

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

Present: Kathleen Roberts, Eric Hall, Robert Hasman, Mayor Hruby,
Bruce McCrodden, Dennis Rose

Absent: Kimberly Veras

Others: Building Inspector Synek, 5 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 process of appeal.

APPEAL 2016-03

James Stoneman for a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow a 6 ft. fence height located at 7510 Fitzwater Road, PP# 601-09-005.

Mr. James Stoneman spoke to the Board regarding his appeal. Mr. Stoneman explained that he is asking the Board for a 6 ft. fence, because the back of his property sits below the parking lot behind it. The natural vegetation that was there was taken out, and now car lights are shining in thru the back of the house.

Mr. Rose asked Mr. Stoneman if the vegetation that was there was on his property. Mr. Stoneman stated that it was not, and they usually see headlights until approximately 9:00 p.m. Mr. Rose asked Mayor Hruby if the vegetation that was there was part of The Planning Commission process when the building was built, so that lights would not shine into the houses. The Mayor stated that area had been revised several times, and when it was first approved, there was no consideration in regards to a buffer along there, it came later on. Mr. Stoneman explained that he submitted a drawing as to where a 4 ft. fence would sit showing the line of sight, and you would still be able to see the lights from cars, that is why he is asking for a 6 ft. fence. Mr. Rose asked Mr. Synek if there was any history on why the vegetation was removed. Mr. Synek stated that he was unaware of the history. Mayor Hruby indicated that when they expanded the parking lot, that is when the mound was installed. Mr. Rose asked if that came from The Planning Commission. The Mayor stated that was correct, it was all a part of the landscape plan. Mr. Rose explained that he asked because he wanted to clarify whether or not it was required, and if it was a case of neighbor's removing something without approval. Mr. Rose asked if Mr. Stoneman would prefer trees planted there to a fence. Mr. Stoneman stated that he has a dog so he was planning on installing a fence anyway, and without the vegetation, the lights

are a nuisance. Mr. Rose wanted to make it clear that the Board typically deals with dog issues without putting up a 6 ft. fence. The fact that there is a commercial property next door with lights that shine into the house, is more a factor for him. Mr. Rose asked if the trees were part of the landscape plan that was approved there. The Mayor stated that they installed the mound and trees, but there wasn't a lot of foliage there to begin with, it grew there naturally.

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

APPEAL 2016-03

SCG Fields, LLC/DMS Construction Enterprises, LLC. for (1) a variance from Section 1117.09 lots shall be generally rectangular in shape, to allow a non-rectangular lot, and (2) a variance from Section 1157.29 minimum 5 acres, to allow a .8478 acre lot, and (3) a variance from Section 1157.29 minimum lot widths of 300 ft. to allow 100 ft. and 200 ft. for the split and consolidation of lots located at 10283 and 10303 Brecksville Road, PP# 605-21-003 and 605-21-004.

Mr. Joe Smith, C.O.O. for SCG Fields LLC, spoke to the Board. He stated that they are in the process of doing a lot split and consolidation and they want to purchase and develop a piece of land for additional parking for their building, and needed the three variances in order to complete that. He explained the lot split and consolidation to the Board on the overhead drawing. He stated that he has been working very closely with his neighbor, and believes he is going to sell to the gentlemen that is renting from him there.

Mr. Rose clarified with Mr. Smith that he will be splitting the parcel to the north and consolidating with his parcel. Mr. Smith stated that was correct, he will be developing all of it and doing some work on the creek that runs thru the property. Mr. Rose asked Mr. Synek to clarify, that the lot that is 100 ft. is already non-conforming. Mr. Synek stated that was correct.

Mr. Hasman asked Mr. Smith if the resident on the adjacent property would continue to reside in the home. Mr. Smith stated that the owner is renting to the gentleman that lives there now, and believes he is going to sell it to him. Mr. Hasman asked if the owner of the residence is in favor of this project. Mr. Smith stated that he is, they have talked extensively about it.

Mr. McCrodden asked for clarification from Mr. Synek, that given that the variance has to be acted upon within a certain period of time, in the event the ownership doesn't transfer within that period, does that mean the applicant would have to come back to seek another variance. Mr. Synek stated, yes they would, they have six months to complete the process. Mr. McCrodden wanted to make sure that the appellant was aware of that. Mr. Smith stated that he was, and they are close to completion on everything.

Mr. Larry Coven spoke to the Board. He stated that he owns the piece of property to the north. He was interested in what Mr. Smith planned on doing with the creek. Mr. Coven, explained that he has two catch basins on his property, and is taking in water from seventeen acres of land into those two catch basins. When the land was undeveloped, the water was absorbed into that vacant land and they didn't have a problem. Now, since additional buildings were built there, there are more paved areas without any provisions for a retention basin or catch basin going into the sewer on Brecksville Road. It all just goes into those two catch basins, and Mr. Coven felt that just isn't enough to handle all the water. He also stated that he has an electrical transformer for the whole building which is 1 ft. above the ground, and if they end up with a lake of water back there, which they have in the past, it could turn into an electric lake, which nobody wants. He questioned how they planned on handling the storm water. Mr. Smith stated that they are not that far enough along to know what the plan for storm water management would be. He stated that he knows the creek is loaded with weeds, but they are just too new in the process to know at this time. Mr. Coven had no problem with the lot split and consolidation, but was concerned about storm water management, and did not want to take on any more water than he already did.

Mr. Rose stated that once the permit has been applied for, they will have to submit plans, along with a storm water plan that will be approved by the City Engineer. Mr. Coven stated that he didn't know if any of that would require a public hearing and wanted to know how he would be notified, because there wouldn't be any more variances needed. Mr. Rose stated that it will be discussed at The Planning Commission, and they will have meetings as well, and that is how he would know. Mr. Coven was concerned that he would not be notified as to when they would be discussing this project further. Mr. Coven stated that his only suggestion would be that if the Board is going to recommend this, that City Council approves it with some type of plan for the water, and a stipulation that it be subject to either bring the storm water to Brecksville Road, or install a retention basin. Mr. Rose stated that the City Engineer will design the best way for something like that. Mr. Coven indicated that in the past they have not accounted for any of the new buildings, they just paved it and left it that way. He stated there are no catch basins anywhere back there on the properties, everything just runs towards him.

Mr. Don Dacone, owner at 10325 Brecksville Road, spoke to the Board. He talked about the history of when he built there. In 1995, he was the first one required to have the storm drain at the street by the driveway and also a retention basin. He showed where the retention basin and headwall was, that continues to direct the water to the creek that is on the property now. Mr. Dacone agreed with Mr. Coven's statement. He stated that as more things were built there, Mr. Coven got more water. He has been there twenty years and has seen two feet of water up against Mr. Coven's building on occasion when there have been heavy rains. Mr. Rose stated again, that The Planning Commission would have a meeting that would discuss this project.

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

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

Present: Kathleen Roberts, Eric Hall, Robert Hasman, Mayor Hruby,
Bruce McCrodden, Dennis Rose

Absent: Kimberly Veras

Others: Building Inspector Synek, 5 guests

APPROVAL OF THE 2015 BOARD OF ZONING APPEALS ANNUAL REPORT

Motion by Mr. Hall, seconded by Mr. Hasman, to approve the 2015 Board of Zoning Appeals Annual Report as written.

ROLL CALL: Ayes: Roberts, Hall, Hasman, Mayor Hruby,
McCrodden, Rose

Nays: None

MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 11, 2016

Motion by Mayor Hruby, seconded by Mr. McCrodden to approve the Regular Meeting Minutes of January 11, 2016, as recorded.

ROLL CALL: Ayes: Roberts, Hall, Hasman, Mayor Hruby,
McCrodden, Rose

Nays: None

MOTION CARRIED

Mayor Hruby stated that on behalf of Mrs. Veras, City Council approved the recommendations of the Board of Zoning Appeals for the variances that came before City Council in January.

Motion by Mayor Hruby, seconded by Mr. McCrodden to close the Regular Meeting
At 7:59 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