

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
September 12, 2013**

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

Absent: Dennis Rose

Others: Building Inspector Synek, 25 guests

APPEAL 2013-28

Corridon Builders and Remodelers for Mr. & Mrs. Dean Skuza for a variance from Section 1151.26(1) to allow construction of a detached garage in the front yard of a non-conforming house instead of the permitted rear yard located at 9092 Highland Drive, PP# 601-32-004.

Tom Barrett with Corridon Builders spoke to the Board regarding Mr. and Mrs. Skuza's appeal. They would like to build another garage on their property. Their hardship is that they have a very small back yard with a ravine. Mr. Barrett stated that if he were to attach another two car garage onto the existing garage, there would be four garage doors on the front of the structure and aesthetically it would not look right. There is an area to the right of the circle and a two car parking spot there now, which would be lost if they had to install the garage in the back of the house. Mr. Barrett stated it would make more sense to install it on the side.

Mayor Hruby explained that he wanted to bring something to Mr. Barrett's attention; he explained that he could not remember when the Board had ever agreed, to a non-conforming garage such as this, to be built in a front yard. Mayor Hruby stated that even though it is not much into the front yard it is still in the front yard. In the past, the City has had court battles with residents over the placement of a garage in the front yard and the City has always sustained its position. Mayor Hruby asked Mr. Barrett if there was anyway that he could attach the garage to the current dwelling. Mr. Barrett stated that he could not, because there is a small shed on a concrete footer right next to the building. Mayor Hruby asked if he could remove the shed. Mr. Barrett stated that it has concrete block and footers, and asked the Mayor if he was alright with four garage doors on the front of the building. Mayor Hruby said that is not what he had asked; he asked if he could remove the shed and attach the garage to the house. Mr. Barrett stated that the Skuza's were not planning on removing the shed; they use it and just spent money to repair it. They would not want to tear it down because it is a perfectly good building. Mayor Hruby stated that he understood. Mr. Barrett asked Mayor Hruby if he was telling him he would have to tear it down. Mayor Hruby stated that he was not telling him to do anything; he just asked the question and wanted Mr. Barrett to understand the background on this type of variance. There are many appeals that have come before this

Board and have been turned down and many will be turned down in the future because the City does not allow garages in the front yard unless they are attached. Mr. Barrett asked if the Board made their decision on a case by case basis. Mayor Hruby stated that they absolutely do. Mr. Barrett stated that he could not understand why they wouldn't allow it; the lot is 1600 ft. deep and is pretty much a stand alone pie shape lot that could never be built on again. It cannot be subdivided and the ravine in the rear pretty much prohibits them to install it in the rear. Mr. Barrett stated that he felt it was unfair to call it a garage in the front of the house when it is actually tucked off to the side. Mayor Hruby asked how many feet from the rear of the house to the ravine. Mr. Barrett stated that there is approximately 50 ft. but there are older trees there.

Ms. Roberts asked Mr. Barrett if he had considered an "L" shaped design to get away from a stable-type set up. Mr. Barrett stated that it wouldn't work because there is the shed there. He explained, in essence, they would be creating an "L" shape effect there. Ms. Roberts understood stating that it would, if it were detached.

Mr. Hasman asked what would be beside or behind the garage, and added that it looked to be all trees. Mr. Barrett stated that it is all trees there and then a ravine. He explained that there is basically no back yard left because of the ravine. Mr. Hasman asked if there were any comments from the neighbors regarding this. He stated that one of their neighbors is in the audience, but wasn't aware of the other neighbors' opinions.

Ms. Roberts wanted to clarify the point she was trying to make with Mr. Barrett for the record. Ms. Roberts stated that she was actually talking about an "L" shape set up that is attached, not detached. Mr. Barrett explained that he would then have to remove the shed to do that. Ms. Roberts stated that she understood that. Mr. Barrett explained that at this time they were not planning on removing the shed, it just makes more sense to put it where they have requested. If anyone had visited the site, they could see that with the positioning of the house and the turn around, that area is an ideal spot to put it. To put it in the rear and use the remaining part of the rear yard would be very expensive and he would lose the remaining 2 parking spaces that he has at this time in front of his house.

Mayor Hruby asked Mr. Barrett to define the location of the proposed garage. Mr. Barrett stated that it was the side yard. Mayor Hruby asked if he thought it was in front of the house or behind the house in the side yard. Mr. Barrett stated that it is in the front.

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

MOTION CARRIED

APPEAL 2013-29

United Homes for Li Che for a variance from Section 1119.03(b) to allow a 1.5 to 1 slope in lieu of the maximum allowable 2 ½ to 1 slope for the grade adjacent to a new driveway located at 2605 Hidden Canyon Drive, PP# 605-10-002.

Bill Kramp with United Homes spoke to the Board regarding Mr. Che's appeal. He stated that he is asking for a variance because of the slope requirement which is very hard

to meet without damaging the neighbor's property. He explained if he does build to grade, he will bury the retaining wall that the neighbor just built, along with \$15,000 - 20,000 worth of pine trees and a sprinkler system. If he met the slope requirement he would also divert the water onto the neighbor's trees and possibly cause them to die.

Mr. McCrodden asked Mr. Kramp if the neighbor's landscaper took into account the circumstance that he was working on before landscaping. Mr. Kramp stated that he did not think so.

Mrs. Redinger asked what would be done with respect to landscaping. Mr. Kramp stated that there will be vegetation such as pacasandra and shrubs. Mrs. Redinger asked Mr. Synek if there were any safety issues that the Board should be concerned with relative to the driveway. Mr. Synek stated that he spoke with our City Engineer and he did not have an issue with it other than it exceeded the code requirement, but his concern was what was going to be done to maintain it, by installing landscaping or grass.

Mayor Hruby clarified that the issue would be the landscaping and how it would be maintained, because with a lawnmower and the slope being what it is, it would be difficult. Secondly, in the winter time, they would have to be careful backing up their cars. Mr. Kramp stated that there is a curb there. Mayor Hruby stated that he was aware of that.

Motion by Mr. Opatrny, seconded by Mayor Hruby to close Public Hearing.

MOTION CARRIED

APPEAL 2013-30

Perry Homes, Inc. for a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate, for a new single family dwelling located at 10148 Highland Road, PP# 604-12-029.

Gene Troiano with Perry Homes spoke to the Board regarding his appeal. He stated that the issue behind the variance request revolves around the existing topography at the site. He explained, as it is now, there is a guardrail along the right-of-way and there is a ditch with a culvert. If they were to place the sidewalk, there is a severe slope because the topography goes to the culvert and in addition there is a guardrail in front of the lot which would prohibit any access to the sidewalk. The sidewalk would sit by itself and not be connected on either side. It would be pointless to install it when there is no benefit for the resident or the community. He also felt there was a potential for danger because of there is an 84 in. culvert adjacent to the property.

Mayor Hruby stated that there are no sidewalks there.

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

APPEAL 2013-31

Marni Inc. for Prayer Unlimited for (1) a variance from Section 1151.24 of 10 ft. from the required total of two side yards of 30 ft. to allow 20 ft., and (2) a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate for the construction of a new single family dwelling located at 7972 Brecksville Road, PP# 601-02-023.

Larry Newman spoke to the Board regarding Prayer Unlimited's appeal. Mr. Newman stated that with regards to the sidewalks, there are no sidewalks on Brecksville Road and he would be installing a sidewalk for that lot only. Mr. Newman explained his lot is smaller being 100 ft. wide and that the lots on either side of it is 150 ft. His client Megan Kircher has the rights to buy the corner lot, but elected to buy the one next to it because both of the lots are very difficult to build on, especially the corner lot because of the creeks and hills. There is maybe 10 ft. from the right side of the building to the left side of the building in terms of the grade elevation line. Mr. Newman stated his client would like to build a ranch style home and it will be 10 ft. beyond what is permissible. Prayer Unlimited submitted a letter which was given to the Board signing off on allowing them to request a variance on their lot, so they would not inhibit the neighbor next door. The topography is very difficult there. There will be senior citizens living in the home, and stated that he could not build any other style home except for a ranch.

Mr. McCrodden stated that Mr. Newman described the topography along the lateral side of the house and asked him to describe it as you walk back thru the property. Mr. Newman stated as you walk back thru the property the topography gets worse. He explained that conceptually as it is laid out, they are behind the next door neighbor. As you go back the lot steps up and you have beautiful older trees there. He does not want to take down any trees in the rear. The growth in the front is not worth keeping and there is nothing big there. He showed the Board the topography on the diagram and explained it. Mr. Newman stated that the corner lot steps down tremendously and there is the creek on that lot so he is very limited as to where and how he could place the house without causing damage to either neighbor. He is trying to keep it as far away from the neighbor that is living there currently. Mr. McCrodden clarified that Mr. Newman is envisioning a home with very little useable backyard. Mr. Newman stated that they want to keep it that way, there are beautiful trees there.

Mayor Hruby stated to Mr. Newman that he did not appear at the September 5, 2013 Planning Commission meeting, and the Board was waiting for him to discuss the setback of the house. The Planning Commission will still have to establish the front setback for the house. Mr. Newman apologized and thought the meeting was next week. Mayor Hruby explained that the house to the north of their property is a century home and that house had been there for a long time. The real setback on Brecksville Road is established by the other homes that were built there after. He explained that Mr. Newman will have to convince the Planning Commission that the setback should be the same as the century home, as opposed to the actual setback that had been established along Brecksville Road. Mayor Hruby asked Mr. Newman, if they do have to move the house back to comply with the setback established by the Planning Commission, would this in any way change

his variances from his side yards. Mr. Newman stated that it would not. Mayor Hruby stated that he will leave the rest of his questions to the Planning Commission Board.

Mrs. Redinger clarified with Mr. Newman that in order to comply, they would have to build a smaller house or make the house going deeper to the rear of the property. Mr. Newman stated that he felt they fit the maximum for his client and her needs on this lot. Mr. Newman stated that to comply they would have to size it down, but it would greatly change the home and what his client's needs are. Mr. Newman explained that his client is mandated by the State of Ohio and has a certain square footage to meet per room. Based on that, they have met the criteria. Mr. Newman stated that he submitted plans to show that he is further back than the house next door, but not as far back as some of the homes on the street. He felt there is really no conformity to the homes, they are staggered. Mayor Hruby stated that he could comply if he built it back more. Mr. Newman stated that if he went back further you start getting into more difficult grades. The area selected is the flattest part of the lot without cutting major trees down. The engineer felt it was the most flat stable part of the lot. Mayor Hruby stated that if the Planning Commission determined that their setback should be back farther to comply with the other houses to the north, what would that do to his plan. Mr. Newman stated that it would change the grades and the amount of trees that are cut down. He stated that basically if the Planning Commission stated they would have to set it back further, they would, but they are hoping not to. Mr. Newman explained that he felt he is not in anyone's way. He has tried to do everything he could to satisfy the neighbor next to him, and on the other side of him.

Mr. Hasman asked if the property was residential or commercial. Mr. Newman stated that it is a residential property for seniors. Prayer Unlimited is an organization that is in the business of helping seniors.

Mr. Opatrny asked Mr. Newman if the owner of the property owned the adjacent lot, why not do a lot consolidation and make it a wider lot. Mr. Newman stated that they want to sell the property as is. His client has the rights to it, but it will still be a listed property for sale. Their feeling is, why take 10 or 20 more feet from that property and make it an unusable lot that can't be sold.

Mayor Hruby clarified with Mr. Synek, that if someone were to attempt to build a single family residence on the corner lot; there would be setback issues from both Wallings and Brecksville Road. Mr. Synek stated that was correct; there would be a required 125 ft. setback from both streets. Mayor Hruby asked Mr. Newman if he had considered that, and stated that he heard him say they would create another lot that is non-conforming, therefore, it is relevant to the question, that the lot that he is creating would require a setback variance from the road because it is the corner lot to two streets. Mr. Newman stated that he understood and that is why he is not moving forward with that corner lot at this time. Mayor Hruby stated that by putting the lot line where it is, he is creating that situation. Mayor Hruby explained that if they owned both lots or had the ability to make a confirming lot he would not have to come to the Board for a variance and asked if he understood that was correct. Mr. Newman stated that would be correct.

Mr. McCrodden opened up questions to the audience. Mr. John Formanek, 7960 Brecksville Road spoke to the Board. He stated that he lives right next door to this proposed project and he disputes everything that Mr. Newman has said. He felt that since he owned the lot next door they should be able to comply with the code. He also felt that he could pay to re-grade the land and that is was not a hardship. He would like to see them consolidate the lots and move the home over.

Mr. Newman explained that in respect to the garage, as a builder, you always want to build the garage on the high side and that is why the garage was placed where it was. In regards to grading, he is following the city engineer's recommendations on the grading plan to keep water away from the new and existing houses. Regarding the lot consolidation, Prayer Unlimited is not considering selling both lots as one. They want to keep two lots; they want the ability to have the other lot to sell at a later time.

Mr. Braysley Famurewa, 7938 Brecksville Road spoke to the Board. Mr. Famurewa explained that he was against the variance and felt that it would look awkward.

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

APPEAL 2013-32

Gary Harrison for a variance from Section 1151.06(i)(2)(B) to park a trailer in the driveway instead of storing wholly within a garage or in the rear yard at the rear most portion of the lot 10 ft. from rear and side property lines located at 6730 Wallings Road, PP# 601-06-003.

Gary Harrison spoke to the Board regarding his appeal. He stated that he was notified by the Property Maintenance Inspector that his trailer was in violation of the code and that he suggested applying for a variance. Mr. Harrison stated that he has lived in the same location for 23 years. He stated that if the Board went out to his property he could not place the trailer 10 ft. from the property line because there are woods there, and the property behind the house goes uphill. He has tried to move it to the rear in the past and put ruts in the back yard, it is just too wet. He tried it again recently and did not get 3 ft. from the concrete and tore a 4 ft. strip of grass. He has tried to park it in the garage but it is 1 ft. too long. Mr. Harrison stated that it just doesn't work, and that is why it has been parked there. He explained that it is 150 ft. from the street and 100 ft. from each property line. In all the years he has lived here, no one has complained until now, and from what was explained to him, the complaint came from someone who doesn't even live near him, he lives in another part of the City. Mr. Harrison stated that he visited the neighbors that were listed on the legal notice and spoke with Steve and Carol Jaky, 6776 Wallings; they didn't even know he had a trailer. He also talked to several on the other side of Wallings, Daventree and Pershing; they didn't know he had a trailer either. No one objected to him parking the trailer in the driveway.

Mr. McCrodden stated that when he visited the property the trailer was not there. Mr. Harrison stated that was one of the times that he had it out. The trailer is really no bigger

than a mini van. He purchased a dolly with casters to help move it. Mr. McCrodden asked if the house in front of his used the same driveway. Mr. Harrison stated that was his garage. Mr. McCrodden stated that he mistook the garage to be big enough to be a house. Mr. Harrison stated that he has a car hobby. Mr. Harrison explained that if he could move the trailer to the rear of the property, there would be neighbors that could see it there. As it sits now, no one even knew he had a trailer.

Mr. Opatrny asked what the width of his lot was. Mr. Harrison stated that he has 1.8 acres and it is approximately 235 x 330. Mr. Opatrny stated that his concern is if he ever split the lot. Mr. Harrison stated that he understood his concern but the garage is literally in the middle of the lot, and he has no intention of ever splitting it.

Mayor Hruby asked Mr. Harrison how frequently he used his trailer. Mr. Harrison stated that in the summer he uses it four or five times. He stated he could plant more bushes to screen it more, but he cannot move it to the back because of the drainage and the water that runs back there. Mayor Hruby explained to Mr. Harrison, that other residents that are unable to comply and are in the same situation as his, take their vehicles or boats and put them in storage, and would just pick their vehicles up when they need them. Mr. Harrison stated that he uses his trailer for storage, and then he would have to move all of his items, and for \$100 a month it would become too expensive.

Mr. McCrodden opened up questions to the audience.

Mr. Eben McNair, 8026 Pershing Drive spoke to the Board. He stated that Mr. Harrison spoke to his wife; he was not home at the time. He stated that he has no problem with the variance; he just wanted to make sure that the variance relates to this trailer in question and not just any kind of trailer. Mayor Hruby stated that once the appeal is granted it could be any trailer. Mr. Harrison stated that he had no plans to buy another trailer. Mr. McNair asked if the Board could grant the variance with the trailer being no larger than what he has now. He explained that he had no problem with the current trailer, he just didn't want another type of larger trailer parked there because then he would have a problem with it. He supports his request for the trailer that he has now. Mr. Harrison stated that if he bought something larger and parked it in the rear of the property he would be complying with code, but if he wanted to put it in the driveway, it would be too large and he wouldn't be able to fit it anyway.

Mayor Hruby explained that if the Board grants the variance, he would then be able to park a trailer anywhere on his property other than what is required by law. Mr. Harrison stated that he is only asking to do exactly what he has been doing for several years.

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

APPEAL 2013-33

Blind & Sons for Denise Stease for a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by

code located 6158 Warblers Roost, PP# 601-23-022.

Rick Witwer of Blind and Sons and Denise Stease both spoke to the Board regarding the appeal. Ms. Stease stated that Warblers Roost sits at the top of Settlers Passage and Settlers Passage is one of the biggest hills in Brecksville. They do not have a backyard, just a deck with a ravine. She explained that when the house was built, the air conditioning unit was put on a stand behind their house. It had actually started falling down the hill and was pulling the wires down the hill and broke. When they took the old unit out, the contractors had to be harnessed off so that they didn't fall down the hill. The unit weighed 400 lbs. and it took two men to remove it from the rear of the yard. That is the reason why they put the new unit on the side of the house. They installed it as close to the back of the house as possible. Ms. Stease stated that there is a sound blanket on the unit so that it would not bother her son whose bedroom is right above the unit, or the adjacent neighbor next door who also had children. Their old unit made quite a bit more noise than the new unit does. They are asking for the variance on the side because of the topography because it would probably fall down the hill if placed in the rear again. Mr. Witwer stated that the installers removing 400 lbs of equipment on a hill were in danger. They were able to remove it because they were harnessed in. The new units are larger because they are more efficient. The day Ms. Stease called it was 90 degrees and had no air conditioning, they discussed the dangers of locating the unit in the same location in the rear and they made a mutual agreement to put it on the side for safety purposes, and for the servicing of the unit in the future.

Mayor Hruby asked Mr. Witwer, that when he applied for the permit, did he indicate the location of the unit. Mr. Witwer stated that he submitted a drawing with the application. Mayor Hruby asked if the unit was approved to be located on the side by the Building Department. Mr. Witwer stated that as far as he knew it was approved by the Building Department. Mayor Hruby asked Mr. Synek if he knew. Mr. Synek stated that the Building Department received a complaint that the unit was installed without a permit or approval. Mayor Hruby clarified there was no permit. Mr. Synek stated that was correct. Mr. Witwer explained that he was there on July 15, 2013 and it was very hot and they installed it on July 16, 2013. It is standard operating procedure for them in any emergency to apply for a permit with any city they do work in. Mr. Witwer asked Mr. Synek if there was record of a permit. Mr. Synek stated that the complaint came to the Building Department on July 23, 2013 and they applied for a permit around July 30, 2013. Mr. Witwer asked Mr. Synek if he applied in person or submitted by mail. Mr. Synek stated that he was unsure. Mr. Witwer stated that they usually submit an application by mail along with a drawing. He understood that it is not normal protocol, but they cannot make a customer wait, especially one that has been a customer for a number of years, in that type of heat. Mayor Hruby clarified with Mr. Synek that the Building Department received a complaint that the air conditioner was installed and it probably took a day or two to install it, and thereafter a permit was filed for. Mr. Synek stated that was correct. Ms. Stease explained that the company showed her a copy of the permit because one of the neighbors complained and the neighbor stated that they only had a permit to install it in the backyard. Ms. Stease stated that they had a permit to install it on the side, and the neighbor wasn't even the neighbor that lived next door to

her. Mayor Hruby explained that it was not her responsibility; it is the responsibility of the company that is installing it. The company she hired should have made sure they had a permit before doing the work. Mayor Hruby received a letter from a neighbor asking what had changed to be able to grant the variance to put the unit on the side. Mayor Hruby felt that the homeowner answered that, we are aware of the fact that there is slippage that is occurring along the rear of many of the homes on Warblers Roost. Mayor Hruby clarified that Ms. Stease's hardship is that her backyard is slipping away and there really is no way to properly secure it. Ms. Stease stated that was correct. Mayor Hruby asked how far the air conditioning unit is from the setback of the house. Ms. Stease stated that the unit is right up against the corner. Mayor Hruby wanted the record to reflect that the unit is right up against the corner and they placed it as far back against that corner as they could without going behind that corner of the house. The Mayor stated when looking at that corner he did not see a place to install the unit that would make it secure without installing a footer and he was sure they would not want to dig into the side of the hillside.

Mr. McCrodden opened up questions to the audience.

Kathleen Speer spoke to the Board, 6166 Warblers Roost and stated that they support the installation of the unit one hundred percent.

Jim Hayes, 6163 Warblers Roost spoke to the Board, they have a direct line of site to the unit, but can't even see it, and are totally in support of it.

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

APPEAL 2013-34

Summit Landscape for Traci Ciulla for a variance from Section 1185.03(a) to install a 3 ft. white picket fence in the front yard (not permitted) located at 9140 Meadow Lane, PP# 601-22-041.

Dave Dempster spoke to the Board regarding Traci Ciulla's appeal. He stated they are asking for this variance to complete a landscaping design and project that was started. He stated it was difficult for him to think of a hardship in the traditional sense. It really is just a completion of the design. He stated that her parents will be the sole people that will occupy the house and have been long time residents of Brecksville. She has fixed up the property quite a bit since purchasing, and with the cooperation of the deer in the area they will have something very special.

Elizabeth DeFranco, 9124 Meadow Lane spoke to the Board. She did not see any photos and wondered where the location of the fence will be installed. Mr. Dempster showed her the location on the diagram. He explained that it will be a landscape feature just in the front of the house. The fence is "L" shaped and will not enclose anything. Mayor Hruby added that the fence is just decorative.

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

APPEAL 2013-36

J. C. Mack Heating & Cooling for Thomas & Elizabeth Champion for a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by code located 8636 Hollis Lane, PP# 601-27-014.

There was no one in attendance for the meeting. Mayor Hruby asked Mr. Synek if he would like to present what the appeal is. Mr. Synek apologized and stated that he did not talk with this applicant and was not familiar with this appeal.

Motion by Mayor Hruby, seconded by Mr. Hasman to table Public Hearing.
MOTION TABLED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
September 9, 2013**

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

Absent: Dennis Rose

Others: Building Inspector Synek, 25 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF AUGUST 12, 2013

Motion by Mr. Opatrny, seconded by Mrs. Redinger to approve the Regular Meeting Minutes of August 12, 2013 as recorded.

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

Nays: None

MOTION CARRIED

APPEAL 2013-28

Motion by Mrs. Redinger, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(1) to allow construction of a detached garage in the front yard of a non-conforming house instead of the permitted rear yard located at 9092 Highland Drive, PP# 601-32-004.

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

MOTION DENIED

APPEAL 2013-29

Motion by Ms. Roberts, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.03(b) to allow a 1.5 to 1 slope in lieu of the maximum allowable 2 ½ to 1 slope for the grade adjacent to a new driveway located at 2605 Hidden Canyon Drive, PP# 605-10-002.

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

Nays: None

MOTION CARRIED

APPEAL 2013-30

Motion by Mayor Hruby, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate, for a new single family dwelling located at 10148 Highland Road, PP# 604-12-029

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

APPEAL 2013-31

Motion by Mr. Hasman, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.24 of 10 ft. from the required total of two side yards of 30 ft. to allow 20 ft. located at 7972 Brecksville Road, PP# 601-02-023.

Before the vote, Mr. McCrodden asked Mr. Newman if he would like to vote separately on each appeal. Mr. Newman stated that he would.

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

Motion by Mr. Hasman, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for (2) a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate for the construction of a new single family dwelling located at 7972 Brecksville Road, PP# 601-02-023.

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

APPEAL 2013-32

Motion by Mr. Opatrny, seconded by Mrs. Redinger, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.06(i)(2)(B) to park a trailer in the driveway instead of storing wholly within a garage or in the rear yard at the rear most portion of the lot 10 ft. from rear and side property lines located at 6730 Wallings Road, PP# 601-06-003.

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

MOTION DENIED

APPEAL 2013-33

Motion by Mrs. Redinger, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by code located 6158 Warblers Roost, PP# 601-23-022.

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

MOTION CARRIED

APPEAL 2013-34

Motion by Ms. Roberts, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) to install a 3 ft. white picket fence in the front yard (not permitted) located at 9140 Meadow Lane, PP# 601-22-041.

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

MOTION CARRIED

REPORT OF COUNCILWOMAN REDINGER

Mrs. Redinger reported that City Council approved all the recommended variances from the last Board of Zoning Appeals meeting.

REPORT OF MAYOR HRUBY

No Report.

Motion by Ms. Roberts, seconded by Mr. Opatrny, to close the Regular Meeting at 8:56 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