

**PUBLIC HEARINGS**  
**BRECKSVILLE BOARD OF ZONING APPEALS**  
**Community Room – Brecksville City Hall**  
**August 8, 2016**

Present: Kathleen Roberts, Eric Hall, Robert Hasman, Kim Veras, Dennis Rose

Absent: Mayor Hruby, Bruce McCrodden

Others: Building Inspector Synek, 6 guests

**PUBLIC HEARINGS**

Mr. Rose started the meeting with an explanation of the code, the job of the Board of Zoning Appeals Committee, and the appeal process.

**APPEAL 2016-33 – TABLED APPEAL**

Alexander Sainato for (1) a variance from Section 1151.25(d) of 432 sq. ft. from the maximum allowed 144 sq. ft. to allow 576 sq. ft. for the construction of an outdoor pavilion, and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling and (3) a variance from Section 1151.25(d) of 300 sq. ft. from the maximum 660 sq. ft. to allow 960 sq. ft. for the construction of a detached garage, located at 11160 Snowville Road, PP# 605-24-007.

Alex Sainato spoke to the Board regarding his appeal. He stated that he built a ranch home with a two car garage, but has two children that are driving, and has four vehicles. He explained that he first and foremost needs the garage for the storage of lawn equipment, but also for additional automobiles. The request for the size of the pool house is for pool equipment and also for an outdoor bathroom and changing room so people don't have to go in the house. Mr. Sainato apologized for the original submittal to the Board and resubmitted updated drawings to them this evening, because he was unable to get them done earlier.

Mr. Rose asked if he had considered a larger attached garage when building his home. Mr. Sainato explained that because it is a ranch and very contemporary, and because the home is only 2500 sq. ft, they liked the look of the two car garage. Mr. Rose clarified that the reason for the pool pavilion size was functionality. Mr. Sainato stated that was correct, there really is no other place in the house to deal with the storage of pool equipment, lawn chairs, etc.

Mr. Hasman confirmed that the driveway would go around the back to the garage. Mr. Sainato stated that was correct.

Mr. Hall questioned how far away the driveway was on the west side to the property line. Mr. Sainato stated 3 ft.

Mr. Hasman stated that the two structures are significantly larger than what is normally requested of the Board, and wondered if the structures would be shoe-horned in, and if there would be enough room to create a comfortable environment for him and his surrounding neighbors. Mr. Sainato stated that the lot is 700 ft. deep, and he would not build the structures if there wasn't enough space.

Mr. Rose asked if Mr. Sainato had spoken to his neighbors. Mr. Sainato stated that he had, and they are fine with it. Mr. Rose asked what was directly behind him. Mr. Sainato stated that the property behind him was part of the original subdivision from the development up the street. He thought because of the wetlands they lost it. Mr. Rose asked Mr. Synek to clarify. Mr. Synek stated that it is part of the Woodlands of Snowville, and it was his understanding that they are looking at a redesign of the original approval. Mr. Rose clarified that there was not an issue with the rear yard setback. Mr. Synek stated there was no issue. Mr. Rose asked Mr. Synek if there was any issue with a second garage on the property. Mr. Synek stated there was only a limit on the size of the detached garage which is 660 sq. ft. Mr. Rose indicated that it was a pretty large request for the size of the garage. Mr. Sainato stated that he had several items and equipment that needed to be stored including a plow for the driveway.

Mr. Hall confirmed with Mr. Sainato that the house to the east of him sits right on the edge of the property line. Mr. Sainato stated that was correct, the garage is on the property line and has been there forever. Mr. Synek confirmed that it was an existing non-confirming setback from the lot line.

Ms. Roberts asked if either of his neighbors had owned this lot. Mr. Sainato indicated that his company bought it, which he now owns personally, and showed them on the overhead drawing. It was given in an estate to a friend of his mother. His friend purchased the house, and the company owned the other two lots, which he purchased.

Mr. Rose stated that he personally was struggling with the size of the structures being requested. Mr. Sainato ask if he was having a problem with it, even with the depth of the property. Mr. Rose stated that it is not right next to his neighbors and the depth is a consideration, but yes it is still a factor.

Mr. Rose opened up questions to the audience and there were none.

Motion by Ms. Roberts seconded by Mrs. Veras to close Public Hearing. **MOTION CARRIED**

### **APPEAL 2016-36**

John & Kristen Domo for a variance from Section 1151.24 of 6 ft. from the minimum required 60 ft. rear yard setback to allow 54 ft. for the construction of an attached pergola located at 9974 Highland Drive, PP# 604-04-030.

John Domo spoke to the Board regarding their appeal. Mr. Domo stated that the project actually started when there was some damage to the back of the home. They had to take their exiting deck off to recover some of the back panels from water damage. They now have fixed the water damage and replaced the deck with a concrete patio, and they would like to install a pergola on top

of it to provide shade there. They previously had a tree in the back that provided shade that they lost. He also stated that one side of his lot is wooded.

Mr. Rose asked if they had spoken with their neighbor behind them on Barr Road. Mr. Domo stated that the neighbors that would be affected is directly next to him and behind them, and he had a letter from both of them which he submitted to the Board. Richard Stunek, 9985 Barr Road, and Candice Parsons-Champion, 9979 Barr Road. Mr. Rose asked if their concrete patio was the same size as their deck. Mr. Domo stated that it was a little bit larger. Mr. Rose clarified that the deck was encroaching in the 60 ft. setback to start with. Mr. Domo stated that was correct. Mr. Rose asked Mr. Synek if there was any issue. Mr. Synek stated that he was not aware of any and he made an application for a permit. Mr. Domo had a conceptual drawing of what the pergola would look like. Mr. Rose asked if the pergola was going to be white. Mr. Domo stated that it would be.

Mr. Rose opened up questions to the audience and there were none.

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

**APPEAL 2016-37**

Brian Cress for a variance from Section 1151.24 of 19 ft. from the minimum required 125 ft. front setback to allow 106 ft. for the construction of an addition on the rear of a non-conforming house located at located at 9368 Brecksville Road, PP# 603-16-011.

Brian Cress spoke to the Board regarding his appeal. Before Mr. Cress explained his hardship, Mr. Rose wanted to save Mr. Cress the work and confirmed with Mr. Synek that this is a non-conforming lot, so any addition that they would build on to this house would require a variance. Mr. Synek stated that was correct. Mr. Cress submitted a letter from his neighbor that that had no issue with his project. Gary & Pat Gebhart, 9382 Brecksville Road. He could not get a hold of his other neighbors, Alfred & Sarmite Grava, 9360 Brecksville Road, he believed they were overseas.

Mr. Rose opened up questions to the audience and there were none.

Motion by Mr. Hall seconded by Mrs. Veras to close Public Hearing. **MOTION CARRIED**

**APPEAL 2016-38**

Rinello Builders for Mr. and Mrs. Thomas Butler for a variance from Section 1326.01 to install a second air conditioning unit on the side of the house instead of the rear as required by code located at 11242 Glen Valley, PP# 602-15-013.

Frank Rini, Rinello Builders spoke to the Board regarding Mr. Butler's appeal. He stated that basically the existing house has an air conditioner on the side, and with the addition they needed to add another unit, which they would like to place next to the existing air conditioner. Mr. Rose confirmed that the most efficient way to run the lines is to place it on the side, and that they would landscape.

Mr. Hall asked when the existing air conditioner needs to be replaced do they plan on replacing it in the same spot. Mr. Rini stated that the existing unit is approximately 25 years old. Mr. Synek stated that the existing unit can be replaced on the side without going for another variance.

Mr. Hasman asked if there will be landscaping around it. Mr. Rini stated that there would be. Mr. Rose mentioned that the new unit will be a lot quieter than the existing unit.

Mr. Rose opened up questions to the audience and there were none.

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

**APPEAL 2016-39**

Michael Berlin for a variance from Section 1326.01 to install two air conditioning units on the side of the house instead of the rear as required by code located at 4826 Snow Blossom, PP# 604-19-060.

Michael Berlin spoke to the Board regarding his appeal. He stated his hardship is the consolidation of the electric to a similar spot where the pool equipment will be. The pool equipment will be on the side of the house and it will make relocation of all the electrical to the house much easier and it will allow better use of the space. Mostly importantly, it will provide a better sound barrier for his neighbor. He included a letter from his neighbor with his submittal. Mr. Berlin explained that he will be able to screen everything, his neighbor won't be able to see the air conditioning unit or the pool equipment, both are between the dead sides of their houses.

Mr. Hall asked if the pool equipment will sit on the existing concrete pad on the side of the house. Mr. Berlin stated that everything will be consolidated on that pad, i.e. plumbing, electric, gas and equipment.

Mr. Rose opened up questions to the audience and there were none.

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

**MINUTES OF REGULAR MEETING  
REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
August 8, 2016**

Present: Kathleen Roberts, Eric Hall, Robert Hasman, Kim Veras, Dennis Rose

Absent: Mayor Hruby, Bruce McCrodden

Others: Building Inspector Synek, 6 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF JULY 11, 2016**

Motion by Mr. Hall, seconded by Mr. Hasman to approve the Regular Meeting Minutes of July 11, 2016 as recorded.

ROLL CALL: Ayes: Roberts, Hall, Hasman, Veras, Rose

Nays: None

**MOTION CARRIED**

Before proceeding with the vote on each appeal, Mr. Rose explained to the audience that there were only five Board members present and the appellants had the option to table their appeal until there were more Board members present, since they needed four out of the 5 votes in order for their appeal to pass.

**APPEAL 2016-33**

Motion by Ms. Roberts, seconded by Mr. Hall that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.25(d) of 432 sq. ft. from the maximum allowed 144 sq. ft. to allow 576 sq. ft. for the construction of an outdoor pavilion, and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling and (3) a variance from Section 1151.25(d) of 300 sq. ft. from the maximum 660 sq. ft. to allow 960 sq. ft. for the construction of a detached garage, located at 11160 Snowville Road, PP# 605-24-007.

Before the vote, Mr. Rose asked if Mr. Sainato would like to split the vote on the sidewalk variance from the size of the structures. Mr. Sainato stated that he would like to split the vote.

Mr. Hasman stated that he noticed there was some sort of landscaping that he was planning on installing on the west side of his lot and asked him to explain. Mr. Hasman's concern was for his neighbor to the left with all the construction going on in the back yard. Mr. Sainato stated that on the west side as you go back behind the house, there is existing woods and he planned on planting some types of trees and long grasses.

Mr. Hall asked if the driveway inclines. Mr. Sainato stated that the driveway will incline slightly because all of his neighbor's property water drains into his yard. To help him, where the

retaining wall is installed he put drains behind it. Mr. Hall asked if he needed the retaining wall because of the pool being the same level as the house. Mr. Sainato stated it is only 100 ft. wide and there is an 8 ft. difference from his property to the property on the other side, so yes.

Mr. Rose asked if he had spoken with his neighbors. Mr. Sainato stated that he had.

Mr. Hasman asked if he owned that property. Mr. Sainato stated that he doesn't own it at this point, it is owned by someone he knows very well, and he doesn't have an issue.

Mr. Synek stated that up until tonight, the Building Department had not seen drawings for any of this project. He stated that in reviewing the pavilion, and doing a rough calculation, Mr. Sainato has over 1000 sq. ft. of roof area. Mr. Sainato misunderstood how to calculate, and Mr. Synek explained it to him, that we allow 2 to 4 ft. for an overhang, but once you start putting in a column and a roof over an area, it is considered part of the square footage of the building. Mr. Rose clarified that what was presented for the pavilion was 576 sq. ft., so if the Board went ahead and granted this variance, you could not build any larger than that. Mr. Rose suggested withdrawing the appeal and reapply based on these drawings for the larger variance. Mr. Sainato agreed to withdraw his request on variance #'s 1 and 3, and stated that he would rather come back and resubmit his request. He apologized to the Board for taking their time. Mr. Rose thanked Mr. Synek for catching the size difference on the pavilion. Mr. Synek suggested the Board vote on the sidewalks at this time. Mr. Rose asked the Board if anyone was opposed to that. The Board went ahead with the vote for the variance not to install public sidewalks.

### **APPEAL 2016-33**

Motion by Ms. Roberts, seconded by Mr. Hall that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 11160 Snowville Road, PP# 605-24-007.

ROLL CALL:           Ayes:   Roberts, Hall, Hasman, Veras, Rose  
                              Nays:   None  
                              **MOTION CARRIED**

### **APPEAL 2016-36**

Motion by Mr. Hall, seconded by Mrs. Veras that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 6 ft. from the minimum required 60 ft. rear yard setback to allow 54 ft. for the construction of an attached pergola located at 9974 Highland Drive, PP# 604-04-030.

ROLL CALL:           Ayes:   Roberts, Hall, Hasman, Veras, Rose  
                              Nays:   None  
                              **MOTION CARRIED**

**APPEAL 2016-37**

Motion by Mr. Hasman seconded by Mrs. Veras that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 19 ft. from the minimum required 125 ft. front setback to allow 106 ft. for the construction of an addition on the rear of a non-conforming house located at located at 9368 Brecksville Road, PP# 603-16-011.

ROLL CALL:           Ayes:   Roberts, Hall, Hasman, Veras, Rose  
                          Nays:   None

**MOTION CARRIED**

**APPEAL 2016-38**

Motion by Mrs. Veras, seconded by Mr. Hasman that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.01 to install a second air conditioning unit on the side of the house instead of the rear as required by code located at 11242 Glen Valley, PP# 602-15-013.

ROLL CALL:           Ayes:   Roberts, Hall, Hasman, Veras, Rose  
                          Nays:   None

**MOTION CARRIED**

**APPEAL 2016-39**

Motion by Ms. Roberts, seconded by Mrs. Veras that the Board of Zoning Appeals recommend to City Council approval for Michael Berlin for a variance from Section 1326.01 to install two air conditioning units on the side of the house instead of the rear as required by code located at 4826 Snow Blossom, PP# 604-19-060.

ROLL CALL:           Ayes:   Roberts, Hall, Hasman, Veras, Rose  
                          Nays:   None

**MOTION CARRIED**

**BOARD DISCUSSION**

Mr. Rose tabled the discussion regarding BZA Rules and Regulations, Policies and Procedures and Board of Zoning Appeals Application, until next month when the Mayor was present.

**REPORT OF COUNCILMEMBER VERAS**

Mrs. Veras reported that at the July 18, 2016 Council Meeting, all the recommended variances from the Board of Zoning Appeals were passed by City Council.

**REPORT OF MAYOR HRUBY**

No Report.

Motion by Mrs. Veras, seconded by Mr. Hall to close the Regular Meeting at 8:11 p.m.

**MOTION CARRIED**

**THE BRECKSVILLE BOARD OF ZONING APPEALS**

**DENNIS ROSE, CHAIRMAN**

**KATHLEEN ROBERTS, VICE CHAIRWOMAN**

**BRUCE MCCRODDEN, SECRETARY**

Public Hearings and Regular Meeting recorded by Gina Zdanowicz