

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
January 11, 2016**

Present: Kathleen Roberts, Eric Hall, Mayor Hruby, Kimberly Veras,  
Bruce McCrodden, Dennis Rose

Absent: Robert Hasman

Others: Building Inspector Synek, 11 guests

**ORGANIZATIONAL MEETING**

Councilmember Veras opened the Organizational Meeting at 7:30 p.m.

Pledge of Allegiance

Councilmember Veras opened up nominations for the position of **Chairman, Board of Zoning Appeals**. Ms. Roberts nominated **Dennis Rose**, seconded by Mr. McCrodden. Nomination was closed by Mayor Hruby, seconded by Mr. McCrodden.

ROLL CALL: Ayes: Roberts, Hall, Hruby, Veras,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

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

ROLL CALL: Ayes: Roberts, Hall, Hruby, Veras,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

**OATH OF OFFICE**

Mayor Hruby administered the Oath of Office to Dennis Rose as a Citizen Member to the Board of Zoning Appeals for a five year term.

Mr. Rose thanked City Council for allowing him the honor to continue to serve the City of Brecksville.

Councilmember Veras turned the meeting over to Chairman Rose.

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

ROLL CALL: Ayes: Roberts, Hall, Hruby, Veras,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

Mayor Hruby moved, Mrs. Veras seconded, that **Kathy Roberts** be elected **Vice Chairman, Board of Zoning Appeals**.

ROLL CALL: Ayes: Roberts, Hall, Hruby, Veras,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

Mr. Rose opened up nominations for the position of **Secretary, Board of Zoning Appeals**. Mayor Hruby nominated **Bruce McCrodden**, seconded by Mrs. Veras. Nomination was closed by Mr. Hall, seconded by Mrs. Veras.

ROLL CALL: Ayes: Roberts, Hall, Hruby, Veras,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

Mayor Hruby moved, Mrs. Veras seconded, that **Bruce McCrodden** be elected **Secretary, Board of Zoning Appeals**.

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

Abstain: McCrodden

Nays: None

**MOTION CARRIED**

## **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 2016-01**

Michael & Megan Soeder for (1) a variance from Section 1151.23(f) of 84.26 ft. from the minimum required 250 ft. setback from the Turnpike to allow a 165.74 ft. setback for the construction of a new house and (2) a variance from Section 1117.09 requiring lots to generally be rectangular in shape to allow a non-rectangular lot for the consolidation of PP# 604-02-075 and 604-02-074 located at 4700 Valleybrook Drive.

Michael Soeder spoke to the Board regarding their appeal. He explained that they consolidated two lots and they plan to put a house towards the middle of the cul-de-sac to balance off the two properties. They are asking for a variance for the lots to be an irregular shape and also the setback from the Turnpike.

Mr. Rose asked Mr. Synek for clarification, that if they were going to build on the Turnpike lot, assuming that it was buildable, it would still need a variance because of the irregular shaped lot. Mr. Synek stated that they were approved as existing lots. If they were building the lot not abutting the Turnpike they would not need this variance because the code says “lots abutting”, and the lot does not abut the Turnpike. Mr. Rose stated that if not, it is an irregularly shaped lot itself because it was an approved lot when this development went in. Mr. Synek stated that was correct.

Mayor Hruby stated that he had spoken with the appellant at the Planning Commission and advised him that the reason for the 250 ft. setback requirement, was for the benefit of the homeowner to be as far away as possible from the Turnpike, because of the noise that it creates, and he understood that. He asked Mr. Soeder if he understood that was the reason that the lot has not been built on until now. Mr. Soeder stated that he understood.

Mr. Rose opened up questions to the audience. Scott Brown, 4701 Sweetwater Drive, spoke to the Board. He asked for clarification on the placement of the house in relation to his residence. Both, Mr. Soeder and Mr. Rose explained the location to him on the overhead drawing.

Mr. Hall asked for clarification on the drawing where the new lot was proposed and if it was buildable. Mr. Synek stated that the Building Department would consider it a buildable lot.

Russ Raimer, 4741 Sweetwater Drive spoke to the Board. He wanted to know if he had purchased both lots. Mr. Soeder stated that he had purchased both lots and the lot split and consolidation passed with Planning Commission, and he is waiting on a vote from City Council.

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

### **APPEAL 2016-02**

Brian Stucky for a variance from Section 1151.24 of 5.6 ft. from the minimum required 20 ft. side yard setback to allow 14.4 ft. for an addition located at 10711 Greenhaven Parkway, PP# 602-07-004.

Brian Stucky spoke to the Board regarding his appeal. He passed out pictures of the house, and stated that if anyone had visited the site they could see it was a disaster. The house had been vacant for three years, and had been a home for raccoons. The problem with building an addition on to this house, was that there was no way to build on to the rear of the home because of the ravine. He was not sure why there wasn't a garage put on the end of the driveway when it was built, but felt that it made sense to place it there and use the rest of the home as living space. Mr. Stucky went on to explain the layout on the overhead screen. He stated that you couldn't build the addition towards the front or the rear, and this layout seemed the most practical solution. He stated the neighbors are excited about it because it has sat vacant for the last few years. It will cost approximately \$100,000.00 in renovations and it should help everyone's property values on that street. Mr. Stucky explained that even though he is asking for a 14.4 side yard setback on one side, there will still be a total of over 60 ft. for both side yards, which is more than what the code requires.

Mr. Rose asked Mr. Stucky if he had spoken with his neighbor to the north. Mr. Stucky stated that he had, and he is very excited that the house will be renovated. He stated that the neighbor's driveway is on that side as well, which is a great set up because his driveway acts as a buffer between the two houses. Mr. Rose asked if his neighbor was in attendance this evening. Mr. Stucky stated that he did not think so. Mr. Rose stated that since Mr. Stucky had spoken with the neighbor, could he represent the fact that his neighbor is not opposed to this project. Mr. Stucky stated that he has spoken with him and he is not opposed to it.

Mr. Rose asked if the homeowner considered a tear down of the existing house because of the deteriorating condition. Mr. Stucky stated that after renovating the Mill Breck building, he is a firm believer of leaving things rather than taking them down. Mr.

Stucky explained that what is left of the house is better built than most houses, and will end up being a very nice house.

Ms. Roberts stated that he is proposing an addition on this house, but it also looked like there will be work done to the façade and asked for clarification. Mr. Stucky stated that they have a permit to restore the existing house as well as the proposed addition.

Mr. Rose wanted to clarify Mr. Stucky's hardship. The first was where the house was originally placed, and secondly terrain because there is no where else to build it. Mr. Stucky stated that was correct. If he demolished the house and rebuilt, it would cost

approximately \$300,000.00, and if he builds the addition onto the existing house, it will only cost \$100,000.00. Mr. Stucky stated that when they are thru renovating it, you won't be able to tell it was an addition, the whole house will be new.

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

**MOTION CARRIED**

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
January 11, 2016**

Present: Kathleen Roberts, Eric Hall, Mayor Hruby, Kimberly Veras,  
Bruce McCrodden, Dennis Rose

Absent: Robert Hasman

Others: Building Inspector Synek, 11 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 7, 2015**

Motion by Mayor Hruby, seconded by Mrs. Veras to approve the Regular Meeting Minutes of December 7, 2015, as recorded.

ROLL CALL: Ayes: Roberts, Hall, Hruby, Veras,  
McCrodden, Rose

Nays: None

**MOTION CARRIED**

**APPEAL 2016-01**

Motion by Mr. McCrodden, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.23(f) of 84.26 ft. from the minimum required 250 ft. setback from the Turnpike to allow a 165.74 ft.

setback for the construction of a new house and (2) a variance from Section 1117.09 requiring lots to generally be rectangular in shape to allow a non-rectangular lot for the consolidation of PP# 604-02-075 and 604-02-074 located at 4700 Valleybrook Drive.

Before the vote, Mr. Hall asked if the City would be under any risk if they approved this variance. Mr. Rose stated that would be a question for the Law Department, but he didn't believe the City would be at risk because the appellant was made aware that they are building a house next to the turnpike.

ROLL CALL: Ayes: Roberts, Hall, Hruby, Veras,  
McCrodden, Rose  
Nays: None

**MOTION CARRIED**

**APPEAL 2016-02**

Motion by Mrs. Veras, seconded by Ms. Roberts, that the Board of Zoning Appeals Recommend to City Council approval for a variance from Section 1151.24 of 5.6 ft. from the minimum required 20 ft. side yard setback to allow 14.4 ft. for an addition located at 10711 Greenhaven Parkway, PP# 602-07-004.

ROLL CALL: Ayes: Roberts, Hall, Hruby, Veras,  
McCrodden, Rose  
Nays: None

**MOTION CARRIED**

**REPORT OF COUNCILMEMBER VERAS**

No report.

**REPORT OF MAYOR HRUBY**

The Mayor welcomed Eric Hall to the Board of Zoning Appeals. The Mayor stated that Mr. Hall has served as an alternate member on the Charter Review Commission and was also appointed to the Telecommunications Commission. He will fulfill the remainder of Carl Opatrny's term on the Board. The Mayor also welcomed Mr. Rose back as Chairman on the Board, and stated that he looked forward to working with him again.

Mayor Hruby also reported that a former Councilman of the City, Tom Johnson, who was on the Board of Zoning Appeals for many years, had recently passed away and will be buried at Rittman National Cemetery.

**RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS**

Mr. Rose asked that a working session be set up to review and discuss any changes that the Board may want to implement, since the rules have been adopted. One of the items he would like to discuss is the random voting procedure. The Board decided that a work session will take place on April 11, 2016, at 7:00 p.m. prior to the Board of Zoning meeting.

Ms. Roberts asked that the Board also take a look at the revisions that Mr. Hasman had proposed for the Board of Zoning Application and discuss any additions or changes at the April meeting.

Motion by Ms. Roberts, seconded by Mr. Hall to close the Regular Meeting at 8:07 p.m. **MOTION CARRIED**

## **THE BRECKSVILLE BOARD OF ZONING APPEALS**

**DENNIS ROSE, CHAIRMAN**

**KATHLEEN ROBERTS, VICE CHAIRWOMAN**

**BRUCE MCCRODDEN, SECRETARY**

Public Hearing and Regular Meeting recorded by Gina Zdanowicz