

**PUBLIC HEARINGS**  
**BRECKSVILLE BOARD OF ZONING APPEALS**  
**Community Room – Brecksville City Hall**  
**September 12, 2016**

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

Absent: None

Others: Building Inspector Synek, 8 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 2016-40**

Alexander Sainato for (1) a variance from Section 1151.25(d) of 763 sq. ft. from the maximum allowed 144 sq. ft. to allow 907 sq. ft. for the construction of an outdoor pavilion, and (2) a variance from Section 1151.25(d) of 540 sq. ft. from the maximum 660 sq. ft. to allow 1200 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 explained that his lot is just under 700 ft. deep, and almost 2 acres. The house that is being built currently is a ranch with a two car garage. He has two children, so there are three cars, and he cannot fit the cars in the garage along with all the equipment that he needs to maintain his yard, and that is why he is asking for the variance.

Mr. Rose asked why the garage was bigger this time then when he came to the Board last. Mr. Sainato stated that the garage is 30x40. Mr. Rose clarified what the previous variance was, and stated that the calculation may have been off. Mr. Sainato stated that it was always a 30x40 garage. Mr. Synek stated that the initial drawing that was submitted to the Building Department was 40x24. Mr. Sainato stated that the surveyor made a mistake on the drawings. Mr. Rose asked if the survey was done for the placement of the garage. Mr. Sainato stated that was correct.

Mr. Hall clarified that the garage will sit up top of the property. Mr. Sainato stated that the property does go up towards the neighbor to the east. The highest point of the garage is 12 ft. high. It will be painted a dark hunter green, so it will not stick out.

Mr. Hasman stated that Mr. Sainato will essentially have a five car garage on the property. Mr. Sainato agreed. Mr. Hasman asked him to clarify his hardship. He stated that it was not because of his children driving, but that he has lawn equipment to maintain his 2 acres, however, he currently has one car that is parked outside at all times, and he would prefer not to have a car sit out front.

Mr. Rose asked what the width of his lot was. Mr. Sainato stated that it is 105 ft. wide. Mr. Rose clarified with Mr. Synek, that if he attached the garage to the house he could build as big as he wanted. Mr. Synek stated that was correct. Mr. Rose asked if Mr. Sainato if he had explored whether or not the house could have been designed in a way to give him more garage space, building a bigger garage with a different design. He stated that he is building a ranch which is 2500 sq. ft. and really isn't that large. He felt it wasn't suitable for a five car attached garage. Mr. Rose asked if the garage will be a front entry. Mr. Sainato stated that it was.

Mr. McCrodden asked Mr. Synek if the driveway would require a subsequent variance for the side yard setback. Mr. Synek stated that driveways have to be a minimum of 3 ft. from the property line, and this will comply with that requirement.

Mr. Hasman asked if there will be storage in the pavilion that would be associated with the pool. Mr. Sainato stated that they will be storing pool equipment. Mr. Hasman clarified that the pavilion will be built to enable him to store the pool equipment. Mr. Sainato stated that the pavilion will be wide open, but will be a pool house with a sitting area and a half bath. Mr. Hasman asked Mr. Sainato what his hardship was associated with the extra-large pavilion, and explained that what the Chairman stated earlier, is that a true hardship is not of your own making, and that was not really presented here. Mr. Sainato stated that he really didn't know how to answer the question. There are numerous places around Brecksville who have them, and based on the size of his property, he felt that the size should not be an issue. He spoke with his neighbors that are present this evening, and they do not have an issue with it either.

Mr. Rose asked Mr. Synek if he remembered if the previous submittal on size for the pool house was the same as this time. Mr. Synek stated it was not the same. Mr. Sainato stated that he explained the previous calculation.

Mr. Rose opened up questions to the audience.

Mr. Josh Papp, 11034 Snowville Road, spoke to the Board. He did not have any issues with garage or the pavilion given their lot sizes.

Mr. Jeff Berkus, 11220 Snowville Road. He is the neighbor to the east and owns two lots, one with a dwelling and one that is vacant, he also has a large out building, larger than what Mr. Sainato described, and has no issue with it.

Mr. Alex Brody, 11042 Snowville Road. He is the neighbor to the west. He has no complaints

with the project. He recently had a problem with noise and he went to the City and they took care of it.

Mr. Rose clarified with Mr. Berkus that he did not have any issues with water run off. Mr. Berkus stated that he did not.

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

**APPEAL 2016-42**

Joel Eterovich for a variance from Section 1151.25(d) of 176 sq. ft. from the maximum allowed 144 sq. ft. to allow 320 sq. ft. for the construction of a pergola located at 9486 River Birch Run, PP# 605-22-044.

Joel Eterovich spoke to the Board regarding his appeal. He explained the project to the Board on the overhead drawing, he has a 30x40 patio, and they would like to cover a section of it with a pergola that is 16x20. He stated that it felt rather pretentious to say that it is a hardship to not have a pergola, but the way they designed it, is because their children are very sensitive to the sun, and there is a history of cancer in the family. When the builder built their home, they removed most of the trees, so the yard gets full sun. They designed a double stacked pergola so there would be more shade from the sun.

Mr. Rose stated that a pergola does fall under the accessory structure which is a maximum of 144 sq. ft. His hardship was basically the code, it is not designed for an outdoor structure that people sit under and would not accommodate more than a few chairs. This issue has come in front of the Board several times before.

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

Motion by Mayor Hruby seconded by Mr. McCrodden to close Public Hearing. **MOTION CARRIED**

**MINUTES OF REGULAR MEETING  
REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
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September 12, 2016**

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

Absent: None

Others: Building Inspector Synek, 8 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF AUGUST 8, 2016**

Motion by Mr. Hall, seconded by Mrs. Veras to approve the Regular Meeting Minutes of August 8, 2016 as recorded.

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

Nays: None

**MOTION CARRIED**

**APPEAL 2016-40**

Motion by Mr. McCrodden, seconded by Ms. Roberts that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 763 sq. ft. from the maximum allowed 144 sq. ft. to allow 907 sq. ft. for the construction of an outdoor pavilion, and (2) a variance from Section 1151.25(d) of 540 sq. ft. from the maximum 660 sq. ft. to allow 1200 sq. ft. for the construction of a detached garage, located at 11160 Snowville Road, PP# 605-24-007.

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

**MOTION CARRIED**



**DENNIS ROSE, CHAIRMAN**

**KATHLEEN ROBERTS, VICE CHAIRWOMAN**

**BRUCE MCCRODDEN, SECRETARY**

Public Hearings and Regular Meeting recorded by Gina Zdanowicz