

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
August 7, 2017**

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

Absent: None

Others: Building Inspector Synek, 9 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 2017-26

Capuano Homes for Modesto and Angela Ruggiero for (1) a variance from Section 1181.11(a) maximum overall height of 40 ft. to allow 41.75 ft. and 2) a variance from Section 1181.11(a) maximum building height of 30 ft. to allow 32.5 ft. and (3) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 30% of ground floor to allow 33% located at 6785 Rivercrest Drive, PP# 601-04-003.

Walter Koshkalda, Architect at 6671 Queens Way, North Royalton, spoke to the Board. Mr. Koshkalda explained to the Board that this was a very large house and will have a walk out basement in the rear, which lowers the average height. It will have a 10 ft. ceiling on the first floor and a 9 ft. ceiling on the second floor, which also adds to the height.

Mr. Rose clarified with Mr. Synek, that the terrain, along with the walk out basement was the issue that was causing the height variance. Mr. Synek stated that yes, the terrain adds to it, and affects the overall height. Mr. Rose stated that the Board knew that there were challenges in this development because of the terrain. Mr. Rose asked Mr. Koshkalda that if the terrain had been flat, would they still have needed a variance. Mr. Koshkalda stated that it would be close, but it probably would not need a variance. Mr. Koshkalda explained that with regards to the proportion of the roof to the house, to lower the roof from an architectural standpoint, would really make the house non-proportional. He felt the percentages they were asking for were minimal.

Mr. Hasman asked Mr. Koshkalda, if the proposed height for this house looked similar to the height of the other homes in the immediate area. Mr. Koshkalda stated that there are two other homes that are being built around them, and felt that the proportions of the surrounding homes were equal to what they were proposing to build.

Mr. Rose opened up questions to the audience. There were none.

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

Appeal 2017-27

Rolen Brothers Fence Co. for Christopher Trump for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow a 6 ft. fence height, and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fence located at 9368 Highland Drive, 603-14-002.

Mr. Trump spoke to the Board regarding his appeal. He stated that he wants to install a fence at the rear property line to replace the existing wood fence. He stated his reason for doing so was that the house behind them has been abandoned and was unsightly, and they would like to cover it up. He explained that they have a nice backyard with a pool, and the property has several dead ash trees, logs on the ground, and an old garage. They will not be installing the fence on the side property lines, just the rear. Mr. Trump spoke with his neighbor, Paul Loede, 9380 Highland, and he had no issue with it.

Mr. Rose asked Mr. Trump if he considered planting arborvitae instead of installing a fence. Mr. Trump stated that would be another option he could consider as well. Mr. Rose stated that he understood why he was asking for the variance, but in theory, because this fence may be somewhat temporary given the situation, the variance that would be granted tonight, would stay with this property, and eventually someone will close on this house and fix it up. Mr. Rose stated that he empathized with Mr. Trump, but maybe he could find a different solution such as a fast growing tree or pine that would do the same thing. He explained that Brecksville is not a fence type of community. Mr. Trump stated that he understood.

Mr. Rose opened up questions to the audience. There were none.

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

Appeal 2017-28

Oliver Architecture for Storage Zone Enterprises, LLC. for (1) a variance from Section 1183.05(b) minimum 40 parking spaces required to allow 14 parking spaces, and (2) a variance from Section 1157.29(c)(1) minimum required 50 ft. building side yard setback, to allow a 31.25 ft. side yard setback on the north side, and (3) a variance from Section 1157.29(c)(1) minimum required 50 ft. building side yard setback to allow an 18 ft. side yard setback on the south side, and (4) a variance from 1157.29(c)(2) minimum required 25 ft. side yard parking and driveway setback, to allow 0 ft. setback on the north and south sides located at 10133 Brecksville Road, PP# 605-14-005.

Kevin Oliver, Oliver Architecture, spoke to the Board. Mr. Oliver stated they are seeking several variances. He explained that they are in a zoned area that calls for 500 ft. wide lots. Their existing lot is 100 ft. wide, and the building setback of 50 ft. would give them a 0 ft. allowable width for the building. The proposed building will sit on the rear of the lot behind the existing building that is two story and wider on the lot and closer to the existing property line

than the proposed structure. Along the same line are garages which are consistent with the adjacent properties to the north. He went on to explain that with regards to parking, given the site constraint as well as the nature of the building, they are requesting to reduce the forty required parking spaces to fourteen. He stated that the maximum amount of cars parked on the site at any one time would be ten, given the use of the building and the frequency of customers coming and going.

Mr. Rose asked if there would be outdoor storage of cars there. Mr. Trump stated that there would only be indoor storage. Mr. Rose asked how many employees there were. Mr. Trump stated that there is typically one employee.

Mr. Hall asked Mr. Trump if there is access to drive around the building. Mr. Trump stated that there is. Mr. Hall clarified that the building in the front will remain there. Mr. Trump stated that was correct.

Mr. McCrodden asked Mr. Synek, at what stage in the process would the Fire Department review the dimensions for access. Mr. Synek stated that they receive drawings in the permitting process. The Mayor added that usually that would be done during the Planning Commission process. Mr. Rose made the comment that the Board usually receives minutes from the Planning Commission. Mr. Synek stated that we do not, as of yet, have the approved minutes. The Mayor clarified with Mr. Synek that what he was saying is that the Planning Commission minutes have not yet been approved. Mr. Synek stated that was correct.

Mr. Hasman asked Mr. Trump, that since he is proposing that there would be a 0 ft. setback on the north and south sides, have the neighbors to the south commented on this at all. Mr. Trump stated that they reached out to him and have not yet heard anything back from them.

Mr. Rose asked what the width will be from the building to the sides. Mr. Trump stated that it will be a 31 ¼ on the north side and 18 ft. on the south side. Mr. Rose stated that one will be an ingress and one an egress. Mr. Trump stated that was correct.

Mayor Hruby asked Mr. Trump if he thought this was just an overdevelopment of the site, too much building. Mr. Trump stated that he did not have an opinion on it. He felt it was an industrial area, which has available property on the rear of it, and is available for development and use, and is allowed. The Mayor commented that if it was allowed, he would not be at the meeting asking for a variance.

Mr. Rose clarified with Mr. Trump that a smaller building would not be viable. Mr. Trump stated that was correct, there are certain sizes for these types of buildings that make them worth building.

Mr. Rose opened up questions to the audience. There were none.

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

Appeal 2017-29

ARP Heating and Air Conditioning for Raju & Anita Modi for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 2613 Hidden Canyon Drive, PP# 605-11-024.

Andy Pech, ARP Heating and Air Conditioning spoke to the Board. Mr. Pech explained that the owners requested to put the generator on the side of the house because the back yard is all developed with a deck and patio. He stated that both neighbors on each side of the Modi's have generators as well. Mr. Pech tried to get letters from them, but they both have no argument with installing it. There will be approximately 60 ft. from the neighbor, and they plan on tucking it in where there is a jut out. The bushes will all stay, so it will be secluded and you won't see it.

Mr. Rose assumed some of the bushes would have to be removed to install it, and asked if he was going to screen it again after installation. Mr. Pech stated that Mr. Modi has no problem with screening it if the Board wants him to. He has to maintain 3 ft. from the generator by code. Mr. Rose clarified that the reason for the generator is in case of a power failure. Mr. Pech stated that was correct. Their immediate neighbors have one as well, and one that is closer to the property line.

Mr. Hasman asked if the generator had the same noise level as an air conditioner. Mr. Pech stated that it is louder than an air conditioner.

Mrs. Veras clarified that the generator does not go on until it is needed. Mr. Pech stated that is correct, and there is also an exercise once a week that starts the engine for about 12 minutes, usually on a Saturday, but otherwise, will only run if there is an outage.

Mr. Rose opened up questions to the audience. There were none.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
August 7, 2017**

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

Absent: None

Others: Building Inspector Synek, 9 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF JULY 10, 2017

Motion by Mr. McCrodden, seconded by Mr. Hasman to approve the Regular Meeting Minutes of July 10, 2017 as recorded.

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

Nays: None

MOTION CARRIED

APPEAL 2017-26

Motion by Mrs. Veras, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1181.11(a) maximum overall height of 40 ft. to allow 41.75 ft. and 2) a variance from Section 1181.11(a) maximum building height of 30 ft. to allow 32.5 ft. and (3) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 30% of ground floor to allow 33% located at 6785 Rivercrest Drive, PP# 601-04-003.

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

Nays: None

MOTION CARRIED

APPEAL 2017-27

Motion by Ms. Roberts, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow a 6 ft. fence height, and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fence located at 9368 Highland Drive, PP# 603-14-002.

ROLL CALL: Ayes: None

Nays: Hasman, Hruby, Veras, McCrodden, Roberts,
Hall, Rose

MOTION DENIED

APPEAL 2017-28

Motion by Mr. McCrodden, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1183.05(b) minimum 40 parking spaces required to allow 14 parking spaces, and (2) a variance from Section 1157.29(c)(1) minimum required 50 ft. building side yard setback, to allow a 31.25 ft. side yard setback on the north side, and (3) a variance from Section 1157.29(c)(1) minimum required 50 ft. building side yard setback to allow an 18 ft. side yard setback on the south side, and (4) a variance from 1157.29(c)(2) minimum required 25 ft. side yard parking and driveway setback, to allow 0 ft. setback on the north and south sides located at 10133 Brecksville Road, PP# 605-14-005.

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

APPEAL 2017-29

Motion by Mr. Hasman, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 2613 Hidden Canyon Drive, PP# 605-11-024.

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

REPORT OF COUNCILMEMBER VERAS

Mrs. Veras stated that at the July 18, 2017, meeting, all six appeals passed by the Board of Zoning Appeals were approved by City Council.

REPORT OF MAYOR HRUBY

No Report.

COMMENT BY BOARD MEMBER McCRODDEN

Mr. McCrodden stated that he would like to comment on an issue that came up tonight. He stated that it would seem appropriate for the Board to delay a vote for any variance request until after they have the benefit of receiving the Planning Commission minutes. Mr. Rose stated that normally they do receive the minutes and questioned why they didn't this time. The Mayor stated that the Planning Commission voted in favor of it, and he was the only one that had an exception to it. The architect stated that the building will not really be in view. The Mayor stated that is not true, it is going to be viewed from the new development going in on Snowville Road. Also we have never allowed any building to be at the lot line, and it is 18 ft. and the Mayor felt that what was being built was an unattractive storage building. The Mayor also stated that the Planning Commission had no issue with it because they felt it was consistent with what

had been done there previously. Mr. Rose agreed with Mr. McCrodden that it would be helpful to have the minutes from the Planning Commission. Mr. Rose felt that the only hardship they had was a commercial hardship. The Mayor agreed and stated that they said it wouldn't be a viable project if they built it to code.

Motion by Ms. Roberts, seconded by Mr. Hall to close the Regular Meeting at 8:00 p.m.

MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

BRUCE MCCRODDEN, VICE CHAIRMAN

KATHLEEN ROBERTS, SECRETARY

Public Hearing and Regular Meeting recorded by Gina Zdanowicz