and he went on to explain the issue. The Mayor stated that the people understood it, but did not want to give up their right to be able to vote on it. He stated that he was asked if it will go back on the ballot, and the he replied that it will not, there was too strong a vote against it. The Mayor also felt that Council needed to ask the Planning Commission to take a look at the zoning in commercial areas and maybe layer some of it, so that we do have that flexibility. Lastly, the zoning issue to allow an Office use at Blossom was successful.

Motion by Mr. McCrodden, seconded by Mrs. Redinger, 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